CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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WESTPORT

DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
APRIL 19, 2023

The April 19, 2023 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

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

Staff Members:

Colin Kelly, Conservation Director
Andrew Hally, Conservation Analyst
Susan Voris, Admin. Asst. II

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the April 19, 2023 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

_____
Colin Kelly
Conservation Director

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

Mr. Kelly recommended **3 Tupelo Road** not be opened as the FECB and Engineering Department have asked for additional information. It is in the Commission's best interest to await the additional information. He stated May 17, 2023 will be within the 65 day timeframe to open the hearing.

Motion to amend the agenda.

Motion:	**Carey**		**Second:**	**Davis**	
Ayes:	**Carey, Davis, Bancroft, Lewi, Murphy, Ryll**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

Public Hearing: 7:00 p.m.

All members visited the sites in preparation for the meeting.

1. **17 Wakeman Place:** Application #WPL-11710-23 by Gregory Naughton for a residential dock with access pier and path connected to the existing walkway. Work is within the WPLO area of the Saugatuck River.

   Greg Naughton, property owner, presented the application for a residential dock with access pier and path connected to the existing walkway. He has owned the property for three years. John Hilts designed the dock. He stated they decided not to install a hardscape staircase up the steep slope but instead install a gravel walkway. They have created and submitted a native planting plan to secure the steep slopes. The Flood and Erosion Control Board recommended a silt fence along the toe of the slope to protect from erosion.

   Mr. Carey asked if there has been any erosion on the steep slope during the heavy rain events.

   Mr. Naughton stated there has not been any erosion, but he believes that is due to the heavy mulch that he installed.

   Mr. Lewi asked when they plan to install the dock.

   Mr. Naughton stated he would like to do so as soon as possible.

   Mr. Bancroft asked how many trees they plan to remove.

   Mr. Naughton indicated that it is his plan to not remove any of the trees.

   Mr. Bancroft asked if a railing is needed on the access path.

   Mr. Naughton stated that it has not been decided but there may be an area along the steep slope where a railing may be beneficial.

   Mr. Bancroft indicated that this would not be an issue and was only a question.

   Mr. Ryll noted that the Town will be undertaking a dredging project in the Saugatuck River. He asked if this dock would impact that project.

   Mr. Naughton stated it was his understanding that this issue was brought up during the Shellfish Commission's review. The dock's location should not affect the dredging project.

   Mr. Hally reviewed the staff report. He noted the comment from the Shellfish Commission to limit timing of in water work from May 1 to October 1 to prevent interference with the spawning season. He noted one of his

recommendations was to transplant wetland vegetation. Mr. Naughton has indicated that no trees are to be removed.

Mr. Naughton responded to Mr. Hally's recommendation of transplanting the wetland vegetation. The dock is designed to allow sunlight to penetrate.

Mr. Kelly noted that the DEEP in their review does review the height of the dock and confirms that the wetland vegetation in the area will get proper sunlight.

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

Motion: **Davis** **Second:** **Ryll**
Ayes: **Davis, Ryll, Bancroft, Carey, Lewi, Murphy**
Nayes: **None** **Abstentions:** **None** **Vote:** **6:0:0**

Findings
Application #WPL-11710-23
17 Wakeman Place
Assessor's Map: C06 Tax Lot: 075
Public Hearing: April 19, 2023

1. **Application Request:** Applicant is proposing to construct a recreational boating dock consisting of a landing float, berthing float, aluminum ramp, fixed wooden pier, with associated site improvements. Work is within the WPLO area of the Saugatuck River.
2. **Plans Reviewed:**
   a. **Zoning Location & Topographic Survey** 17 Wakeman Place, prepared for Gregory Naughton & Kelli O'Hara Naughton, Westport, Connecticut, prepared by William W Seymour & Associates, PC, dated May 20, 2021 and last revised to March 15, 2023.
   b. **Existing General Plan View,** Proposed Pier, Ramp and Floating Dock in the Saugatuck River at 17 Wakeman Place, Westport, Fairfield County, Connecticut, Applicant: Mr. Gregory Naughton, dated November 1, 2021, Scale: 1" = 30', Sheet 3 of 5.
   c. **Proposed General Plan View,** Proposed Pier, Ramp and Floating Dock in the Saugatuck River at 17 Wakeman Place, Westport, Fairfield County, Connecticut, Applicant: Mr. Gregory Naughton, dated November 1, 2021, Scale: 1" = 30', Sheet 4 of 5.
   d. **Proposed Pier Elevation, Proposed Pier Section,** Proposed Pier, Ramp and Floating Dock in the Saugatuck River at 17 Wakeman Place, Westport, Fairfield County, Connecticut, Applicant: Mr. Gregory Naughton, dated November 1, 2021, Scale: As Noted, Sheet 5 of 5.
   e. **Proposed 4' X 50' Access Path to Timber Pier (Cross Section View)**, Greg Naughton, 17 Wakeman Pl., Received March 16, 2023.
   f. **Steep Slope Planting Plan,** Naughton Residence, 17 Wakeman Place Westport, CT**,** prepared by Eckerson Design Associates Landscape Architecture, dated April 10, 2023
   g. **Proposed Pier Section,** Proposed Pier, Ramp and Floating Dock in the Saugatuck River at 17 Wakeman Place, Westport, Fairfield County, Connectictut, prepared by John Hilts, dated November 1, 2021, revised July 18, 2022.
3. **Past Permits:**
   - **WPL/E-11508-22** Propane Tank and gas line
   - **WPL-6947-03** Residential pier and floating dock
4. **Property Description:**
   Location of 25-year flood boundary: the 10 ft. contour interval.
   Location of WPLO boundary: 15 ft. landward of the 10 ft. contour. A portion of the property is located within the WPLO area. Most of the proposed development is within the WPL.
   Property is situated in Flood Zones AE (el. 10') as shown on F.I.R.M. Panel 09001 C0551G Map revised to July 7, 2013.
   Elevation of wooden pier deck: 10 ft.
   Gross Lot Area: 0.73 acres (31,836) sq. ft.
   Base Lot Area: 0.51 acres (22,271) sq. ft.

Existing Site Coverage: **30.34%** (6,759 sq. ft.)
Proposed Site Coverage: 31.68% (7,057 sq. ft.)
Existing Building Coverage: 15.96% (3,556 sq. ft.)
Proposed Building Coverage: No change proposed
Residential Zone: Zone A

5. **Aquifer**: The Commission finds the subject property not underlain by the mapped Aquifer Protection Zones in town.
6. **Coastal Area Management**: The Commission finds the subject property is located within CAM zone. The coastal resources are identified as: Near Shore Waters, Shellfish Area and Coastal Flood Hazard Area. Nearshore Waters are those waters and their substrates lying between mean high water and a depth approximately by the ten-meter contour. Shellfish Area areas support an important source of food, provide recreational shellfishing opportunities, provide economic opportunities for the shellfish industry, and provide employment through the shellfish industry. Coastal Flood Hazard Areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serves as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
7. **Proposed Storm Water Treatment:** The Commission finds the applicant does not propose to treat stormwater off of the proposed structures.
8. **Waterway Protection Line Ordinance:**
   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 the western portion of the subject property lies within the WPLO boundary. The application proposes to construct a residential dock consisting of;

   a. A 4' wide by 54' long access path constructed of gravel and retained by rail road ties, located within steep slopes, of which ~6' is within the WPLO area.
   b. A 4' wide by 25' long timber ramp within the WPLO area.
   c. A 4' wide by 99' long pile-supported fixed pier with a deck (elev. 10') supported by 10 piles within the tidal wetlands, of which the entire length is waterward of the WPLO boundary.
   d. A 10' wide by 10' long boat lift supported by one pile;
   e. A 3' wide by 40' long aluminum ramp;
   f. A 5' wide by 6' long landing float;
   g. A 7' wide by 14' long berthing float anchored in place by 3 piles; and
   h. 2 tie off piles

   The tidal wetlands onsite were reviewed by LandTech on March 7, 2023, and field located and prepared by William W. Seymour & Associates, PC. The tidal wetland area lies to the west of the flagstone walkway and steep slope area on the property.
9. **Impact Assessment:**

   The Commission finds that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterway should focus on the impact, if any, to the plant and aquatic life in the vicinity of the proposed dock.

   The Commission finds the greatest risk for potential adverse impacts to intertidal habitat should focus on impacts from sediment release within the WPLO boundary during heavy storm events. Earth disturbing activities will be associated with the driving of piles and the creation of the gravel and timber access path within steep slopes on the property. The Commission requires silt fence and/or haybales to be placed at the

toe of steep slopes to prevent large scale sediment release from the proposed activity relate to the installation of the access path within the steep slopes and WPLO area.

Secondary to sediment release is the loss or suppression of tidal wetland vegetation. The Commission finds the dominant vegetation within the tidal wetlands on the subject property is *Spartina alterniflora* (saltmarsh cordgrass). In the rendering, "Proposed Pier Section" prepared by John Hilts, dated July 18, 2022, the applicant demonstrates the pier height is designed to the greatest practical distance from wetland substrates which will allow for sunlight to reach tidal wetland vegetation underneath the proposed pier. The Commission finds there will not be a significant adverse impact to tidal wetland vegetation as a result of shading from the pier.

The Commission finds that the applicant does not propose to remove any of the existing mature trees as part of the proposed site work. The applicant submitted a "Steep Slope Planting Plan" that depicts a planting of native shrubs and herbaceous perennials within the steep slopes. The planting plan will help stabilize the slopes in the area proposed to be disturbed by the construction of the access path and ramp. The Commission finds the native shrubs (106 total) include sweet pepperbush, red twig dogwood, oakleaf hydrangea, mountain laurel, and fragrant sumac. The perennials (250 total) include white wood aster, Joe Pye weed, woodland phlox, variegated Solomon's seal, goldenrod, and foamflower. Twenty-eight (28) Christmas ferns are utilized, as well. The Commission finds the planting plan helps to offset the potential impacts of habitat loss and erosion on steep slopes.

The Commission notes that CT DEEP permitting goes through the process of internal consultations for fisheries habitat and Natural Diversity Database for the issuance of a Structures, Dredging & Fill and Tidal Wetlands Permit. Since the state did not comment or provide restrictive conditions regarding either, the Commission assumes the DEEP did not note any impacts to fish habitat, critical habitats or state threatened or endangered species.

At its April 12, 2023 meeting, the Westport Flood and Erosion Control Board approved the application with its standard conditions.

10. Federal and State Permits/Licenses:

Prior to submitting a Town of Westport Conservation Permit, the Commission requires that applicants seek the necessary Federal and State permits for work in areas subject to Federal and State Jurisdiction. The applicant has been issued a General Permit (#NAE-2022-01023) from the United States Army Corps of Engineers (USACE) for the proposed activity. The proposed installation of the dock is considered "*Work and structures that are located in, under or over any navigable water of the U.S. (defined at 33 CFR 329) that affect the course, location, condition, or capacity of such waters; or the excavating from or depositing material in navigable waters*". The Saugatuck River is determined to be a navigable water of U.S. and a dock installation is a regulated activity by the USACE, pursuant to Section 10 of the Rivers and Harbors Act of 1899.

The United States Army Corps of Engineers approved the dock on February 2, 2023 with the following terms and conditions listed;

a. Activities capable of producing greater than minimal turbidity or sedimentation should be done during periods of low-flow or no-flow, when the tide is waterward of the work, or when controls are used to obtain dry work conditions. Work that produces greater than minimal turbidity or sedimentation **should not be completed from May 1 to September 30** to protect spawning fish and shellfish.
b. Machinery used to install the timber pilings in tidal wetland above mean high water must qualify as low ground pressure (≤ 3 psi) and/or be operated on timber mats to prevent marsh peat substrate compaction. Appropriate soil erosion, sediment, and turbidity controls should be used and maintained ineffective operating condition during construction. Activities capable of producing greater than minimal turbidity or sedimentation should be done during periods of low-flow or no-flow, when the stream or tide is waterward of the work, or when controls are used to obtain dry work conditions. Work that produces greater than minimal turbidity or sedimentation should not be done.

The Commission finds the applicant has been issued a State of Connecticut Department of Energy and Environment Protection License: Structures, Dredging & Fill and Tidal Wetlands Permit (#202206805-SDFTW). The Commission finds the proposed installation of the dock is within the State Coastal Jurisdiction

Line (CJL), Mean High Water Mark (MHW) and tidal wetlands. CT DEEP regulates dredging, the erection of structures, the placement of fill, and work incidental thereto pursuant to Connecticut General Statutes (CGS) Section 22a-359. Activities within tidal wetlands are regulated pursuant to CGS Section 22a-32.

The Commission finds the CT Dept. of Energy and Environmental Protection approved the dock on November 23, 2022 with the following terms and conditions listed;

a. **Ramp and Float Removal.** The licensee shall remove the ramp and float authorized herein no later than November 15 of any calendar year and shall not install such ramp and float before April 15 of any calendar year. Upon removal of the ramp and float authorized herein, the Licensee shall store such structures at an upland location, landward of the coastal jurisdiction line and outside of tidal wetlands.
b. **Height of Tide Restriction.** All barge work authorized herein shall be conducted during periods of high water to prevent the barge from contacting the substrate.
c. **Heavy Equipment Restriction.** All work involving heavy equipment waterward of the coastal jurisdiction line or in tidal wetlands shall be conducted on protective wood or composite matting to prevent marsh surface compression or scarring. At no time shall heavy equipment or wood or composite access matting be stored waterward of the coastal jurisdiction line or in the tidal wetlands.

11. Westport Shellfish Commission Comments:

The applicant appeared before the Westport Shellfish Commission on May 4, 2022. The Shellfish Commission found that the proposed location of the dock is located over tidal wetlands, intertidal habitat, and a naturally seeding shellfish area that is classified as “Prohibited”.

The discussion provoked the following comments.

a. How would impacts to the tidal wetlands substrate and vegetation be minimized?
b. What would be the approximate timing of the project?
c. How and when the float could be removed from the water?

The applicant addressed these comments by saying that the 10 pilings proposed within the tidal wetlands will span the narrowest width of the Spartina-vegetated intertidal zone. The implementation of the plan was set for 2023 outside of the May to September shellfish and fish spawning season. The float would be in the water from April to November and remain a minimum 28” above the substrate while deployed.

The Shellfish Commission approved the application with the following recommendations.

a. The work should be conducted outside of the shellfish spawning season.
b. The float should be removed during the winter months.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11710-23
17 Wakeman Place
Assessor’s Map: C06 Tax Lot: 075
Public Hearing: April 19, 2023

Project Description: To construct a recreational boating dock consisting of a landing float, berthing float, aluminum ramp, fixed wooden pier fixed wooden pier with associated site improvements. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Gregory Naughton
Applicant: Gregory Naughton

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-11710-23** 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 **April 12, 2023.**

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
    a. **Zoning Location & Topographic Survey** 17 Wakeman Place, prepared for Gregory Naughton & Kelli O’Hara Naughton, Westport, Connecticut, prepared by William W Seymour & Associates, PC, dated May 20, 2021 and last revised to March 15, 2023.
    b. **Existing General Plan View,** Proposed Pier, Ramp and Floating Dock in the Saugatuck River at 17 Wakeman Place, Westport, Fairfield County, Connecticut, Applicant: Mr. Gregory Naughton, dated November 1, 2021, Scale: 1” = 30’, Sheet 3 of 5.
    c. **Proposed General Plan View,** Proposed Pier, Ramp and Floating Dock in the Saugatuck River at 17 Wakeman Place, Westport, Fairfield County, Connecticut, Applicant: Mr. Gregory Naughton, dated November 1, 2021, Scale: 1” = 30’, Sheet 4 of 5.
    d. **Proposed Pier Elevation, Proposed Pier Section,** Proposed Pier, Ramp and Floating Dock in the Saugatuck River at 17 Wakeman Place, Westport, Fairfield County, Connecticut, Applicant: Mr. Gregory Naughton, dated November 1, 2021, Scale: As Noted, Sheet 5 of 5.
    e. **Proposed 4’ X 50’ Access Path to Timber Pier (Cross Section View)**, Greg Naughton, 17 Wakeman Pl., Received March 16, 2023.
    f. **Steep Slope Planting Plan,** Naughton Residence, 17 Wakeman Place Westport, CT**,** prepared by Eckerson Design Associates Landscape Architecture, dated April 10, 2023

17. Conformance to the terms and conditions listed in the General Permit (#NAE-2022-01023) from the United States Army Corps of Engineers (USACE).
18. Conformance to the terms and conditions listed in the State of Connecticut Department of Energy and Environmental Protection License: Structures, Dredging & Fill and Tidal Wetlands Permit (#202206805-SDFTW).
19. Conformance to the recommendations provided by the Westport Shellfish Commission from its meeting held on May 4, 2022.
20. A bond to cover the cost of the steep slope planting shall be submitted prior to the issuance of a Zoning Permit. The portion of the bond covering the planting shall be held for one full growing season.

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

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

Motion: Davis Second: Carey
Ayes: Davis, Carey, Bancroft, Lewi, Ryll, Murphy
Nays: 0 Abstentions: 0 Vote: 6:0:0

2. 27 Stony Brook Road: Application #IWW,WPL-11708-23 by Justin Giorlando, PE on behalf of Nansie Bernard to remove two accessory structures and reduce/relocate the driveway and impervious patios/walkways/ realign the driveway to avoid the WPL and construct a 750 s.f. detached ADU , a 200 s.f. greenhouse, and new patios and walkways. Portions of the work are within the upland review area and the WPLO area of Stony Brook.

Justin Giorlando, PE presented the application on behalf of the property owner. There is a proposed ADU and new greenhouse and reduced driveway, patios. He oriented the Commission to the wetlands and the WPLO area on the property. He noted there are geothermal wells on the property. He reviewed the proposed drainage system. He noted entire proposed driveway will be outside the WPLO.

Mr. Davis asked about the stockpile area.

Mr. Giorlando stated there is only a small area noted for any top soil they may recover. The driveway material will be removed from site as there is no reuse. He reviewed the proposed planting plan, which includes over 700 plantings.

Mr. Bancroft asked about the existing shed that will remain that appears to be at ground level.

Mr. Giorlando stated there are no plans to touch this shed. It existed when the owner purchased the home.

Nansie Bernard stated she purchased the property from owners that had been there for over 50 years and had fallen into disrepair. She is in the process of renovating the property. The shed may be a future project.

Mr. Carey noted he appreciates the appreciate the robust planting plan included in the application. While it is pre-existing, the Commission would not typically like to see the pool and pool equipment so close to the wetland. Overall, the project is a vast improvement on what exists.

Mr. Kelly noted the existing building coverage is 6.0% with the proposed building at 6.8%. The existing total coverage is 25.8% and proposed total coverage is reduced to 23.3%. He noted with the number of plantings a bond could be a penalty. He asked Mr. Giorlando if he would have issues with certifying the permeable structures are installed as designed.

Mr. Giorlando agreed.

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

Mr. Giorlando asked the Commission to consider if they require a bond to bond only a portion of the plantings.

Motion to close the Public Hearing.

Motion: **Lewi** **Second:** **Murphy**
Ayes: **Lewi, Murphy, Bancroft, Carey, Davis, Ryll**
Nayes: **None** **Abstentions:** **None** **Vote:** **6:0:0**

The Commission discussed the robust planting plan and discussed a bond. It was decided that 25% of the total cost of the plants was appropriate.

Findings
27 Stony Brook Road
Application # IWW,WPL-11708-23
Assessor's Map: B10 Tax Lot: 016
Public Hearing: April 19, 2023

1. **Receipt Date:** **March 15, 2023**
2. **Application Classification:** **Plenary**
3. **Application Request:** To remove two accessory structures and reduce/relocate the driveway and impervious patios/walkways/ realign the driveway to avoid the WPL and construct a 750 sq. ft. detached accessory dwelling unit (ADU) , a 200 sq. ft. greenhouse, and new patios and walkways. Portions of the work are within the upland review area and the WPLO area of Stony Brook.
4. **Plans Reviewed:**
   a. **Plot Plan** prepared for Nansie Bernard, 27 Stony Brook Road, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated January 28, 2021, and revised to February 8, 2023, Scale: 1" = 30'.
   b. **Site Plan** for Detached Accessory Dwelling Unit prepared for Nansie Bernard, 27 Stony Brook Road, Westport, Connecticut, prepared by Force Engineering LLC, dated March 13, 2023 and last revised April 3, 2023, Scale: 1" = 30'.
   c. **Architectural, Guest Cottage,** prepared for Nansie Bernard, 27 Stony Brook Road, Westport, Connecticut, 06880, prepared by Force Engineering LLC, Dated March 7, 2023
      i. **First Floor Plan** Sheet 1 of 2 Scale: ¼" = 1'
      ii. **Elevations** Sheet 1 of 2 Scale: 3/16" = 1'
   d. **Buffer Planting Plan,** Bernard Residence, 27 Stony Brook Road, Westport, CT, prepared by Eckerson Design Associates, dated March 13, 2023, Scale: 1" = 20'.
   e. **Drainage Report** for 27 Stony Brook Road, Westport, Connecticut, prepared for Nansie Bernard, prepared by Justin Giorlando, PE, Force Engineering & Construction, dated March 13, 2023 and last revised April 3, 2023.
5. **Previous Permits issued:**
   a. **AA,WPL/E-11257-21:** Interior reno, second floor addition, and dormers
   b. **AA,WPL/E-6378-00:** Legalize shed repair
   c. **IWW, WPL-6223-99:** Footbridge
   d. **AA,WPL/E-5927-98:** Replace fence
6. **IWW and WPLO Regulated Areas:**
   The Waterway Protection Line Boundary is established 15' from the wetland boundary.

   The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for this property include:
   50' upland review area for an accessory dwelling unit (ADU),
   50' upland review area for an addition to an existing single-family residence,
   30' upland review area for a patio, walkway, and driveway, and outbuildings
   20' upland review area for grading and alterations within the non-disturbance buffer.

   The Commission finds the proposed ADU is within the 50 ft. upland review area. Portions of the proposed drive are within the 30 ft. upland review area. The proposed greenhouse is within the 30 ft. upland review area. Portions of the driveway, greenhouse, and ADU the 20 ft. upland review area.

Wetlands Description:
Wetland Delineation Report, 27 Stony Brook Road, Westport Connecticut, prepared by Pfizer-Jahnig Environmental Consulting, dated January 29, 2021. The mapping was reviewed and accepted with approval of Permit #AA-WPL/E-11257-21.

Wetland soils found on the property
Ridgebury, Leicester, and Whitman extremely stony fine sandy loams (3): This soil unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. Stones and boulders cover 5% to 35% of the surface. This unit consists of three soil types mapped together because they have no major differences in use and management. The soils have a seasonal high water table at or near the surface from fall to spring. The high water table, ponding, and the stones and boulders on the surface limit these soils for community development. Excavations are commonly filled with water.

The wetlands onsite are part of the Stony Brook Watershed and they contain ~225 linear feet of Stony Brook flowing from west to east along the southern boundary of the site. The National Wetlands Inventory (U.S. Fish & Wildlife Service) list the river as **R5UBH**.

System Riverine (R) : The Riverine System includes all wetlands and deepwater habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water.
Subsystem Unknown Perennial (5) : This Subsystem designation was created specifically for use when the distinction between lower perennial, upper perennial, and tidal cannot be made from aerial photography and no data is available.
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 Permanently Flooded (H) : Water covers the substrate throughout the year in all years.

Non-wetland soils found on the property
Sutton Fine Sandy Loam (50B): This component occurs on upland hill landforms. The parent material consists of melt-out till derived from granite, gneiss, and schist. The drainage class is moderately well drained.

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.

7. **Property Description and Relative Facts:**
   - **a.** The existing house was built in 1940. It is served by public sanitary sewer and municipal water supply. The existing shed and sunroom were built in 1940.
   - **b.** The total area of the property is **2.32** acres (101,047 sq. ft.) in size; located in Residential Zone AA.
   - **c.** The parcel is located within Stony Brook watershed. Stony Brook is located onsite.
   - **d.** This property is partially situated in Flood Zone AE (62.0'-63.0') and X as shown on F.I.R.M. Panel 09001C0394F, effective June 18, 2010.
   - **e.** The property is **not** within the Aquifer Protection Overlay Zone.
   - **f.** Property does **not** exist within the Coastal Area Management Zone.
   - **g.** The Waterway Protection Line is established 15' from the wetland boundary. It is shown on the survey.
   - **h.** The flagged wetland area is **41,367 sq. ft.** as determined by as determined by the "Plot Plan" by Leonard Surveyors, dated January 28, 2021 and revised to February 8, 2023.
   - **i.** Existing Building Coverage: **6.0%** (4,009 sq. ft.)
   - **j.** Proposed Building Coverage: **6.8%** (4,602 sq. ft.)
   - **k.** Existing Site Coverage: **25.6%** (17,412 sq. ft.)
   - **l.** Proposed Site Coverage: **23.3%** (15,865 sq. ft.)
   - **m.** Proposed Accessory Dwelling Unit First Floor Elevation: 64.0'

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

8. 6.1 GENERAL STANDARDS

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

Discussion:

Site development plans detail the construction of an ADU, patios, greenhouse, driveway modifications within the upland review areas of the onsite wetlands. The proposed ADU will be located within ~16' from the nearest wetland boundary. However, it should be noted that ~320 sq. ft. of the 750 sq. ft. structure will be constructed over areas of the existing shed/accessory building onsite. Additionally, the proposed reconfiguration of the existing driveway will remove ~1,500 sq. ft. of current driveway from within the 20' upland review area from wetlands onsite. The Commission finds that both items represent the applicant's effort to minimize disturbance within the upland review area. The Commission finds the changes as a measured improvement over current site conditions.

The applicant provides a "Buffer Planting Guide" along the eastern edge of the property that will provide a naturalized diverse planting that will benefit habitat and water quality treatment within wetlands.

9. 6.2 WATER QUALITY

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

Discussion:

Stony Brook watercourse flows through the southern portion of this property and drains into Nash's Pond, ~550' to the southeast of the property. The surface water quality classification for Stony Brook is Class A water for Inland Surface Water Class. (Connecticut Environmental Conditions Online, http://www.cteco.uconn.edu/), The Class A designation indicates that the water is suitable habitat for fish other aquatic life, wildlife, and recreation.

The Commission provides results from UConn's CLEAR Local Watershed Assessment Tool. The subject property is located within the Stony Brook local watershed basin. The local watershed basin (local basin # 7200-31) for Stony Brook has a combined condition index (CCI) score of 0.27. 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 tree canopy and restoring riparian zones along watercourses.

The Commission finds the existing site contains a drainage system that serves the current driveway's runoff through a biofiltration swale located adjacent to an existing catch basin for the driveway. This catch basin is connected to Stony Brook by an existing pipe that traverses the property from east to west for ~155'. The existing site coverage is: 25.6% (17,412 sq. ft.) and the proposed site coverage is 23.3% (15,865 sq. ft.). The application proposes one area for site drainage, a permeable gravel driveway infiltration basin within the courtyard. The drainage report states the proposed stormwater management system is designed to "maintain

stormwater runoff for the 25-year storm event in accordance with the Town of Westport Drainage Standards." Also, the drainage report states, "this project will comply with the applicable drainage regulations of the Town of Westport and will capture and treat the required design water quality volume through infiltration at this property."

The Commission finds the deep test hole data provides information regarding high ground water onsite. Indications show mottling within 14-16" from the surface of their respective test pits. This will require specific limitations on the depth of the proposed drainage systems for stormwater management. The Commission requires that the Site Engineer reviews the drainage features as they are installed and provide a certification that they are functioning before final sign off onsite. Additionally, it is expected that any excavations for foundation work have the potential to encounter groundwater. This will necessitate dewatering of the excavations onsite. The site plan indicates an area for a dirtbag dewatering system to be placed near the existing tennis court and describes the procedure in the "Erosion Sediment Control Notes". The Commission finds the proposed dewatering method addresses potential temporary adverse impacts of water quality pollution from dewatering excavations.

The Commission finds that seven hundred and four (704) plantings are proposed in the "Buffer Planting Plan" and they should have a positive effect on enhancing surface water quality within the wetland onsite and should benefit water quality through biofiltration of stormwater runoff and capture of suspended sediment from the driveway areas.

The Commission finds there will be no adverse impacts to groundwater level or water quality due to this proposal.

10. 6.3 EROSION AND SEDIMENT

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

Discussion:
The Commission finds the applicant has provided sediment and erosion controls on the "Site Plan for Detached Accessory Dwelling Unit", which incorporates the use of perimeter silt-fencing along wetland boundary areas and an anti-mud tracking pad within the driveway. The plan proposes the utilization of a dirtbag filtration bag for any dewatering and also a sediment filter be installed in the existing catch basin onsite. There is no stockpile location identified onsite, so it is assumed any excavated materials will be direct loaded and taken offsite. No major grade changes are proposed with this project. proposed stockpile area is noted on the plan along the southern boundary. The "Site Plan" describes the procedures in the "Erosion Sediment Control Notes". Proper installation and continued maintenance of these features should be adequate to control sediments onsite.

11. 6.4 NATURAL HABITAT STANDARDS

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

Discussion:
The Commission finds the property lies partially within the Natural Diversity Data Base (NDDB) designated area listed by CT DEEP. This means there may be a species within the area that could experience impacts from proposed site development. The applicant submitted DEEP's determination dated 4-11-2023. The

determination reads, “Based on current data maintained by the Natural Diversity Database (NDDB) and housed in the
DEEP ezFile portal, no extant populations of Federal or State Endangered, Threatened or Special Concern species (RCSA Sec. 26-306) are known to occur within the project area delineated for the Building and Infrastructure Development (including stormwater discharge associate with construction) / New Residential - single lot, Installation of New ADU and Greenhouse.”

The proposed driveway will be generally within areas of the existing driveway. The proposed ADU will be in the location of an existing shed and sunroom. The patio changes and walkways are located in areas of similar existing features. The stormwater storage under the patio and driveway are designed to treat the water quality volume on site.

The applicant provided a “Buffer Planting Plan” to treat and remove invasive species in wetland areas and planting a buffer adjacent the wetlands and includes wetland mitigation plantings within a portion of the wetlands. The invasive plant management work is proposed to be done by hand. The Commission requires that all plant installation be done by hand as well. The proposed plants consist of a mix of native, non-invasive plants of shrubs, perennials and grasses. Sweet Pepperbush (Clethra alnifolia), Winterberry (Ilex verticillate), and others are proposed to help diversify the existing forest vegetation and provide additional habitat within the wooded wetland. A total of seven hundred and four (704) plantings are proposed along the eastern edge of the property. The Commission finds that this planting would provide a robust buffer to the wetlands in this area of the property.

The Commission finds there will not be any adverse impacts to the existing natural habitat as consequence of the proposed development, and the wetland will have more vegetative diversity as a result of implementing the proposed planting plan. To ensure success of the planting plan, the Commission requires a performance bond, restricted to the proposed shrubs, only. The Commission requires the bond shall be held for one full growing season to ensure plant vitality.

12. 6.5 DISCHARGE AND RUNOFF

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

Discussion:
The Commission finds that the proposed activity includes a reduction of driveway from the existing site by **~2,140 sq. ft.** Portions of the driveway in the parking courtyard of the Accessory Dwelling Unit and around the main residence are proposed as pervious. They will require conforming to a design detail shown on the plans to ensure they will not intercept the restrictive layer beneath. These driveway areas and reservoirs will be drainage features that are designed to handle the first inch of runoff for WQV as well as meeting the Town of Westport Drainage Standards for a 25-year storm event.

Several existing patios will be replaced or redone (i.e., around the pool and rear of main residence). Some other patio areas will be removed and replaced by a series of walkways that are gravel. Other walkways are proposed as conventional designs with formal bluestone. The rear patio will be redone and contain a drainage system beneath, to capture stormwater runoff from the patio area and rear of main residence.

The Westport Engineering Department has reviewed the plans and the volume of stormwater runoff proposed. In a memo to the Conservation Commission dated April 10, 2023, Town Engineering Staff stated “The proposed driveway is gravel and has been designed with a depth of stone that captures and treats both the Water Quality Volume and mitigates peak runoff rates from a 25-year storm. While the depth to the restrictive layer is smaller than the minimum allowed by Westport standards, the applicant has demonstrated that based on soil tests performed, the drainage systems provided are effectively the best they can do given

the site constraints. As such, we agree that while the separation distance from the restrictive layers is less than the standard, the drainage provided otherwise complies with Town of Westport standards." Engineering Staff 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."
The Commission finds that the permeable driveway areas will be the primary drainage features provided for this development plan. The Commission requires site drainage be certified by the Site Engineer, stating that all drainage features were installed correctly and are functioning as designed prior to the issuance of a Conservation Certificate of Compliance.

The Commission finds with the reduction in driveway area, the applicant includes a "Buffer Planting Plan." Implementing this planting plan would benefit the wetland resources by providing biofiltration to storm water runoff. Removal of pollutants from sheet flow runoff would occur before entering wetland areas.

13. 6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:
The Commission finds that the proposed work will not have a significant impact on recreational and public uses.

14. Waterway Protection Line Ordinance (WPLO)

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

The Commission finds the WPLO boundary is located 15' from the wetland boundary and 15' from the 25-year flood line onsite. After review of the proposed site plan by the Town Engineer, representatives from the Engineering Department and Conservation Department, it was determined that the proposal did not require review by the Flood & Erosion Control Board. A limited amount of development is proposed within the WPLO boundary in areas that were already developed, and do not propose significant grading or excavation within those areas.

The Commission finds the new ADU, patios, and driveway changes will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance and Inland Wetland and Watercourse Regulations.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL-11708-23
27 Stony Brook Road
Assessor's Map: B10 Tax Lot: 016
Public Hearing April 19, 2023

Project Description: To remove two accessory structures and reduce/relocate the driveway and impervious patios/walkways/ realign the driveway to avoid the WPL and construct a 750 sq. ft. detached accessory dwelling unit (ADU), a 200 sq. ft. greenhouse, and new patios and walkways. Portions of the work are within the upland review area and the WPLO area of Stony Brook.

Owner of Record: Nansie Bernard
Applicant: Justin Giorlando of Force Engineering LLC

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-11708-23**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.
16. Conformance to the conditions of the Flood and Erosion Control Board of April 12, 2023.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
    a. **Plot Plan** prepared for Nansie Bernard, 27 Stony Brook Road, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated January 28, 2021, and revised to February 8, 2023, Scale: 1” = 30’.

- **b. Site Plan** for Detached Accessory Dwelling Unit prepared for Nansie Bernard, 27 Stony Brook Road, Westport, Connecticut, prepared by Force Engineering LLC, dated March 13, 2023 and last revised April 3, 2023, Scale: 1" = 30'.
- **c. Architectural, Guest Cottage,** prepared for Nansie Bernard, 27 Stony Brook Road, Westport, Connecticut, 06880, prepared by Force Engineering LLC, Dated March 7, 2023
  - **i. First Floor Plan** Sheet 1 of 2 Scale: ¼" = 1'
  - **ii. Elevations** Sheet 1 of 2 Scale: 3/16" = 1'
- **d. Buffer Planting Plan,** Bernard Residence, 27 Stony Brook Road, Westport, CT, prepared by Eckerson Design Associates, dated March 13, 2023, Scale: 1" = 20'.
- **e. Drainage Report** for 27 Stony Brook Road, Westport, Connecticut, prepared for Nansie Bernard, prepared by Justin Giorlando, PE, Force Engineering & Construction, dated March 13, 2023 and last revised April 3, 2023.

18. Sediment and erosion controls shall be installed prior to construction commencement just outside the limit of disturbance as shown on the site plan.
19. The design engineer shall witness and certify the construction of permeable driveway surfaces proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
20. All invasive management and plantings proposed in the "Buffer Planting Plan" shall be installed by hand.
21. The applicant shall submit a planting bond to cover 25% of the total cost of the proposed "Buffer Planting Plan" prior to the issuance of a Zoning Permit. This bond shall be held for one full growing season to ensure plant vitality.
22. All invasive control activities and plantings identified in the "Buffer Planting Plan" shall be installed and inspected by the Conservation Department 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: Murphy Second: Ryll
Ayes: Murphy, Ryll, Carey, Lewi, Bancroft, Davis
Nays: 0 Abstentions: 0 Vote: 6:0:0

3. 23 High Point Road: Application #IWW,WPL/E-11711-23 by Curt Lowenstein of LandTech on behalf of 23 High Point Road LLC to construct a pool, pool house, pergola with outdoor kitchen, patio, septic system and associated upland mitigation plantings. Portions of the work are within the upland review area setbacks.

Curt Lowenstein presented the application on behalf of the property owner. He reviewed the existing conditions. He reviewed the proposed plan and noted the possibility of a future small two bedroom residence located in the pocket between the ADU and parking area. The wetland lines were approved by the Commission at a previous hearing. The sediment and erosion controls will include silt fence backed by haybales. The pool is proposed to be 8.5 feet deep. The dewatering will be with a dirtbag located outside the 50-foot upland review area. He reviewed the substantial plantings for the wetlands and wetland buffers. He noted that 2 trees will be removed as part of this project but 6 or more being installed within the wetlands.

The Commission and Mr. Lowenstein discussed the removal of the existing septic system, the proposed construction sequence. There was a discussion about the pool area including the test pit data and why they are using stone dust rather than sand.

Mr. Hally stated the Commission discussed most of the issues raised in the staff report. The applicant has submitted a robust planting plan. These plantings and the invasive species management should be done by hand. He would suggest that a written construction sequence be submitted. He asked that the dirtbag be specified as dewatering plan in S&E plan. He asked for a pool as built.

Mr. Lowenstein noted the large number of plantings and asked the Commission to consider a portion of the plantings under the bond.

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

Motion to close the public hearing.

Motion:	**Ryll**		**Second:**	**Davis**	
Ayes:	**Ryll, Davis, Bancroft, Carey, Lewi, Murphy**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

Findings
Application # IWW, WPL/E-11711-23
23 High Point Road
Assessor's Map: G11 Tax Lot: 062
Public Hearing: April 14, 2023

1. **Receipt Date:** **March 15, 2023**
   Application Classification: **Plenary**
2. **Application Request:** The applicant is requesting to demolish an existing residence and construct an in-ground pool, pool patio, pool house, terrace, stormwater management system, septic system, driveway, and parking area with associated site improvements. A portion of the work is proposed within upland review area setbacks of on-site wetlands.
3. **Plans Reviewed:**
   a. **Zoning Location & Topographic Survey,** prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, prepared by LandTech, dated January 13, 2023, Scale: 1" = 20'.
   b. **Site Improvements for a Proposed Pool & Pool House, Site Plan,** prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, Prepared by LandTech, dated March 16, 2023, Scale: 1" = 20', Sheet C-1.
   c. **Site Improvements for a Proposed Pool & Pool House, Notes and Details,** prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, Prepared by LandTech, dated March 16, 2023, Scale: NTS, Sheet C-2.
   d. **Site Improvements for a Proposed Pool & Pool House, Landscape Plan,** prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, Prepared by LandTech, dated March 16, 2023, Scale: 1" = 20', Sheet L-1.
   e. **Architectural Plans,** The Gorin Residence, 23 High Point Road, Westport, Connecticut, 06880, dated March 1, 2023, Scale: ¼" = 1'-0".
      i. **First Floor Plan** Sheet A2.01
      ii. **Roof Plan** Sheet A2.02
      iii. **Exterior Elevations** Sheet A3.01
      iv. **Exterior Elevations** Sheet A3.02
      v. **Sections** Sheet A4.01
   f. **Stormwater Management Report** for 23 High Point Road, Westport, CT, prepared by LandTech, dated March 16, 2023.
4. **Past Permits:**
   - **AA-5132-94** New front steps
   - **AA,WPL/E-6033-99** Repair existing septic tank
   - **AA-6240-99** Enclose screened porch
   - **IWW/M-11691-23** Amend wetland boundary map
5. **IWW and WPLO Regulated Areas**

The Commission finds the Waterway Protection Line is established 15' landward from the wetland boundary associated with the pond in the southeast corner of the subject property. There are no other WPLO areas on the subject property. No work is proposed within the WPLO boundary.

The Commission finds there are three wetland areas along the southern property boundary. One of the wetland areas is associated with a freshwater pond in the southeast corner of the property. The wetland areas within the property total in 7,055 sq. ft., though the wetland boundaries extend to adjacent properties to the south and west. The Commission finds the topography indicates the site slopes eastward, towards the main

stem of Muddy Brook. Muddy Brook is a perennial watercourse which is located ~300' east of the subject property boundary.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include:

50' upland review area for an outbuilding with bathroom (pool house)
50' upland review area for a pool equipment pad,
50' upland review area for a septic system,
35' upland review area for a pool,
30' upland review area for patios,
30' upland review area for a driveway,
30' upland review area for a parking lot,
30' upland review area for retaining walls,
30' upland review area for a walkway,
20' upland review area for the proposed grading and drainage from the wetland boundaries.

The Commission finds the proposed pool house is within the 50 ft. upland review area. The proposed pool equipment pad is located outside the 50 ft. upland review area. The proposed septic tank and leaching galleries are located outside the upland review area. The proposed pool is located within the 35 ft. upland review area. A portion of the proposed pool patio is located within the 30 ft. upland review area. The proposed driveway is located outside the 30 ft. upland review area. The proposed parking court is located outside the 30ft. upland review area. The proposed walkways are located within the 30 ft. upland review area. The proposed retaining walls are located outside of the 30ft upland review area. Installation of the stormwater management system and associated site grading is located outside of the 20 ft. upland review area.

The Commission finds the wetland boundary on the subject property was established in March of 2023, based on a delineation performed by Anthony Zemba, Soil Scientist for LandTech, in January 2023. The delineation report identified three isolated wetland areas on the subject property. Wetland Resource Area 1 is a seasonally ponded depression with a pipe outlet featuring wet meadow vegetation in the southeast corner of the site. Wetland Resource Area 2 is a small depressional wetland featuring a portion of lawn and some scrub/ shrub vegetation situated centrally along the southern property boundary. Wetland Resource Area 3 is depressional wetland featuring scrub/ shrub vegetation in the southwest corner of the property.

6. ***Wetlands Description:*** *On March 15, 2023, the Conservation Commission approved the amended wetland map #G11 based on the findings in the wetland delineation report, "Soil Scientist Report, Inland Wetland Delineation, 23 High Point Road, Westport Connecticut", prepared by Landtech, dated February 28, 2023. The report describes the following soil types occurring on the property:*

Wetland soils found on the property:
Wetland Resource Area 1: Ponded 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.

7. Property Description and Relative Facts

- The existing house was built in 1956. It is served by onsite septic system. The septic was repaired in 1999.
- 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 12, 2023.

Lot Area: **1.266 acres (55,144 sq. ft.)**
Existing Base Lot Area: **49,149 sq. ft.**
Proposed Base Lot Area: **49,500 sq. ft.**
Existing Building Coverage: **4.35% (2,137)**
Proposed Building Coverage: **1.96% (972 sq. ft.)**
Existing Site Coverage: **12.1% (5,923 sq. ft.)**
Proposed Site Coverage: **14.5% (7,176 sq. ft.)**

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

8. 6.1 GENERAL STANDARDS

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

Discussion:
The "Site Plan", prepared by LandTech, dated March 16, 2023, depicts that the proposed pool and pool house will be developed ~25' from the wetland boundary, within of the Conservation Commission's upland review area setback. The southern end of the proposed patio is ~20' from the wetland boundary. The Commission finds that the proposed structures represent the most intensive development within upland review areas on site. Extensive grading will occur across the eastern and central portions of the site. Grading will occur exclusively outside the 20 ft. non disturbance buffer. However, cut and fill across the site will account for 1,387 cubic yards (cu.yds.) to accommodate for the septic system, stormwater management system, and pool area.

The project does not propose any direct impacts to wetlands or watercourses. Excavation and grading activity, loss of impervious surface, soil stockpiling, work related to the patio and pool will present moderate risk of impacts to the wetland. The surveyed wetlands on site are isolated depressional wetlands which are seasonally saturated. The wetlands should not be considered candidate habitat for fish or many aquatic fauna species. The site disturbance does not pose an obvious threat of loss of fish, wildlife, or vegetation. The Commission finds the proposed improvements and sediment and erosion controls have been designed to prevent a significant risk of pollution or disturbance to the wetlands. The Commission finds that the site plan does not demonstrate minimization of size of project to prioritize the protection of the wetland.

Due to the multiple phases of work to be completed on site, the Commission requires the applicant to submit a demolition and construction sequence. This will help the Department understand if any temporary conditions, which are uniquely impactful to natural resources, will occur during the various project phases.

9. 6.2 WATER QUALITY

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

Discussion:
The Commission finds the nearest perennial water course is Muddy Brook, located off site ~300' to the east. The surface water quality classification for Muddy Brook (State Waterbody ID: CT7000-16_01) (Connecticut Environmental Conditions Online, http://www.cteco.uconn.edu/), located offsite to the west, 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.

The Commission's findings include results from UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin (700-16) 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 Muddy

Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

Based on the factor of distance from the site, the Commission finds that the surface water quality of Muddy Brook will not be impacted from the proposed development across the subject property. The Commission finds that proposed drainage improvements on the property will have limited potential in improving water quality in the off-site watercourse, as current conditions indicate that the wetlands on site collect and detain much of the stormwater runoff originating from the site.

Test pit data from TP#6 listed on the site plan "Notes and Details" page demonstrates that groundwater was encountered at 48". The applicant does not provide a cross-section detail for the pool or indicate the depth of the pool on the site plan or architectural renderings. The Commission requires the applicant to provide a detail for the pool indicating the proposed depth as well as depicting the utilization of a hydrostatic relief valve. It is anticipated that excavations for the pool will encounter groundwater. The applicant provides a detail and proposed location for a dirtbag dewatering system. The Commission finds that following proper dewatering methods will prevent any potential impacts to groundwater.

The Commission finds the proposed stormwater management system is located in the area of the house to be demolished, the approximate center of the site, ~55 feet from the nearest wetland boundary. It will function as the primary area for stormwater capture onsite. The existing site coverage is 12.1% (5,923 sq. ft.) and the proposed site coverage is 14.5% (7,176 sq. ft.). The majority of the patio is not accounted for in the coverage calculations. The pool house, pool, covered terrace, shower, storage, kitchen and surrounding patio accounts for 3,766 square feet of impervious development.

The "Stormwater Management Report", prepared by LandTech, dated March 16, 2023 states "the proposed subsurface drainage system consists of 12 units 48"-high precast, concrete galleries surrounded by 1' of clean washed ¾" crushed stone. The Commission finds the stormwater management system will collect roof runoff from the proposed covered terrace and pool house. The roof runoff is discharged through roof leaders and conveyed through an underground pipe towards the stormwater galleries. The drainage system overflow volume will discharge as sheet flow towards the wetlands. A detail for the drainage system is provided on the site plan "Notes and Details".

The driveway will be composed of gravel, and the parking court will be composed of porous asphalt. The parking court and driveway will both be constructed with 12-inch-deep reservoir composed of clean washed crushed stone. A detail of a cross section for each of the driveway and parking court is provided on the site plan "Notes and Details".

The Commission finds the parking area and driveway reservoirs, pool storage, and underground detention galleries are all sized to accommodate the runoff from new coverage during a 25-year storm (the water quality volume) and be able to store the first 1" of rainfall from all the proposed development. The provided water quality (WQV) volume within all storage for the proposed development is 3,240 cubic feet (cu. ft.) which is greater than the required 1,016 cu. ft.

In a memo to the Conservation Commission dated March 29, 2023, Town Engineering Staff stated that "The storm water drainage system requires minor revisions to comply with the Town of Westport Storm Water Drainage Design Standards.", and "The proposed porous asphalt parking court and the proposed driveway both have a layer of stone beneath them, which is designed as a reservoir to hold storm water. However, due to the proximity of the two, and the slope of the driveway, there is potential for the water beneath the parking court to drain into the stone beneath the driveway, and thus circumvent the designed storage volume. The Site Plan shall be revised with a detail to show the proposed Belgian Block Band between the two as a full depth barrier to prevent such circumvention of the designed storage volume beneath the parking court."

With the stormwater system installed in conformance with Engineering requirements and with the proposed implementation of a wetland and buffer plantings, the Commission finds there will be no adverse long-term impacts to water quality resulting from the proposed site development.

The Commission requires the site engineer to certify all pervious surfaces and drainage features prior to the issuance of a Conservation Certificate of Compliance.

10. 6.3 EROSION AND SEDIMENT

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

Discussion:
Due to the extensive amount of excavation and grading across the subject property, assessing potential adverse impacts should focus on the site utilizing the adequate type and amount of erosion and sediment controls to prevent a large-scale release of loose sediment during storm conditions. The potential for sedimentation into the wetlands will be related to E&S inadequacies or failures.

The Commission finds the applicant has provided sediment and erosion controls on the site plan which incorporates the use of
a single row of hay bales backed by a row of silt fence at the southern limit of disturbance, temporary stockpile area, and an anti-mud tracking pad at the eastern driveway entrance.

The site development plan specifies an estimated 1,227 cubic yards (cu.yd.) of total excavation and fill for the project. Temporary soil stockpiling is depicted ~54' from the nearest wetland boundary. The site development plan includes a detail for a soil stockpile protection plan, depicting a single layer of silt fence surrounding the stockpile. A stockpile detail is provided on the site plan "Notes and Details".

The applicant provides an area for a dirtbag dewatering silt control system approximately ~50' from the wetland boundary. A detail for the dirtbag is provided on the site plan "Notes and Details". The detail specifies the bag will be sewn into the dewatering discharge pipe, and the bag will be placed over a bed of aggregate or hay. The Commission requires "General Erosion and Sediment Control Note" #7 on the site plan "Notes and Details" to be revised to specify the utilization of the dirtbag dewatering system that is depicted in the details.

The Commission finds proper installation and continued maintenance of all of the listed E&S controls should be adequate to contain sediments onsite and prevent impacts due to sedimentation.

11. 6.4 NATURAL HABITAT STANDARDS

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

Discussion:
LandTech prepared a "Biological Report" as follow-up to the wetland delineation field visit in January of 2023. Vegetation observed within the on-site wetlands was composed of red maple, northern spicebush, cinnamon fern, sensitive fern, and oriental bittersweet. The adjacent upland vegetation was composed of northern red oak, black cherry, multiflora rose, winged euonymus, round-leaved green briar, Japanese pachysandra, and grape vine. The scientist for LandTech observed the presence of the following avian species on the subject property; downy woodpecker, American crow, blue jay, Carolina wren, black-capped chickadee, white-breasted nuthatch, dark-eyed junco, white-throated sparrow, and northern cardinal. The scientist stated the species observed represented species commonly found in small, forested habitat during the winter months. The Commission finds that the review of the CT ECO map viewer demonstrated there are no Natural Diversity

Database areas on the subject property, indicating that the presence of state threatened or endangered species or critical habitats are not likely to be present within the project area. The scientist for the applicant assessed that the site work would not substantially impact natural impact because the proposed development is occurring within maintained lawn.

The Commission finds that the applicant provides a planting plan. A significant portion of the planting plan focuses on the restoration and/ or enhancement of native vegetation within each wetland area. The Commission finds a significant portion of the planting plan also establishes an upland buffer along the entire northern limit of the wetland boundary, ranging from 5' to 25' wide. The landscape plan inventories the existing mature trees on the subject property. The landscape plan indicates one 15" diameter maple to be removed in the area of the proposed pergola. The plan proposed to plant eight (8) trees of two varieties, 174 shrubs of eight varieties, 785 perennials of eleven varieties, and 315 ferns of three varieties within the wetlands and adjacent upland. Additionally, the landscape plan proposes to control invasive species within areas to be planted by removing the target invasives such as wineberry, multiflora rose and garlic mustard with hand tools.

The Commission finds the current state of the upland and portions of wetlands being maintained as lawn and occupied by invasive species provides limited benefit to the natural habitat and the flora and fauna within them. The Commission finds the proposed wetland and buffer plantings represent a significant benefit to enhancing the function and value of the wetlands. The plantings will help establish a dense buffer of vegetation to aid in sediment capture and biofiltration of pollutants. Additionally, the planting will enhance forage and habitat for the recorded resident avian species throughout the year. The Commission requires a performance bond for the landscape plan. The performance shall be held for one full growing season to help ensure vitality of the intended plants.

12. 6.5 DISHARGE 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 Commission finds runoff from the roof of the proposed pool house and covered terrace will discharge through roof leaders and be conveyed through an underground pipe towards the underground detention system. The detention system will overflow through a yard drain and discharge as sheet flow towards the wetlands. Runoff from the pool and patio will discharge via sheet flow across the yard towards the pond in the southeast corner of the property. The runoff from the regraded earth in the center of the property will sheet flow towards the pond, as well. Runoff from the parking area and driveway will be collected by the parking area and driveway and be stored within the stone reservoir beneath.

The proposed final grades shown on the site plan demonstrate that two small areas of steep slope in the center of the site will be eliminated by filling and grading activities. The "Proposed Watershed Map" provided within the "Stormwater Management Report" demonstrates that the drainage patterns will remain generally the same. Site grading and development slightly augment the runoff discharge pattern from the northwest corner of the property, effectively reducing the concentration of stormwater runoff that is conveyed towards the pond in the southeast corner of the site. Therefore, the Commission does not anticipate a significant increase in potential for impacts to wetlands from discharge or flooding.

In a memo to the Conservation Commission dated March 29, 2023, Town Engineering Staff 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. It will, however, require the applicant to obtain an Excavation and Fill approval from the Planning & Zoning Commission."

The applicant proposes a planting plan along each of the wetland boundaries on the subject property. The landscape plan proposes a 10' to 15'- wide buffer planting of shrubs and herbaceous vegetation along the boundary of the wetland in the southwestern corner of the property. The plan proposes a 25'- wide buffer planting of trees, shrubs and herbaceuous along the boundary of the wetland in the central portion of the site. The plan proposes a 7- 10''- wide buffer planting of shrubs and herbaceous vegetation along the boundary of the wetland in the southeast corner of the site. The Commission finds that the density of varied plant types proposed in the buffers will help diffuse stormwater runoff energy before reaching the wetland.

13. 6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:
The Commission finds the proposed work will not have a significant impact on recreational and public uses.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW, WPL/E-11711-23
23 High Point Road
Assessor's Map: G11 Tax Lot: 062
Public Hearing April 19, 2023

Project Description: To demolish an existing residence and construct an in-ground pool, pool patio, pool house, terrace, stormwater management system, septic system, driveway, and parking area with associated site improvements. A portion of the work is proposed within upland review area setbacks of on-site wetlands.

Owner of Record: 23 High Point Road LLC
Applicant: Curt Lowenstein of LandTech

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **# IWW, WPL/E-11711-23** 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.
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 some kind of 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. Zoning Location & Topographic Survey, prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, prepared by LandTech, dated January 13, 2023, Scale: 1" = 20'.
   b. Site Improvements for a Proposed Pool & Pool House, Site Plan, prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, Prepared by LandTech, dated March 16, 2023, Scale: 1" = 20', Sheet C-1.
   c. Site Improvements for a Proposed Pool & Pool House, Notes and Details, prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, Prepared by LandTech, dated March 16, 2023, Scale: NTS, Sheet C-2.
   d. Site Improvements for a Proposed Pool & Pool House, Landscape Plan, prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, Prepared by LandTech, dated March 16, 2023, Scale: 1" = 20', Sheet L-1.
   e. Architectural Plans, The Gorin Residence, 23 High Point Road, Westport, Connecticut, 06880, dated March 1, 2023, Scale: ¼" = 1'-0".
      i. First Floor Plan Sheet A2.01

ii.	**Roof Plan**	Sheet A2.02
iii.	**Exterior Elevations**	Sheet A3.01
iv.	**Exterior Elevations**	Sheet A3.02
v.	**Sections**	Sheet A4.01

f. **Stormwater Management Report** for 23 High Point Road, Westport, CT, prepared by LandTech, dated March 16, 2023.

18. Conformance to the requirements outlined by Town Engineering Department in its memo to the Conservation Commission dated March 29, 2023

19. The applicant shall submit a revised plan that outlines the demolition, grading and planting sequence. The revised plan shall also provide a cross-section detail of the pool, specifying the proposed depth. The detail shall depict the use of a hydrostatic relief valve.

20. Plants shall be installed as noted on the "Landscape Plan" prior to the issuance of Conservation Certificate of Compliance.

21. All invasive plants shall be removed by hand. All proposed wetland plants shall be installed by hand. Contact Conservation Department staff at start of planting.

22. A bond to cover 25% the total 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 to ensure plant vitality.

23. The site engineer shall witness and certify all site drainage features and pervious surfaces proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

24. "General Erosion and Sediment Control Note" #7 on the site plan "Notes and Details" shall be revised to specify the utilization of the dirtbag dewatering system that is depicted in the details.

25. Health Department approval for the pool and septic system 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.

26. A pool dewatering plan must be submitted to the Conservation Department prior to issuance of a zoning permit.

27. 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.

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: Ryll
Ayes: Lewi, Ryll, Bancroft, Murphy, Davis, Carey
Nays: 0 Abstentions: 0 Vote: 6:0:0

4. **3 Tupelo Road:** Application #IWW,WPL-11707-23 by Aleksandra Moch on behalf of Emily & Lewis Liebert to install an inground swimming pool with associated stormwater management system. Portions of the work are within the upland review area and the WPLO area of Dead Man's Brook.

This application was continued to May 17, 2023 to allow the applicant to address issues raised by the Engineering Department and the Flood and Erosion Control Board to complete the record.

5. **3 Richmondville Avenue:** Application #IWW,WPL-11690-23 by 3 Richmondville Westport LLC to construct a new 16' X 32' inground pool with attached patio and retaining walls with associated site improvements. Portions of the work are within the upland review area and the WPLO area of Willow Brook.

Avind Baur, Project Engineer with Kousidis Engineering presented the application on behalf of the property owner. He noted the wetland boundary was adopted by the Commission at last month's meeting. He reviewed the plan highlighting the pool, patio, retaining wall, sediment and erosion controls, silt sac for dewatering and drainage. The pool is proposed as impervious with slot drains going into the drainage system. He noted the coverage calculations will be updated to include the updated wetland line.

The Commission and Mr. Baur discussed the existing pump, the catchbasin that is to be removed and whether there is bamboo on the property. The bamboo is mostly on the neighboring property. They will remove the few stems from this property.

Mr. Hally noted the wetland area is currently being maintained as lawn, which does not serve anyone. Plantings within the wetland and delineating the wetland boundary are recommended. He requested the patio be pervious in the staff report. The trench drain will serve the same purpose. He asked that haybales be placed outside of the dirtbag as an added layer of protection.

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

Motion to close the Public Hearing.

Motion: **Davis** **Second:** **Lewi**
Ayes: **Davis, Lewi, Bancroft, Carey, Murphy, Ryll**
Nayes: **None** **Abstentions:** **None** **Vote:** **6:0:0**

Findings
Application # IWW, WPL-11690-23
3 Richmondville Avenue
Assessor's Map: C11 Tax Lot: 099
Public Hearing April 19, 2023

1. **Receipt Date:** **March 15, 2023**
2. **Application Classification:** **Plenary**
3. **Application Request:** To construct a new in-ground pool with attached patio, proposed walkway, with associated site grading and improvements. The proposed work is entirely within the WPLO boundary.
4. **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 and revised to February 27, 2023, Scale: 1" = 10'.
   b. **Site Development Plan** 3 Richmondville Avenue, Westport, CT, prepared for 3 Richmondville Westport LLC, prepared by Kousidis Engineering LLC, dated February 9, 2023 and revised to February 27, 2023, Scale: 1" = 10'.
   c. **Drainage Analysis** located at 3 Richmondville Avenue, Westport, Connecticut, prepared for 3 Richmondville Westport LLC, prepared by Kousidis Engineering LLC, dated February 9, 2023 and revised to March 16, 2023.
   d. **Standard Pool & Spa Construction Details,** prepared for "Panovka" Residence, 3 Richmondville, Ave, Westport, Connecticut, prepared by Polls by Jorge LLC, dated February 16, 2023.
   e. **Wetland Delineation** for the property located at 3 Richmondville Avenue, Westport, Connecticut, prepared by Aleksandra Moch, dated February 25, 2023.
5. **Past Permits:**
   a. **IWW/M-8516-09** Amend wetland boundary map (incomplete)
   b. **IWW/M-11696-23** Amend wetland boundary map
6. **IWW and WPLO Regulated Areas**

The Commission finds 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 proposed pool, pool patio, walkway, pool equipment pad, and associated grading are all proposed within the WPLO boundary on the property. Work to the existing driveway is entirely within the WPLO boundary.

There is a wetland pocket within the southwest corner of the subject property. While the surveyed wetland area is 577 square feet (sq. ft.), the wetland limit extends towards adjacent properties to the west and the south. The Commission finds the local topography and shape of the wetlands indicates the wetland drains

towards the main stem of Willow Brook. The Willow Brook is a perennial watercourse which is located ~35' west of the subject property boundary. The watercourse is a tributary to the Saugatuck River and runs north to south within the adjacent property to the west. The watercourse flows towards its confluence with the Saugatuck River ~250 to the southwest.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include:

50' upland review area for a pool equipment pad,
35' upland review area for a pool,
30' upland review area for a pool patio,
30' upland review area for a walkway,
20' upland review area for the proposed grading and drainage from the wetland boundaries.

The proposed pool equipment pad is located within the 50 ft. upland review area. The proposed pool is located outside the 35 ft. upland review area. A portion of the proposed pool patio is located within the 30 ft. upland review area. The proposed walkway is located outside of the 30 ft. upland review area. Installation of the stormwater management system and associated site grading is located within the 20 ft. upland review area.

The wetland boundary on the subject property was established in March of 2023, based on a delineation performed by Aleksandra Moch, Soil and Wetland Scientist in February 2023. The report identified one inland wetland in the southwestern corner of the property. The area is being currently maintained as lawn. Ms. Moch's wetland delineation report describes the wetland as " a wetland finger which is a remnant of historically larger wetland/watercourse corridor off-site." Ms. Moch notes the wetland area is being maintained as lawn and also calls out a layer of fill over the native wetland soil.

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.

7. Property Description and Relative Facts:

- **a.** The existing house was built in 1963. It is served by public sanitary sewer.
- **b.** The property is 0.33 acres (14,741 sq. ft.) in size; located in Residential Zone A.
- **c.** 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.
- **d.** Property is situated in Flood Zones AE (el. 13') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
- **e.** The property is within the Canal Street Aquifer Protection Overlay Zone.
- **f.** Property is within the Coastal Area Management Zone.
- **g.** 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.
- **h.** There is no historical wetland boundary shown on the Town's GIS.
- **i.** 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.

  - Proposed Equipment Pad Elevation: **12.5'**
  - Proposed Pool Coping Elevation: **9.5'**
  - Proposed Pool Patio Elevation: **9.5'**
  - Lot Area: **0.34 acres (14,741 sq. ft.)**
  - Base Lot Area: **14,164 sq. ft.**
  - Existing Building Coverage: **8.22% (1,164 sq. ft.)**
  - Proposed Building Coverage: **8.22% (1,164 sq. ft.)**
  - Existing Site Coverage: **23.78%** (3,368 sq. ft.)
  - Proposed Site Coverage: **28.31%** (4,010 sq. ft.)

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

8. 6.1 GENERAL STANDARDS

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

Discussion:

The "Site Development Plan", prepared by Kousidis Engineering, LLC and last revised March 27, 2023, depicts that the proposed pool will be developed ~38' from the wetland boundary, outside of the Conservation Commission's upland review area setback. The southwest corner of the proposed patio is ~30' from the wetland boundary. The proposed stormwater system will be installed ~17 from the wetland boundary, within the upland review area. Construction within the rear yard is occurring within maintained lawn.

The Commission finds the surveyed wetland on site is associated with an offsite perennial watercourse, Willow Brook. Any potential impacts to the wetland should also be considered potentially impactful to the surface water and habitat of Willow Brook, which is situated ~35' to the west of the property boundary.

Excavation activity, the removal of two mature trees, soil stockpiling, work related to the patio and pool will present moderate risk of impacts to the wetland. The Commission finds the proposed improvements have been engineered to prevent a significant risk of pollution or disturbance to the wetlands. The nearest disturbance to the wetlands will be associated with the grading, which is necessary to accommodate a compliant pool, patio, and stormwater management system. The site disturbance does not pose an obvious threat of loss of fish, wildlife, or vegetation. The Commission finds the site plan lacks any designs to protect, restore, enhance, or demarcate the wetlands on the property.

9. 6.2 WATER QUALITY

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

Discussion:
The surface water quality classification for Willow Brook (State Waterbody ID: CT7200-27-2-R1) (Connecticut Environmental Conditions Online, http://www.cteco.uconn.edu/), located offsite to the west, 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.

The Commission references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin for Willow 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 Willow Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

The Commission finds the proposed stormwater management system is located in the area adjacent to the proposed pool, ~17 feet from the wetland boundary. It will function as the primary area for stormwater capture onsite. There currently is no site drainage, other than a catch basin within the southern end of the existing driveway. The existing site coverage is 23.78% (3,368 sq. ft.) and the proposed site coverage is 28.31% (4,010 sq. ft.). The pool, the patio, the walkway, and the pool equipment pad account for 922 sq. ft. of impervious development. The "Drainage Analysis" report states "the proposed subsurface drainage system consists of 24 linear feet (LF) of 18"-high precast concrete galleries surrounded by 1' of clean crushed stone. The "Drainage Analysis" report states the proposed stormwater management system is designed to accommodate the runoff from these structures during a 25-year storm (the water quality volume) and be able to store the first 1" of rainfall from all the proposed development. The proposed patio slot drain drain will capture stormwater off the new patio and convey it towards the stormwater galleries. Pool overflow volume will be collected in 4" pool overflow pipe and will be conveyed to the stormwater galleries. The stormwater galleries will overflow through a surface overflow yard drain, located ~17 feet east of the wetland boundary. Overflow volume out of yard drain will then discharge as sheet flow across the yard towards the wetland. A detail for the drainage system is provided on the "Site Development Plan".

The Commission finds that the applicant does not propose a buffer planting around the surveyed wetlands. The wetland area within the southwest corner of the property is currently maintained as lawn. Since a significant portion of pervious area (lawn) is proposed to be developed as impervious combined with the proposed removal of two mature trees, the Commission finds the upland's capacity to enhance stormwater quality through before the wetland will be diminished. Root systems of mature trees and shrub aid in the process of biofiltration of stormwater pollutants before reaching surface waters of wetlands and watercourses. The Commission requires the applicant to provide a planting that restores native wetland vegetation within the wetland and also establishes a planted buffer to benefit water quality and demarcate the limit of the wetland.

With the stormwater system installed and the potential implementation of a wetland/ buffer planting, The Commission does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

At its April 12, 2023 meeting, The Flood & Erosion Control Board (FECB) approved the application with standard conditions for drainage.

10. **6.3 EROSION AND SEDIMENT**
    a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
    b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
    c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
    d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
    e) applicable state, federal and local guidelines shall be met.

    Discussion:
    The applicant has provided sediment and erosion controls on the "Site Development Plan" which incorporates the use of perimeter silt-fencing at the limit of disturbance, silt fence around the temporary stockpile area, and an anti-mud tracking pad at the eastern driveway entrance.

    The site development plan specifies an estimated 192 cubic yards (cu.yd.) of excavation and fill for the project. Soil stockpiling is depicted ~34' from the wetland boundary. The site development plan includes a detail for a soil stockpile protection plan, depicting a single layer of silt fence surrounding the stockpile.

    The applicant provides an area for a dirtbag dewatering area approximately ~15' from the wetland boundary. The Commission finds the dewatering pit should be fortified with a single layer of staked haybales between the dewatering area and the wetland boundary to account for any failures to the dirtbag. The Commission requires the applicant revised the site plan to depict a row of staked hay bales along the edge of the dewatering pit.

    The site plan depicts a single layer of silt fence along the eastern and southern property boundaries and along half of the western property boundary. The site plan depicts the silt fence being installed through the middle of the wetland. Due to the close proximity of the proposed work to the wetland boundary, the Commission requires the site plan be amended to depict two rows of E&S controls upgradient of the wetland boundary.

    The Commission finds the proper installation and continued maintenance of the E&S controls should be adequate to control sediments onsite and prevent impacts due to sedimentation.

11. ***6.4 NATURAL HABITAT STANDARDS***
    a) critical habitats areas,
    b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
    c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
    d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
    e) periods of seasonal fish runs and bird migrations shall not be impeded;
    f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

    The Commission finds the CT ECO map viewer demonstrates there are Natural Diversity Database areas on the subject property. The applicant submitted DEEP's determination dated 4-11-2023. The determination reads, "Based on current data maintained by the Natural Diversity Database (NDDB) and housed in the DEEP ezFile portal, no extant populations of Federal or State Endangered, Threatened or Special Concern species (RCSA Sec. 26-306) are known to occur within the project area delineated for the Building and Infrastructure Development (including stormwater discharge associate with construction) / New Residential - single lot, 3 Richmondville Avenue Pool."

    The surveyed wetland on the subject property is maintained as lawn. The Commission finds the surveyed wetlands on the property are not representative of habitat for wildlife or wetland vegetation. Assessing potential impacts to natural habitat and plant and animal life should focus on stormwater impacts to the offsite watercourse, Willow Brook.

The Commission finds that the limit of the proposed grading is ~15' from the limit of surveyed wetlands. Excavation for the stormwater management system will be located ~17' from the wetland boundary. The mature trees to be removed within the upland are located approximately 27' and 61' feet from the limit of wetlands. The soil stockpile will be located ~34 feet from the limit of wetlands. The potential for sedimentation into the wetland and watercourse will be related to E&S inadequacies or failures. The Commission requires the E&S plan to fortify controls between the proposed limit of disturbance and the wetland boundary.

The wetland being maintained as lawn provides limited protection of the associated watercourse, located ~35 feet west of the subject property boundary. Due to the removal of two (2) mature trees and the impervious development within the adjacent upland area, the Commission finds there is increased potential for storm water runoff to effect the offsite natural habitat. The Commission requires a planting of native trees, shrubs and grasses within the surveyed wetland and within the upland immediately adjacent to the wetland. The Commission finds a planting would help establish a clear demarcation of the onsite wetland pocket as well as provide habitat enhancement adjacent to the riparian buffer of the offsite perennial watercourse.

12. 6.5 DISCHARGE AND RUNOFF

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

Discussion:
The Commission finds the stormwater management system is designed to only collect stormwater volume from the new impervious development of the pool and patio. The existing driveway and roof drainage will continue to discharge across the ground surface. The pool has headspace storage capacity of 169 cu. ft. which will help capture some of the overall site runoff.

The proposed final grades shown around the pool, patio and stormwater system generally match the existing surrounding grades. Therefore, the Commission does not anticipate a significant change in the way the site transmits or absorbs flood waters or the way the property conveys overall stormwater runoff to the wetland and the associated offsite watercourse. The overflow yard drain from the stormwater galleries, located ~17' from the wetland boundary, presents a concentrated pathway for stormwater conveyance during extremely heavy storms. The Commission finds this is not a significant factor for potential impacts from discharge.

The wetland is maintained as lawn. As previously stated, the Commission finds the surveyed wetland would benefit from being planted within and feature a planted buffer within the immediate upland. The plantings would help diffuse energy from the site's stormwater runoff, which would help minimize impacts to the adjacent perennial watercourse.

13. 6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:
The Commission finds the proposed work Current will not have a significant impact on recreational and public uses.

14. Waterway Protection Line Ordinance (WPLO)

Section 148-9 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution,

erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The WPLO boundary is located 15' from the 25-year flood line. Base flood elevation (BFE) for the subject property is 10.2'. All of the proposed activity will occur within the WPLO boundary. The existing site coverage is 23.78% (3,368 sq. ft.) and the proposed site coverage is 28.31% (4,010 sq. ft.). The potential for most projects to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. Though the driveway coverage is proposed to be reduced, overall site coverage is proposed to increase by almost 5%.

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 28.31%, which is greater than the 10-25% cover that is expected to impact water quality. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Willow Brook and Saugatuck River watersheds are densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The "Drainage Analysis" report shows the overall proposed new impervious area is 4,010 sq.ft. Stormwater calculations are provided in the "Drainange Analysis" report. 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 stormwater reservoir has a retention volume of 145 cu. ft., which is greater than the 76.8 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 applicant proposes to reduce the footprint of the existing driveway by replacing 310 sq. ft of asphalt with lawn along the eastern property boundary. Though the overall driveway coverage is proposed to be reduced, the driveway will remain impervious. The proposed walkway and patio represent an increase of 215 square feet of impervious surface. The patio features a slot drain to collect surface runoff and direct it towards the stormwater system. Pervious driveways are considered an additional Low Impact Development and Best Management Practice (LID-BMP) and could represent the effective reduction of runoff onsite.

In the area of the pool, test pit data demonstrates that ground water was encountered at a depth of 30" and 36" in Test Pits #1 and #2, respectively. The Commission finds the pool installation activities are likely to encounter groundwater during the excavation phase. Note #31 on the site development plan acknowledges the need for dewatering methods and equipment. A detail for a dirtbag sediment removal system is provided on the site development plan. The proposed dirtbag dewatering area is depicted in the rear of the property in the approximate area of the proposed stormwater management system. The dewatering area is depicted ~15' upgradient from the surveyed wetlands on the property. The dewatering bag will be placed over the newly installed stormwater detention area to collect the filtered water as it exists the bag. The plan does not provide a layer of erosion and sedimentation controls between the dewatering area and the limit of wetlands. Due to the dewatering bag's close proximity to wetlands, the Commission requires a row of staked haybales at the limit of the dewatering area as an added layer of protection in case of a bag failure.

A pool cross-section detail is provided on the "Standard Pool & Spa Construction Details", dated February 16, 2023. The pool is shown to be installed to a depth of 6' and include a hydrostatic relief valve. The pool coping and patio elevation will be at 9.5'. The pool equipment pad is shown to be installed at elev. 12.5' which is greater than the base flood elevation of 10.2 ft.

The Commission finds the pool, patio, walkway, equipment pad and driveway changes will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance and Inland Wetland and Watercourse Regulations.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL-11690-23
3 Richmondville Avenue
Assessor's Map: C11 Tax Lot: 099
Public Hearing April 19, 2023

Project Description: To construct a new in-ground pool with attached patio, proposed walkway, with associated site grading and improvements. The proposed work is entirely within the WPLO boundary.

Owner of Record: 3 Richmondville Westport LLC
Applicant: 3 Richmondville Westport LLC

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-11690-23** 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.
16. Conformance to the conditions of the Flood and Erosion Control Board of April 12, 2023.
17. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
   a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
   b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
   c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
   d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
   e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e three (3) or more months.
   f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
   g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

18. Conformance to the plans entitled:
   a. 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 and revised to February 27, 2023, Scale: 1" = 10'.
   b. Site Development Plan 3 Richmondville Avenue, Westport, CT, prepared for 3 Richmondville Westport LLC, prepared by Kousidis Engineering LLC, dated February 9, 2023 and revised to February 27, 2023, Scale: 1" = 10'.
   c. Drainage Analysis located at 3 Richmondville Avenue, Westport, Connecticut, prepared for 3 Richmondville Westport LLC, prepared by Kousidis Engineering LLC, dated February 9, 2023 and revised to March 16, 2023.
   d. Standard Pool & Spa Construction Details, prepared for "Panovka" Residence, 3 Richmondville, Ave, Westport, Connecticut, prepared by Polls by Jorge LLC, dated February 16, 2023.
   e. Wetland Delineation for the property located at 3 Richmondville Avenue, Westport, Connecticut, prepared by Aleksandra Moch, dated February 25, 2023.
19. A revised site plan and drainage report shall be submitted prior to the issuance of the Zoning Permit. The revisions shall demonstrate the correct coverage and drainage calculations.
20. 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.
21. A revised site plan to depicting a row of staked hay bales along the edge of the dewatering pit shall be submitted prior to the issuance of the Zoning permit.
22. The site plan shall be revised to depict two rows of E&S controls upgradient of the wetland boundary.
23. The Conservation Department shall be contacted 48 hours prior to start of construction to inspect erosion controls.
24. A wetland planting plan, identifying wetland and upland areas to be planted, shall be submitted to the Conservation Department for Staff approval prior to issuance of a Zoning Permit. The plan shall specify the species, number and size of the plants. The plants shall be native to North America.
25. 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.

26. The planting plan shall be fully implemented prior to the issuance of a Conservation Certificate of Compliance.

27. 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.
28. A pool dewatering plan must be submitted to the Conservation Department prior to issuance of a zoning permit.
29. 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.

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

Motion: Carey Second: Bancroft
Ayes: Carey, Bancroft, Davis, Ryll, Lewi, Murphy
Nays: 0 Abstentions: 0 Vote: 6:0:0

6. 17 Grove Point Road: Application #IWW,WPL-11712-23 by Kousidis Engineering on behalf of Benjamin Joseloff & Taryn M Allen to construct a new terrace, deck and inground pool and attached patio with associated site improvements. Portions of the work are within the upland review area and the WPLO area of the Sherwood Mill Pond.

Avind Baur, Project Engineer with Kousidis Engineering presented the application on behalf of the property owners. He oriented the Commission to the property with regards to the wetlands. He reviewed the proposed plan and highlighted the terrace, deck, pool and drainage with dirtbag. The pool patio has slot drains and will act as pervious. The propane tank will be properly anchored according to FEMA standards but it is dependent on the type and size of tank that they use. The plantings will enhance the project. They will provide additional information regarding the size and type of the plantings. There will be some grading associated with the pool and patio.

The Commission and Mr. Baur had a discussion regarding the pool depth and the autocover use instead of a fence, the patio and slot drains and the propane tank and anchoring.

Mr. Hally noted the landscape plan only shows a wetland buffer but not the type of plantings. He indicated a performance bond would only be for the wetland buffer plantings, not the landscape plantings.

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

Motion to close the Public Hearing.

Motion: Lewi Second: Ryll
Ayes: Lewi, Ryll, Bancroft, Carey, Davis, Murphy
Nayes: None Abstentions: None Vote: 6:0:0

Findings
Application # IWW, WPL-11712-23
17 Grove Point Road
Assessor's Map: E06 Tax Lot: 022
Public Hearing April 19, 2023

1. Receipt Date: March 15, 2023
2. Application Classification: Plenary

3. **Application Request:** To construct a new terrace, deck, and pool with attached patio with associated site improvements within upland review area of onsite wetlands and watercourses. The work related to the pool, patio, and equipment pad is within the WPLO boundary.
4. **Plans Reviewed:**
   a. **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'.
   b. **Site Development Plan,** 17 Grove Point Road, Westport, CT, prepared for Benjamin G Joseloff & Taryn M Allen, prepared by Kousidis Engineering LLC, dated March 16, 2023, revised March 30, 2023, Scale: 1" = 10'.
   c. **Drainage Analysis** located at 17 Grove Point Road, Westport, Connecticut, prepared by Kousidis Engineering, dated March 16, 2023, revised March 30, 2023.
   d. **On-site Soil Investigation and Wetland Delineation Report** prepared by REMA Ecological Services LLC, for 17 Grove Point, Westport, CT, dated May 21, 2021.
   e. **Landscape Plan, Allen Residence, 17 Grove Point Road, CT, prepared by Ambrosio Landscape Solutions, submitted April 7, 2023.**
5. **Past Permits**

a.	**IWW/M-11688-23**	Amend wetland boundary map
b.	**AA,WPL/E-9022-12**	Generator
c.	**AA,WPL/E-8633-10**	Remove sediment from two ponds on property
d.	**AA,WPL-5841-98**	Rip-rap; grading
e.	**AA,WPL/E-5629-97**	Dredge pond
f.	**CAM/E-1873-86**	Addition and deck
g.	**AA-1874-86**	Addition and deck

6. **IWW and WPLO Regulated Areas**

The Commission finds the Waterway Protection Line is established 15' from the 25-year flood line (elev. 9') along the entire eastern portion the property.

The proposed pool, pool patio, walkway, pool equipment pad, and associated grading are all proposed within the WPLO boundary on the property.

There are two wetland areas that are associated with freshwater ponds within the eastern portion of the subject property. While the surveyed wetland area is 11,954 square feet (sq. ft.), the wetland limit extends on to all abutting properties. The Commission finds that the freshwater ponds drain offsite towards the Sherwood Mill Pond. The Sherwood Mill Pond is a marine coastal pond which is located ~225' south of the subject property boundary.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include:

50' upland review area for a pool equipment pad,
35' upland review area for a pool,
30' upland review area for a pool patio,
30' upland review area for a deck,
30' upland review area for a walkway,
20' upland review area for underground fuel storage tank
20' upland review area for the proposed grading and drainage from the wetland boundaries.

The proposed pool equipment pad is located within the 50 ft. upland review area. The proposed pool is within the 35 ft. upland review area. The proposed pool patio is located within the 30 ft. upland review area. The proposed deck is outside the of the 30 ft. upland review area. The proposed terrace along the southern side of the house is outside the 30 ft. upland review area. The proposed walkway is located outside of the 30 ft. upland review area. Installation of an underground fuel storage tank is located outside the 20 ft. upland review area. Installation of the stormwater management system and associated site grading is within the 20 ft. upland review area.

The wetland boundary on the subject property was established in March of 2023, based on a delineation performed by George Logan of Rema Ecological Services, LLC in May of 2021. The delineation report identified two small man-made ponds developed within poorly and very poorly drained soil. The wetlands on site are characterized as thinly vegetated forested and emergent wetlands along the margins of the ponds. Mr. Logan notes the wetland vegetation is primarily composed of common reed, red maple, Japanese Knotweed, multiflora rose, silky dogwood, willow, soft rush, sensitive fern, jewelweed, and various sedges.

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.

Property Description and Relative Facts:

1. The existing house was built in 1948. It is served by public sanitary sewer.
2. The property is 0.62 acres (27,707 sq. ft.) in size; located in Residential Zone A.
3. 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.
4. The entire property is situated in Flood Zone AE (el. 13') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
5. Property is underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's aquifer protection zone.
6. Property is within the Coastal Area Management Zone.
7. The Waterway Protection Line is established 15' from the 25-year flood line, which is established 15' landward of elevation 9.0' onsite.
8. The historical wetland boundary shown on the Town's GIS includes both tidal and inland resources onsite.
9. 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

- Proposed Equipment Pad Elevation: **14.0'**
- Proposed Pool Coping Elevation: **10.0'**
- Proposed Pool Terrace Elevation: **10.0'**
- Gross Lot Area: **0.62 acres (27,707 sq. ft.)**
- Base Lot Area: **13,597 sq. ft.**
- Existing Building Coverage: 11.15% (1,516 sq. ft.)
- Existing Site Coverage: **8.95%** (1,217 sq. ft.)
- Proposed Site Coverage: **21.23%** (2,887 sq. ft.)

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

6.1 GENERAL STANDARDS

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

Discussion:
The "Site Development Plan", prepared by Kousidis Engineering, LLC and last revised March 30, 2023, depicts that the proposed pool will be developed ~21' from the wetland boundary, within the Conservation

Commission's upland review area setback. The southeast corner of the proposed patio is ~20' from the wetland boundary. The proposed stormwater system will be installed ~9 from the wetland boundary, within the non-disturbance buffer. Construction within the rear yard (north) is occurring within maintained lawn. Soil stockpiling will be located ~18 from the wetland boundary, within the non-disturbance buffer. The proposed dewatering area will be ~6' from the wetland boundary.

The surveyed wetlands on site are associated with two freshwater ponds. The topography across the site indicated the ponds and wetlands drain towards offsite to the southeast. Any potential impacts to the wetland should also be considered potentially impactful to the surface water and habitat of Sherwood Mill Pond, which is situated ~225' to the south of the property boundary.

Excavation activity, soil stockpiling, and work related to the patio and pool will present moderate risk of impacts to the wetland. The Commission finds the proposed improvements have been engineered to prevent a significant risk of pollution or disturbance to the wetlands. The nearest disturbance to the wetlands will be associated with the grading and the installation of the stormwater management system.

The applicant does not provide alternative configurations for the size or placement of the swimming pool. The site plan does not demonstrate disturbance is minimized immediately adjacent to the wetland.

The site disturbance does not pose an obvious threat of loss of fish, wildlife, or vegetation. The applicant provides a planting plan which establishes landscape plants at the limit of grading, down-gradient of the all of the proposed development. The landscape plan depicts an area of wetland planting long the wetland boundary. The Commission finds the plan does not pose direct impacts to wetlands or watercourses. The Commission finds the final design with the implementation of planted buffers upgradient of the wetland will substantially fortify the new grades while protecting from indirect impacts to fish vegetation and wildlife of the ponds and wetlands.

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 ponds on site drain to the Sherwood Mill Pond, located offsite, ~375' to the south.

The surface water quality classification for Sherwood Millpond (State Waterbody ID: CT-W1_008) (Connecticut Environmental Conditions Online, http://www.cteco.uconn.edu/), located offsite to the east, is Class SA water for Inland Surface Water Class. The Class SA designation indicates that the water is suitable for marine fish, shellfish and wildlife habitat, shellfish harvesting for direct human consumption, recreation and other legitimate uses including navigation.

The Commission references results from UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin (7000-19) for Sherwood Millpond has a combined condition index (CCI) score of 0.15. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Sherwood Millpond's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

The proposed stormwater management system is located 4' northeast the proposed pool and ~9 feet from the wetland boundary. It will function as the primary area for stormwater capture onsite. There currently is no site

drainage system. The existing site coverage is 8.95% (1,217 sq. ft.), and the proposed site coverage is 21.23% (2,887 sq. ft.). The pool, the patio, deck, terrace, patio, walkway, and the pool equipment pad account for 1,670 sq. ft. of impervious development. The “Drainage Analysis” report states “the proposed subsurface drainage system consists of 24 linear feet (LF) of 24”-high precast concrete galleries surrounded by 1’ of clean crushed stone. The “Drainage Analysis” report states the proposed stormwater management system is designed to accommodate the runoff from the new development during a 25-year storm (the water quality volume) and be able to store the first 1” of rainfall from all the proposed development. The proposed patio slot drain will capture stormwater off the new patio and pool coping and convey it towards the stormwater galleries. Pool overflow volume will be collected in 4” pool overflow pipe and will be conveyed to the stormwater galleries. The stormwater galleries will overflow through a surface overflow yard drain the north end of the galleries, located ~12’ west of the wetland boundary. Overflow volume out of yard drain will then discharge as sheet flow across the yard, through the proposed planted buffer, and towards the wetland. A detail for the drainage system is provided on the “Site Development Plan”.

The Commission finds that the applicant proposes a buffer planting around the surveyed wetlands. The land area immediately upgradient from the wetland boundary is currently maintained as lawn. Since a significant portion of pervious area (lawn) is proposed to be developed as impervious surface, the Commission finds that the upland’s capacity to enhance stormwater quality through before the wetland will be diminished. Root systems of mature trees and shrubs aid in the process of biofiltration of stormwater pollutants before reaching surface waters of wetlands and watercourses. The Commission finds the landscape plantings down gradient of the pool and the establishment of a buffer before the wetlands will greatly benefit water quality by trapping suspended sediment and attenuating thermal increases from stormwater runoff.

With the stormwater system installed and the potential implementation of a wetland/ buffer planting, the Commission does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

At its April 12, 2023 meeting, The Flood & Erosion Control Board (FECB) approved the application with standard conditions for drainage.

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 “Site Development Plan” which incorporates the use of perimeter silt-fencing at the limit of disturbance, silt fence around the temporary stockpile area, dirtbag dewatering area, and an anti-mud tracking pad.

The site development plan specifies an estimated 335 cubic yards (cu.yd.) of excavation and fill for the project. Soil stockpiling is depicted ~18’ from the wetland boundary. The site development plan includes a detail for a soil stockpile protection plan, depicting a single layer of silt fence surrounding the stockpile.

The applicant provides an area for a dirtbag dewatering area approximately ~6’ from the wetland boundary. The Commission finds the dewatering pit should be fortified with a single layer of staked haybales between the dewatering area and the wetland boundary to account for any failures to the dirtbag. The Commission requires the applicant to revise the site plan to depict a row of staked hay bales along the edge of the dewatering pit.

The site plan depicts a single layer of silt fence north, east, and south of the proposed pool, patio and site grading, and southern property boundaries and along half of the western property boundary. The site plan

depicts the silt fence being installed only 3' from the proposed limit of grading and 3' up-gradient from the wetland boundary. Due to the close proximity of earth disturbance to the wetland boundary, the Commission requires the site plan be amended to depict two rows of E&S controls along the northeast section, upgradient of the wetland boundary.

The Commission finds that the proper installation and continued maintenance of these features should be adequate to control sediments onsite and prevent impacts due to sedimentation.

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.

CT ECO map viewer demonstrates there are no Natural Diversity Database (NDDB) areas on the subject property. The nearest NDDB area is ~260' to the southeast. The shading corresponds with the Sherwood Millpond tidal basin. The Commission finds the mapped NDDB area is far enough away from the proposed activity on the subject property that no additional review is needed for potential impacts to threatened and endangered species.

The are no direct impacts to the natural habitat wetlands associated with the proposed site work. Assessing potential indirect impacts to natural habitat and plant and animal life should focus on stormwater impacts to the wetlands and ponds. The Commission finds that the limit of the proposed grading is ~6' from the limit of surveyed wetlands. Excavation for the stormwater management system will be located ~9' from the wetland boundary. The soil stockpile will be located ~18 feet from the limit of wetlands. The potential for sedimentation into the wetland and watercourse will be related to E&S inadequacies or failures. The Commission requires revisions to the E&S plan to fortify controls between the proposed limit of disturbance and the wetland boundary. The Commission finds that the proper installation and continued maintenance of these controls should be adequate to control sediments onsite and prevent impacts due to sedimentation.

The Commission finds that the applicant provides a landscape plan that establishes an area for wetland planting. The area shown on the landscape plan is 5' to 7' wide along the upland edge of the wetland, running along the entire north and northwestern boundaries. Due to the impervious development within the adjacent upland area, the Commission finds there is increased potential for storm water runoff to effect the offsite natural habitat. The Commission requires the wetland planting area to be densely planted with native trees, shrubs and grasses. The Commission finds that a planting would help establish a buffer from stormwater pollution and suspended sediment as well as provide habitat enhancement adjacent to the ponds and associated wetland margins. The Commission requires the landscape plan to be revised to indicate the species, locations, number and density of the plants within the buffer. The Commission requires a performance bond for the cost of the planting, the bond shall be held for one growing season to ensure vitality of the plants.

With the implementation of the landscape planting plan and the wetland planting, the Commission finds there will be no increased risk of long-term impacts to the wetlands. The Commission finds a robust buffer planting of native trees, shrubs and herbaceous plants should enhance the natural habitat by providing forage and habitat to wildlife while also providing a physical barrier before the wetlands to prevent erosion and sedimentation into the wetlands and ponds.

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 stormwater management system is designed receive water from the a portion of the existing roof. The site development plan depicts roof leaders from the northern and eastern corners of the residence being tied into the proposed patio slot drain and 4" drainage pipes that are shown around the patio. The pool has headspace storage capacity of 420 cu. ft. which will help capture some of the overall site runoff.

The proposed final grades shown around the pool, patio and stormwater system generally match the existing surrounding grades. Elevation 9' the rear of the property will be extended ~20' towards the east to accommodate the location of the pool and patio. Therefore, the Commission does not anticipate a significant change in the way the site transmits or absorbs flood waters or the way the property conveys overall stormwater runoff to the wetlands and ponds. The overflow yard drain from the stormwater galleries, located ~13' from the wetland boundary, presents a concentrated pathway for stormwater conveyance during extremely heavy storms. The Commission finds that the overflow drain is not a significant factor for potential impacts from discharge.

The wetland is maintained as lawn. The landscape plan depicts an area for wetland planting ~5'-7' wide in between the limit of site grading and the wetland boundary. The Commission finds the on-site wetland and watercourses would benefit from the proposed buffer planting. The planting would help diffuse energy from the site's stormwater runoff, which would help minimize impacts to the adjacent perennial watercourse.

Town Engineering Staff does not feel the design poses any significant reduction in flood capacity or accelerated velocities from changes in stormwater runoff. The minimal grade change in the rear of the property will not significantly change the direction or concentration of stormwater runoff. The Flood and Erosion Control Board approved the application at its April 12, 2023 meeting with this recommendation.

6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:
The Commission finds that the proposed work will not have a significant impact on recreational and public uses.

Waterway Protection Line Ordinance (WPLO)

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

The WPLO boundary is located 15' from the 25-year flood line. Most of the proposed activity will occur within the WPLO boundary. The existing site coverage is 8.95% (1,217 sq. ft.) and the proposed site coverage is 21.23% (2,887 sq. ft.). The potential for most projects to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. Overall site coverage is proposed to increase by over 12%.

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of

impervious area. Proposed site coverage is 21.23%, which is within the 10-25% cover that is expected to impact water quality. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Pussy Willow Brook and Sherwood Millpond watersheds are densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The "Drainage Analysis" report shows the overall proposed new impervious area is 1,670 sq.ft. Stormwater calculations are provided in the "Drainage Analysis" report. 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 stormwater management system has a retention volume of 199 cu. ft., which is greater than the 139 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 proposed walkway and patio represent an increase of ~480 sq. ft. of impervious surface within the WPL. The patio features a slot drain to collect surface runoff and direct it towards the stormwater system. Pervious walkways and patios are considered an additional Low Impact Development and Best Management Practice (LID-BMP) and could represent the effective reduction of runoff onsite.

The plan proposes to install a 1,000-gallon underground propane tank. There is no detail provided on the site plan for the specifications of the installation. The Commission requires the tank be properly anchored, complying with the FEMA standard for installing underground tanks.

In the area east of the pool, test pit data demonstrates that ground water was encountered at a depth of 42" and 38" in Test Pits #1 and #2, respectively. The Commission finds pool installation activities are likely to encounter groundwater during the excavation phase. Sediment and Erosion Control note #8 on the site development plan acknowledges a procedure for dewatering excavations. A detail for a dirtbag sediment removal system is provided on the site development plan. The proposed dirtbag dewatering area is depicted in the rear of the property in the approximate area of the proposed stormwater management system. The dewatering area is depicted ~6' upgradient from the surveyed wetlands on the property. The plan does not provide a layer of erosion and sedimentation controls between the dewatering area and the limit of wetlands. Due to the dewatering bag's close proximity to wetlands, the Commission requires a row of staked haybales at the limit of the dewatering area as an added layer of protection.

The applicant does not provide a pool cross-section detail with the site plan. The pool depth is also not indicated on the site plan. The pool coping and patio elevation will be at 10'. The pool equipment pad is shown to be installed at elev. 14.00' which is greater than the base flood elevation of 13.00'.

The Commission finds that the pool, patio, walkway, equipment pad and driveway changes will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance and Inland Wetland and Watercourse Regulations.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL-11712-23
17 Grove Point Road
Assessor's Map: E06 Tax Lot: 022
Public Hearing April 19, 2023

Project Description: To construct a new terrace, deck, and pool with attached patio with associated site improvements within upland review area of onsite wetlands and watercourses. The work related to the pool, patio, and equipment pad is within the WPLO boundary.

Owner of Record: Benjamin G. Joseloff & Taryn M. Allen
Applicant: Jim Kousidis of Kousidis Engineering, LLC

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-11712-23** 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.
16. Conformance to the conditions of the Flood and Erosion Control Board of April 12, 2023.
17. Conformance to the previously adopted “Standard Pool Conditions” for pools located near wetlands or watercourses as applicable and as enumerated below:
    a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
    b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
    c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.

d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e three (3) or more months.
f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

18. Conformance to the plans entitled:
   a. 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'.
   b. Site Development Plan, 17 Grove Point Road, Westport, CT, prepared for Benjamin G Joseloff & Taryn M Allen, prepared by Kousidis Engineering LLC, dated March 16, 2023, revised March 30, 2023, Scale: 1" = 10'.
   c. Drainage Analysis located at 17 Grove Point Road, Westport, Connecticut, prepared by Kousidis Engineering, dated March 16, 2023, revised March 30, 2023.
   d. On-site Soil Investigation and Wetland Delineation Report prepared by REMA Ecological Services LLC, for 17 Grove Point, Westport, CT, dated May 21, 2021.
   e. Landscape Plan, Allen Residence, 17 Grove Point Road, CT, prepared by Ambrosio Landscape Solutions, submitted April 7, 2023.
19. A wetland buffer planting plan shall be submitted prior to the issuance of a Zoning Permit. The plan shall specify the species, locations, number and density of the plants within the buffer.
20. Plants shall be installed as noted on the wetland buffer planting plan prior to the issuance of Conservation Certificate of Compliance. Contact Conservation Department staff at start of planting.
21. All invasive management and plantings proposed in the wetland buffer planting plan shall be performed by hand to prevent disturbance to the wetland.
22. 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 to ensure plant vitality.
23. An "as-built" survey shall be submitted prior to the issuance of a Certificate of Compliance.
24. A detailed demolition and construction sequence plan shall be submitted to the Conservation Department for review and approval prior to the issuance of a Zoning Permit.
25. The site plan shall be revised to depict an additional layer of erosion controls along the portion closest to the wetland boundary.
26. The site plan shall be revised to show the correct detail for stormwater gallery size (18" revised to 24".)
27. The site plan shall be revised to depict a row of staked haybales on the down-gradient edge of the dewatering area as an added protective measure.
28. 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.

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: Ryll Second: Carey
Ayes: Ryll, Carey, Murphy, Davis, Lewi, Bancroft
Nays: 0 Abstentions: 0 Vote: 6:0:0

Work Session:

1. Receipt of applications

Mr. Kelly stated that the following applications needed to be received:

- **60 Cranbury Road:** IWW/M-11713-23 for a map amendment;
- **128 Bayberry Lane:** IWW,WPL/E-11719-23 for a new single family residence; and
- **15 Green Acre Lane:** IWW,WPL/E-11722-23 for an ADU, drainage and septic.

Mr. Kelly noted the applications are substantially complete and will be placed on the May agenda. There are also 3 WPLO applications that do not have to be received as well as 3 Tupelo Road, which the Commission continued but received in March.

Mr. Kelly stated that staff has to review 15 Green Acre Lane for completeness including the fee but recommended receipt.

Motion to receive the above applications.

Motion:	**Carey**		**Second:**	**Davis**	
Ayes:	**Carey, Davis, Bancroft, Lewi, Murphy, Ryll**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

2. Approval of March 15, 2023 minutes.

The March 15, 2023 minutes were approved with a minor correction.

Motion:	**Carey**		**Second:**	**Davis**	
Ayes:	**Carey, Davis, Bancroft, Lewi, Murphy, Ryll**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

3. Approval of March 10, 2023 field trip minutes.

The March 10, 2023 field trip minutes were approved as submitted.

Motion:	**Carey**		**Second:**	**Ryll**	
Ayes:	**Carey, Ryll, Bancroft, Davis, Lewi, Murphy**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

4. Other business

a. Compliance Report - April 2023

Mr. Kelly noted the Commissioners had received the Compliance Report via e-mail. There had been a press release that March was the highest month of violations to date. Mr. Hartshorne is working through the compliance issues and is currently awaiting soils reports, plans or remediation work.

b. Mr. Kelly noted that Earth Day is on Saturday, April 22, 2023. He stated the Sherwood Mill Pond Committee is doing a clean-up of the Mill Pond Preserve. The Shellfish Commission is doing clean ups at Hendrick's Point and Canal Beach. These are designated spots these Commissions have been involved in. If any of the Commissioner are interested in participating in a clean up, let staff know and they can be connected to participate.

c. Mr. Kelly noted Save the Sound is holding a Clean Waters seminar at the Library on April 20, 2023.

d. Mr. Kelly noted the number of nesting birds at Compo Beach. Audubon has been working to cordon off the areas to protect these plovers. There are more nesting pairs than have been seen in the past. They have also noted Oystercatchers and piping plovers on Cockenoe Island.

The April 19, 2023 Public Hearing of the Westport Conservation Commission adjourned at 9:47 p.m.

Motion:	**Ryll**		**Second:**	**Bancroft**	
Ayes:	**Ryll, Bancroft, Carey, Davis, Lewi, Murphy**				
Nayes:	**None**	**Abstention:**	**None**	**Vote:**	**6:0:0**