# MINUTES WESTPORT CONSERVATION COMMISSION April 16, 2014

The April 16, 2014 of the Westport Conservation Commission was called to order at 7:00 p.m. in the Room 201/201A of the Westport Town Hall.

#### **ATTENDANCE**

## **Commission Members:**

W. Fergus Porter, Chair Pat Shea, Esq., Vice-Chair Kathy Belzer Paul Davis John Washburn

# **Staff Members:**

Alicia Mozian, Conservation Department Director Lynne Krynicki, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the April 16, 2014 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department 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.

Ms. Mozian requested the following items be placed on the agenda:

- **1. 144 Newtown Turnpike:** Request for administrative approval to rebuild garage over existing footprint within the 30-foot upland review area.
- 2. 11 Great Marsh Road: Request to modify Permit #WPL-9114-12 for changes to patio location and surface, driveway modification and landscaping additions.
- **3. 20 Hyde Lane:** Request for administrative approval to extend existing dry-laid stonewall into the 30-foot upland review area.
- **4. 24 Pequot Trail:** Request to amend Resolution IWW,WPL/E-9716-14 to retain existing impervious patio around proposed pool.

Motion to amend agenda to include these items and place on Work Session II.

Motion:Shea Second: Belzer

Ayes: Shea, Belzer, Davis, Porter, Washburn

Nayes: None Abstentions: None Vote: 5:0:0

Work Session I: 7:00 p.m., Room 201/201A

#### 1. Receipt of Applications

Ms. Mozian stated there was one application to officially receive as the submission deadline is April 17, 2014.

1135 Post Road East: Application #IWW,WPL-9761-14 by David Ginter of Redniss & Mead on behalf of Coastal Construction Group for the proposed razing of the existing structures and the construction of a two-story commercial building, surface parking, drive, walks in southern portion of the property. The existing landscaping uses in the northern portion of the site are to remain. Portions of the site are within the upland review area setback and the WPLO area of Muddy Brook.

Motion to receive.

Motion: Shea Second: Belzer

Ayes: Shea, Belzer, Davis, Porter, Washburn

Nayes: None Abstentions: None Vote: 5:0:0

Ms. Mozian stated staff expects 3 applications for the May agenda.

# 2. Report by Colin Kelly, Conservation Compliance Officer on the status of existing enforcement activity.

Ms. Mozian stated there was nothing specific to report. However, there is a lot of sediment and erosion control inspection work going on. The groundwater is high and a lot of pumping is going on. Staff wants it to be free of sediment and usually requires a silt sac in the catchbasin, a dirtbag or in case of one of the sites, doing a well-point discharge.

#### 3. Other Business

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- **a.** Ms. Mozian noted that on May 22, 2014, the Saugatuck River Watershed Partnership is hoping to hold a stakeholder meeting here in Westport and then have an "opening" for the Saugatuck River exhibit on the second floor afterward.
- **b.** Ms. Mozian noted the explanation of CT Statute 22a-19, the "Environmental Interveners bill" was in the Commissioner's packets as was the Senate Bill 814, which amended it and passed in June 2013. This was distributed in preparation for an upcoming application.

Motion to close Work Session I and move into the Public Hearing.

Motion:Shea Second: Belzer

Ayes: Shea, Belzer, Davis, Porter, Washburn

Nayes: None Abstentions: None Vote: 5:0:0

Public Hearing: 7:15 pm, Room 201/201A.

1. 4 Compo Parkway: Application #WPL-9736-14 by Andrew Jones on behalf of Andrew Bentley & Fiona Garland to construct a FEMA compliant 1-story addition to the house to serve as a pool cabana, a detached two car garage and a generator. Most of the work is within the WPLO area of Gray's Creek.

Steve Orban, architect, presented the application on behalf of the property owners. He explained the garage is located outside the natural drainage flow path. The addition is 380 feet from closest inlet to Gray's Creek. Containment galleries are proposed but the specific size has not been determined yet. The Flood and Erosion Control Board asked that the drainage be determined by the Town Engineer based on test pits. A generator is also proposed. It would be elevated on a slab. He stated there will not be much soil disturbance since the garage will be on slab and the cabana will be slightly elevated. The Flood Board did ask for a slight adjustment of the silt fencing.

With no comment from the public, the hearing was closed.

Motion: Shea Second: Belzer

Ayes: Shea, Belzer, Davis, Porter, Washburn

Nayes: None Abstentions: None Vote: 5:0:0

#### **FINDINGS**

Meeting Date	4/16/14	LOCATION	<u>4 Compo Parkway</u>		
APPLICANT	Andrew Jones	obo Andrew Bentley	and Fiona Garland		
<b>Appl</b> . # <u>WPL 9736-1</u>	4 Flood Zone <u>VE</u>	_ 100yr Flood Elev. 1	1.0" Floodway? (y/n) no		
Regulated Waterbody: Gray's Creek					

#### **Waterway Protection Line Ordinance**

Section 30-93 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.

**Proposal Description:** To construct a new FEMA compliant 1 story addition to serve as a pool cabana, a detached two car garage and a generator served by a propane tank.

**Property Description:** Developed as a single family residence with associated site improvements including an in ground pool and patio and mature formal gardens.

**Statement of Problem:** A portion of the proposed garage is within the WPLO boundary. It will be constructed over the existing driveway surface. The cabana addition will be located outside the WPLO jurisdictional boundary and is eligible for an exemption.

WPLO Regulatory issues:

WPLO Regulatory issues.			
The activity will not cause water pollution, erosion and/or environmentally related hazards to life and property?	The work being proposed will be FEMA compliant. No grading is proposed as the work will take place within level areas and over those that are existing and improved.		
The activity will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway?	Gray's Creek (the jurisdictional waterway) is located approximately 965' feet to the south west with multiple developed properties between the subject property and the resource. There is minimal change in topography for this distance as the area is a broad flat floodplain. There will be no direct impact from this project to Gray's Creek. The project aims to alleviate damage to the proposed structures from a 100 year storm event.		
The activity will not have an adverse impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and/or decomposition?	For the reasons enumerated above. Subsurface infiltration is proposed to handle the runoff from the more frequent smaller storm events. The Engineering Department will be working directly with the applicant to accomplish proper drainage installation.		
The activity will not have adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation?	No grading is proposed . Proposed garage will be built over existing lawn area. Mature vegetation will remian. No direct impact to any waterbody or floodplain is anticipated.		

Issues applicable to all applications:

issues applicable to all applications.	
Stormwater management / Plans	Storm water subsurface infiltration is proposed. Test holes
	will be required prior to installation to assure water table
	and composition are acceptable.
Grading	Grading will be minimal for this project.
Sedimentation and Erosion Controls	Perimeter silt fence around project area recommended
FEMA Compliance	All work is proposed to meet FEMA requirements.
Water Quality Management	Mature plantings will remain and natural hydraulic flows
	will be maintained.

## **GENERAL** notes and Comments:

**Conclusion:** Project will be FEMA compliant and provide drainage for smaller storms. Construction activity is to take place over existing site improvements. The Commission finds that no adverse impacts are anticipated from proposal as protected under the Waterway Protection Line Ordinance.

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Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9736-14
Street Address: 4 Compo Parkway
Assessor's: Map D 05 Lot 14
Date of Resolution: April 16, 2014

**Project Description:** The construction of a FEMA compliant 1 story house addition to serve as pool cabana, a detached 2 car garage and a generator fueled by a propane tank. The work is within the Waterway Protection Line Ordinance and the 25 year floodplain of Gray's Creek.

Owner of Record: Andrew Bentley and Fiona Garland

**Applicant**: Andrew Jones

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 9736-14 with the following conditions:

- 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.** A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.

14. Conformance to the conditions of the Flood and Erosion Control Board of April 2, 2014.

#### SPECIAL CONDITIONS OF APPROVAL

- 15. Conformance to the plans entitled:
- a. Plot Plan Prepared for Andrew Bentley and Fiona Garland, 4 Compo Parkway, Westport, Connecticut, Scale 1"=40'-0", dated September 13, 2013 and last revised to January 21, 2014, prepared by Leonard Surveyors, LLC
- **b.** Architectural Plans entitled "Proposed Detached Garage, 4 Compo Parkway, Westport, CT", (3 sheets) dated March 10, 2014, prepared by Steve Orban, Architect
- **16.** Erosion and control fencing to be placed 15' downgradient of the of the subsurface infiltration

galleries prior to any excavation activity.

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: Shea Second: Belzer

Ayes: Shea, Washburn, Porter, Belzer, Davis

Nayes: 0 Abstentions: 0 Vote: 5:0:0

Motion to close the Public Hearing and move in Work Session II.

Motion:Shea Second: Porter

Ayes: Shea, Porter, Belzer, Davis, Washburn

Nayes: None Abstentions: None Vote: 5:0:0

#### **Work Session II:**

1. Approval of March 19, 2014 meeting minutes.

The March 19, 2014 meeting minutes were approved as submitted.

Motion: Shea Second: Davis

Ayes: Shea, Davis, Belzer, Porter, Washburn

Nayes: None Abstentions: None Vote: 5:0:0

2. Appointment of Commission representative to the (Town) Plan Implementation Committee.

Mr. Porter stated he will represent the Commission on the Town Plan Implementation Committee.

- 3. Other business.
  - **a. 144 Newtown Turnpike**: Request for administrative approval to rebuild garage over existing footprint within the 30-foot upland review area.

Ms. Krynicki reviewed a request to rebuild a garage over the existing footprint within the 30-foot upland review area. The property owners will be eliminating the storage portion of the garage. The wetland was recently flagged. The wetland is lawn so a 15-foot planting buffer will be required and as well as removal of the bamboo within 10 feet from the garage and the installation of a barrier.

Motion to allow staff to issue an administrative approval to rebuild garage over existing footprint with conditions.

Motion: Shea Second: Belzer

Ayes: Shea, Belzer, Davis, Porter, Washburn

Nayes: None Abstentions: None Vote: 5:0:0

**b. 11 Great Marsh Road:** Request to modify Permit #WPL-9114-12 for changes to patio location and surface, driveway modification and landscaping additions.

Ms. Krynicki reviewed proposed modifications to Permit #WPL-9114-12 for changes to the patio location and surface, driveway modification and landscaping additions.

Motion to approve proposed modifications to Permit #WPL-9114-12.

Motion: Washburn Second: Belzer

Ayes: Washburn, Belzer, Davis, Porter, Shea

Nayes: None Abstentions: None Vote: 5:0:0

c. 20 Hyde Lane: Request for administrative approval to extend existing dry-laid stonewall into the 30-foot upland review area.

Ms. Krynicki reviewed a request to extend an existing dry-laid stonewall into the 30-foot upland review area.

Ms. Mozian noted this was supported by staff in this particular instance because the grade where the wall is going is higher than the culvert and the watercourse.

Motion to allow staff to issue an administrative approval with conditions to extend an existing dry-laid stonewall into the 30-foot upland review area.

Motion: Shea Second: Washburn

Ayes: Shea, Washburn, Belzer, Davis, Porter

Nayes: None Abstentions: None Vote: 5:0:0

**d. 24 Pequot Trail**: Request to amend Resolution #IWW,WPL/E-9716-14 to retain existing impervious patio around proposed pool.

Ms. Krynicki reviewed a request to amend Resolution #IWW,WPL/E-9716-14 to retain the existing impervious patio around the proposed pool. She said the patio would be pitched toward the bioswale plantings so runoff would still be treated.

Motion to amend Resolution #IWW,WPL/E-9716-14 to maintain the existing impervious patio.

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Motion: Shea Second: Belzer

Ayes: Shea, Belzer, Davis, Porter, Washburn

Nayes: None Abstentions: None Vote: 5:0:0

The April 16, 2014 meeting of the Conservation Commission adjourned at 8:10 p.m.

Motion: Shea Second: Belzer

Ayes: Shea, Belzer, Davis, Porter, Washburn

Nayes: None Abstentions: None Vote: 5:0:0