Staff Report
Application # IWW, WPL/E-11719-23
128 Bayberry Lane, Lot 5
Assessor's Map: G13 Tax Lot: 020
Prepared April 26, 2023 revised to May 9, 2023
Public Hearing: May 17, 2023

Receipt Date: **April 13, 2023**

Application Classification: **Plenary**

Application Request: The application is to construct a new single-family residence, pool, driveway, septic system, deck, patio and retaining walls with associated site improvements. The work is subject to Conservation Commission review per conditions set forth in the Resolution of Approval for the subdivision permit from October 2020.

Plans Reviewed:

a. **Subdivision Map Showing Belta Farm Subdivision,** prepared for Estate of James S. & Dina M. Belta, 126 &128 Bayberry Lane Westport, CT, prepared by DyMar Inc., dated March 25, 2020, last revised June 10, 2021, Scale: 1" = 60'.

b. **Proposed Subsurface Sewage Disposal System - Plot Plan,** Lot #5 – Belta Farm Subdivision, Belta Farms Lane (Private) Westport, CT, 06880, prepared for Beltas Farm Legacy LLC, 128 Bayberry Lane Westport, CT, 06880, Prepared by DyMar Inc., dated April 6, 2023, Scale: 1" = 20', Sheet C1.

c. **Proposed Septic Specifications, Groundwater and Test Holes Data, and Details System,** Lot #5 – Belta Farm Subdivision, Belta Farms Lane (Private) Westport, CT, 06880, prepared for Beltas Farm Legacy LLC, 128 Bayberry Lane Westport, CT, 06880, Prepared by DyMar Inc., dated April 6, 2023, Sheet C2.

d. **Proposed Sediment and Erosion Control Construction Plan and Drainage Estimates,** Lot #5 – Belta Farm Subdivision, Belta Farms Lane (Private) Westport, CT, 06880, prepared for Beltas Farm Legacy LLC, 128 Bayberry Lane Westport, CT, 06880, Prepared by DyMar Inc., dated April 6, 2023, Scale: 1" = 20', Sheet C3.

e. **Sediment and Erosion Control Construction Standards,** Lot #5 – Belta Farm Subdivision, Belta Farms Lane (Private) Westport, CT, 06880, prepared for Beltas Farm Legacy LLC, 128 Bayberry Lane Westport, CT, 06880, Prepared by DyMar Inc., dated April 6, 2023, Sheet C4.

f. **Sediment and Erosion Control Construction Details,** Lot #5 – Belta Farm Subdivision, Belta Farms Lane (Private) Westport, CT, 06880, prepared for Beltas Farm Legacy LLC, 128 Bayberry Lane Westport, CT, 06880, Prepared by DyMar Inc., dated April 6, 2023, Sheet C5.

g. **Paving, Storm Sewer & Utility Details,** Lot #5 – Belta Farm Subdivision, Belta Farms Lane (Private) Westport, CT, 06880, prepared for Beltas Farm Legacy LLC, 128 Bayberry Lane Westport, CT, 06880, Prepared by DyMar Inc., dated April 6, 2023, Sheet C6.

h. **Architectural Plans,** Proposed New Residence For: Lot #5 128 Bayberry Lane, Westport, Connecticut, 06880, Prepared by Wingedfoot Construction LLC, dated March 13, 2023, Scale: As Noted.

i. **First Floor Plan** Sheet A1

ii. **Second Floor Plan** Sheet A2

iii.	**Attic Plan**	Sheet A3
iv.	**Roof Plan**	Sheet A4
v.	**Front Elevation**	Sheet A5
vi.	**Rear Elevation**	Sheet A6
vii.	**Right Side Elevation**	Sheet A7
viii.	**Left Side Elevation**	Sheet A8
ix.	**Basement Plan**	Sheet AB
x.	**Foundation Plan**	Sheet AF

Past Permits:

- **IWWM-10948-20** **Wetland Map Amendment**
- **IWW WPLE-11007-20** **Subdivision**

IWW and WPLO Regulated Areas

The Waterway Protection Line is established 15' landward from the wetland boundary associated with the emergent wetlands along the eastern end of subject property.

There is an emergent wetland along the eastern property property boundary. The wetland areas within the property total in 2,236 sq. ft., though the wetland boundaries extend to adjacent lots of the subdivision to north and south. Staff notes the topography indicates the site slopes towards the northeast towards the wetland, which drains north into Muddy Brook. Muddy Brook is a perennial watercourse which is located ~900' wast of the subject property boundary.

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

100' upland review area for grading (condition of subdivision approval)
50' upland review area for a single family residence
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 deck,
30' upland review area for a driveway,
and 30' upland review area for a retaining wall.

All of the proposed structures are located outside of their respective review area setbacks.

As part of the Resolution of Approval for the subdivision, dated October 14, 2020, the Conservation Commission resolved to include conditions of approval that specified certain regulated activities for each of the undeveloped lots would have to seek approval from the board prior to pursuing those activities. The conditions are listed as follows:

> *18.) Individual permits must be secured for house construction on lots 3, 4, 5, 6 and 7. The installation of basements on lots 3, 4, 5, 6 and 7 shall be subject to review and approval by the*

Conservation Commission of detailed engineered plans for each individual lot in order to confirm that there will be no adverse impact to the wetlands due to a change in velocity or volume of discharge. In making this determination, the Commission will evaluate a design that considers the minimization of outlet volume and velocities consistent with the on-site soil types and proximity to the wetland.

19.) Any grading within 100' of the wetland line on lots 3, 4, 5, 6, and 7 will require a prior review and approval by the Conservation Commission.

20.) A Conservation Easement shall be established to protect the wetland and adjacent 50 ft. wide vegetative buffer on lots 3, 4, 5, 6, 7, and the Open Space parcel area. A map showing the Conservation Easement Area and corresponding Conservation Easement language shall be filed on the land records prior to the issuance of a Conservation Certificate of Compliance. Said language shall include that: "No cutting, clearing, grading, filling or structures shall be built within said easement area."

21.) The Conservation Easement shall be permanently delineated in the field with a post placed every fifty feet (50'). Said delineation shall be installed prior to issuance of a Conservation Certificate of Compliance for each individual house.

22.) A Wetland Buffer Management Plan shall be submitted prior to the issuance of a Zoning Permit for the first of the houses adjacent to the Regulated Area (lots 3,4,5,6 and 7). Said plan shall specify the long-term management of the wetland buffer and which minimizes the long-term use of pesticides and herbicides.

The wetland boundary across all the of the 9-lot subdivision was established in February of 2020, based on a delineation performed by Chris Allan, Soil Scientist for LandTech, in January 2019. Mr. Allan identified that the wetlands across the entire subdivision were associated with Muddy Brook and its tributaries. The wetland evaluation report identified forested/ shrub wetlands and emergent wetlands associated with the brook. Lot 5 features a mix of forested/ shrub and emergent wetlands. Associated watercourse(s) are located off site.

The USFWS National Wetland Inventory identifies the on-sitr wetland as a 1.77 acre freshwater Emergent Wetland habitat, classified as a PEM1E.

*"System **Palustrine (P)**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. 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 **Emergent (EM)**: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.*

*Subclass **Persistent (1)**: Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.*

*Water Regime **Seasonally Flooded/Saturated (E)**: Surface water is present for extended periods (generally for more than a month) during the growing season, but is absent by the end of the season in most years. When surface water is absent, the substrate typically remains saturated at or near the surface."*

Wetlands Description:
The wetlands soils on the property consist of mixture of glacial till, glaciofluvial deposits, and alluvial soils identified as Ridgebury, Leicester and Whitman soils, extremely stony (3), Timakwa and Natchaug Soils (17), and Rippowam fine sandy loam (103) respectively. The wetland boundary map was amended under Permit #IWW/M 10948-20; delineation by Chris Allan, Landtech, and reviewed by Jay Fain, Jay Fain & Assoc.

Ridgebury, Leicester and Whitman soils, extremely stony (3) - This is an undifferentiated mapping unit consisting of poorly drained and very poorly drained soils developed on glacial till in depressions and drainage ways in uplands and valleys. Their use interpretations are very similar and they typically are so intermingled on the landscape that separation is not practical. The Ridgebury and Leicester series have a seasonal high water table at or near the surface from fall through spring. They differ in that the Leicester soil has a more friable compact layer or hardpan, while the Ridgebury soils have a dense to very dense compact layer. The Whitman soil has a high water table for much of the year and may be frequently ponded.

Timakwa and Natchaug Soils (17) - This component occurs on depression landforms. The parent material consists of woody organic material over sandy and gravelly glaciofluvial deposits. The slope ranges from 0 to 2 percent and the runoff class is negligible. The depth to a restrictive feature is greater than 60 inches. The drainage class is very poorly drained. The flooding frequency for this component is rare. The ponding hazard is frequent. The minimum depth to a seasonal water table, when present, is about 4 inches.

Rippowam fine sandy loam (103) - This component occurs on depression and flood plain landforms. The parent material consists of alluvium. The slope ranges from 0 to 3 percent and the runoff class is very low. The depth to a restrictive feature is greater than 60 inches. The drainage class is poorly drained. The flooding frequency for this component is frequent. The minimum depth to a seasonal water table, when present, is about 9 inches.

*The **non-wetland** soils are described as the following:*

Woodbridge Fine Sandy Loam, (45a) - This component occurs on upland drumlin and hill landforms. The parent material consists of lodgement till derived from schist, granite, and gneiss. The depth to a restrictive feature is 20 to 40 inches to densic material. The drainage class is moderately well drained.

The Woodbridge series of soils is nationally recognized as prime farmland soil by the U.S.D.A.

Paxton and Montauk Fine Sandy Loams (84b) - These soil components occur on upland hill and drumlin landforms. The parent material consists of lodgement till derived from granite, gneiss, and schist. The depth to a restrictive feature is 20 to 40 inches to densic material. The drainage class is well drained.

Udorthents, smoothed (308) - This component occurs on leveled land and fill landforms.

Property Description and Relative Facts

1. Lot #5 was created as a part of the 2020 Subdivision.
2. The property is 1.47 acres (63,953 sq. ft.) in size; located in Residential Zone AAA.
3. The parcel is located within the Muddy Brook Watershed. The Muddy Brook watercourse is located offsite, ~900' to the west.
4. The FEMA maps indicate that the property is beyond their study area for the 100-year floodplain of Muddy Brook. This property is within Flood Hazard Zone X: Area of Minimal Hazard per FEMA FIRM Panel 09001C0412F, Eff. Date 6/17/2010. However, a recent study done for the Town by GZA GeoEnvironmental Inc., established the 100-year floodplain elevation.
5. The Waterway Protection Line Ordinance boundary is established 15' from the wetland boundary.
6. Property does not exist within the Aquifer Protection Overlay Zone.
7. Property does not exist within the Coastal Areas Management Zone.
8. The flagged wetland area is 2,236 sq. ft. as determined by the Plot Plan prepared by DyMar, dated January 12, 2023.

Lot Area: **1.47 acres (63, 953 sq. ft.)**
Proposed Building Coverage: **10.0% (6395 sq. ft.)**
Proposed Site Coverage: **24.1%** (15,413 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 Plan", prepared by DyMar Inc., dated April 6, 2023, depicts that the house will be developed ~120' from the wetland boundary. The proposed pool equipment pad is ~130' from the wetland boundary. The proposed driveway is ~220' from the wetland boundary. The proposed pool and patio are located ~145 and ~125' away from the wetland boundary. The proposed retaining wall is ~180' from the wetland boundary. The proposed deck is ~140' from the wetland boundary. The proposed septic system is ~70' from the wetland boundary. The proposed limit of grading is ~60' from the wetland boundary.

Extensive grading will occur across the rear of the property to accommodate the installation of the septic trenches and the construction of the pool patio. The plan establishes a 50'-wide conservation easement as a buffer extending from the limit of wetlands.

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 on-site wetlands are forested and emergent wetlands that feature a forested riparian zone. The site disturbance does not pose an obvious threat of loss of fish, wildlife, or vegetation. Staff feels the proposed improvements and sediment and erosion controls have been designed to prevent a significant risk of pollution or disturbance to the wetlands. With the implementation of a 50' conservation easement/ non-disturbance buffer, Staff feels the applicant demonstrates minimization of disturbance adjacent to the wetland while promoting conservation of the natural resources.

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 nearest perennial water course is Muddy Brook, located off site ~900' to the west. 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.

Staff referenced 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, Staff does not feel the surface water quality of Muddy Brook will be impacted from the proposed development across the subject property.

The applicant proposes the installation of a septic system consisting of 75 linear feet (LF) of septic trench, totaling a capacity volume of 1500 cubic feet (cu. ft.). The rows of trenches will be installed ~70'

to the nearest wetland boundary. The septic will be installed a further distance from the wetland than the Commission's standard review area of 50'. Should the septic be installed as designed, Staff feels the factor of distance from the wetland boundary minimizes any potential adverse impacts from septic leachate on the water quality of the wetlands and associated offsite watercourse.

Test hole data provided for TH#22 and TH#107 shown down-gradient from the proposed septic leaching trenches on the site plan demonstrates that groundwater was encountered at 56" and 82" below ground surface, respectively. Staff does not anticipate that excavations for the pool, stormwater system or the septic system will encounter groundwater. The applicant does not specify any potential dewatering methods on the site plan package.

The proposed stormwater management system is located east of the pool patio, ~110 feet from the nearest wetland boundary. The 21 linear feet (LF) of Cultec units will function as the primary area for stormwater storage onsite. As required by the Town's Engineering Department the applicant provides drainage for the proposed development coverage of 6,534 sq. ft. The "Proposed Sediment and Erosion Control Construction Plan & Drainage Estimates", prepared by DyMar, dated April 6, 2023 the galleries surrounded by a reservoir of 1.5"-2" crushed stone. The galleries will collect roof runoff from the proposed 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 at a gravel level spreader down gradient of the development and the volume will sheet flow towards the wetlands.

The driveway will be composed of permeable bituminous concrete, and the pool patio will be composed of permeable pavers. The driveway and patio will both be constructed with a permeable subbase composed of crushed stone that will serve as a means of infiltration and storage. A detail of a cross section for each of the driveway and patio is provided on the site plan "Paving, Storm Sewer and Utility Details". The parking area and driveway reservoirs and underground Cultec 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 539 cubic feet (cu. ft.) which is greater than the required 528 cu. ft.

In a memo to the Conservation Commission dated May 05, 2023, Town Engineering Staff stated that "The detention basin installed during the construction of the new road, Beltas Farm Lane, was designed to mitigate the peak runoff rates from this subdivision in a 25-year storm. The proposed on-site drainage, consisting of a driveway infiltration system, is designed to treat the runoff from this site for water quality purposes. As such, the application substantially complies with the Town of Westport Storm Water Drainage Standards".

With the stormwater system installed in conformance with Engineering requirements and with the proposed implementation of a wetland and buffer plantings, Staff does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

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

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 rear of 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 applicant has provided sediment and erosion controls on the E&S plan which incorporates the use of a single row of straw waddles/coir logs along the southern limit of disturbance, rows of silt fence at the eastern limit of disturbance, a temporary stockpile area, and an anti-mud tracking pad at both driveway entrances. Temporary soil stockpiling is depicted ~230' from the nearest wetland boundary. The "Sediment and Erosion Control Construction Details" includes a detail for a soil stockpile, depicting a single layer of silt fence or hay bales surrounding the stockpile.

Staff feels 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.

In a memo to the Conservation Commission dated May 05, 2023, Town Engineering Staff stated the erosion and sedimentation controls provided on the plan substantially comply with the Town's sediment and erosion control requirements.

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:

Conservation Staff performed a preliminary site review for the project, through the CT DEEP EZ File online system. The preliminary review of the Natural Diversity Database (NDDB) demonstrated that

habitat for great egret (*Ardea alba*), a state threatened species, has been documented within or in close proximity to the project area. Based on the potential presence of the state listed species on the subject property, Staff requested that the applicant submit for a determination of potential impacts from the CT DEEP. The applicant filed for a request for DEEP consultation (#98084) in May of 2022. The DEEP issued a determination letter on May 8, 2023. The determination stated,

"Based on current data maintained by the Natural Diversity Database (NDDB) and housed in the DEEP ezFile portal, negative impacts to populations of Federal or State Endangered, Threatened, or Special Concern species (RCSA Sec. 26-306) are not anticipated from the proposed Building and Infrastructure Development (including stormwater discharge associate with construction) / New Residential - single lot, 128 Bayberry Lane Westport CT ."

Based on the determination from the state agency, Town Conservation Staff does not require any further consultation for sensitive species or habitats for the proposed activity on the subject property.

LandTech prepared a "Wetland Evaluation and Impact Assessment" report (dated May 14, 2020) as part of the application submittal for the 9-Lot Subdivision, which was approved in October 2020. This evaluation was a follow-up to the wetland delineation field visit in January of 2023. During the site assessment, vegetation observed within the forested/ shrub wetland was composed of red maple, tulip tree, red oak, black oak, American beech, black willow, multiflora rose, Japanese barberry, forsythia, winged euonymus, spicebush, highbush blueberry, oriental bittersweet, skunk cabbage, sensitive fern, and pachysandra. The adjacent emergent wetland vegetation was composed of cattail, tussock sedge, soft rush, bulrush, and skunk cabbage. The scientist noted that the wetland habitat has the potential to support small mammals, waterfowl, and native reptile and amphibian species. The scientist for the applicant assessed that the site work would not substantially impact natural impact because there are no work directed within the wetlands and work conducted across the site outside the wetland boundary is designed to minimize the effects of stormwater on the wetland complex and its water quality. Conservation Staff fundamentally concurs with this assessment.

Staff notes that developing an undeveloped lot species potentially reduces natural habitat and the flora and fauna within the area. Staff notes the implementation of the 50'-wide naturally vegetated buffer represents a significant benefit to protecting the function and value of the wetlands. The natural buffer of vegetation will aid in sediment capture and biofiltration of pollutants. Staff feels that though some upland vegetation will be removed across the site, the conservation easement will protect preferential forage and nesting habitat for the potential resident and migratory species that utilize the riparian corridor throughout the year.

Aside from the reduction in vegetative cover across the site, the biggest potential source for adverse impacts to natural habitat is pollution and sediment deposition into the wetlands. The temporary condition of disturbed ground surface will create a condition that facilitates erosion and sedimentation. Staff feels that maintaining the listed erosion and sedimentation controls should help protect the wetland complex from being affected by temporary adverse impacts from sediment release. The establishment of the 50'-wide naturally vegetative buffer will help with biofiltration of pollutants like septic system leachate and pollutants picked up from stormwater runoff. The dense canopy cover will help minimize thermal increases from stormwater runoff, as well.

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:

Runoff from the roof of the proposed house will discharge through roof leaders and be conveyed through an underground pipe towards the underground detention galleries. The detention galleries will overflow through a gravel level spreader and discharge as sheet flow towards the wetlands. Runoff from coverage not connected to drainage will discharge towards the wetlands on the eastern end of the property. Overall site runoff from lawn areas will sheet flow east towards the wetlands, as well. Runoff from the driveway and patio will be collected by the parking area and driveway and be stored within the stone reservoirs beneath. The overflow volume from these reservoirs will discharge to the gravel level spreader located down-gradient from the driveway and patio. The level spreader will discharge to the ground surface and sheet flow towards the wetland.

The proposed final grades shown on the site plan demonstrate the grading will occur across the rear of the property outside of the conservation easement. Site grading and development may slightly augment the runoff discharge pattern towards the wetlands, effectively dispersing the flow of stormwater runoff that is conveyed towards the northeast corner of the site. Therefore, Staff does not anticipate a significant increase in potential for impacts to wetlands from discharge or flooding.

In a memo to the Conservation Commission dated May 05, 2023, Town Engineering Staff stated that "The proposed grading is generally comparable to the grading scheme approved for the subdivision. The changes that were made do not substantially alter flow paths, and would not appear to have any adverse impacts on neighboring properties. However, the grading does extend beyond the exemption limits of the proposed activity, and as such Planning & Zoning Commission approval may be required.".

The conservation easement show on the plans establishes a 50'-wide upland buffer immediately up-gradient from the wetland boundary. Staff feels that continued maintenance of dense vegetation within the buffer will help continue to diffuse stormwater runoff energy before reaching the wetland.

6.6 RECREATIONAL AND PUBLIC USES

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

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

Information Gaps/ Errors

- The applicant does not provide an inventory of mature trees the have already been removed or are still to be removed on the lot.
- The applicant does not provide Excavation and Fill values for the proposed grading activity.

Alternatives to Reduction of Impacts

1. No construction alternative.
2. Approval of application with the following conditions:

    a) Conformance to the requirements outlined by Town Engineering Department in its memo to the Conservation Commission dated May 3, 2023.
    b) Conformance to the conditions of the Resolution of Approval for the subdivision, dated October 14, 2020.
    c) Install erosion controls as shown on site plan, prior to construction commencement.
    d) All invasive management and plantings proposed in the conservation easement management plan shall be performed by hand to prevent disturbance to the wetland.
    e) All invasive control activities and plantings identified in the management plan shall be installed and inspected by Conservation Department prior to the issuance of a Zoning Permit.
    f) The Conservation Department shall be contacted 48 hours prior to start of construction in order to inspect erosion controls.
    g) An “as-built” survey shall be submitted prior to the issuance of a Certificate of Compliance.
    h) The site engineer shall witness and certify all pervious surfaces proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.