CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
MAY 17, 2023

The May 17, 2023 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Tom Carey, Chair
Paul Davis, Vice-Chair
Josh Lewi
Rory Murphy

Staff Members:

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

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the May 17, 2023 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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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. – **None**

Mr. Carey, Mr. Davis and Mr. Lewi visited the sites in preparation for the meeting.

Public Hearing: 7:00 p.m.

1. **60 Cranbury Road:** Application #IWW/M-11713-23 by MLR Properties LLC on behalf of Jeffrey & Susan Rubin to amend wetland boundary map #A11.

   Megan Robertson of MLR Properties presented the application on behalf of the property owners. The Town wetland maps do not show any wetlands. However, during an application for a pool renovation, staff asked for a wetland flagging. Otto Theall, soil scientist, was hired to investigate the site and he determined there are wetlands on the property.

   Mr. Kelly stated Mary Jaehnig, soil scientist, was retained by the Town to review Mr. Theall's flagging. She investigated the site and sent in a report that indicates she concurs with the flagging. This is a net increase of 14,088 s.f. of wetlands.

   Mr. Carey asked for public comments.

   There were no public comments and the hearing was closed.

Motion:	**Carey**		**Second:**	**Murphy**	
Ayes:	**Carey, Murphy, Davis, Lewi**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**

Findings
Application #IWW/M-11713-23
60 Cranbury Road
Assessor's Map: A11 Tax Lot: 038
Public Hearing: May 17, 2023

1. **Application Request:** MLR Properties, LLC, on behalf of Jeffrey and Susan Rubin, is requesting to amend wetland map #A11 on Lot #038.
2. **Soil Scientist for Applicant:** Otto Theall, Professional Soil Scientist / Wetland Scientist
   Soil Scientist for Town of Westport: Mary Jaehnig, Pfizer-Jaehnig Soils, LLC
3. **Plans Reviewed:**
   a.) **Proposed Improvement Plan,** prepared for Jeffrey & Susan Rubin, 60 Cranbury Road, Westport, Connecticut, prepared by Leonard Surveyors LLC, Dated January 13, 2022 and last revised to January 15, 2023, Scale: 1" = 20'.
   b.) **Soil Investigation Report,** 60 Cranberry Road, Westport, Connecticut, prepared by Otto R. Theall, dated November 14, 2022.
4. **Past Permits:** None
5. ***Wetlands Description:***
   - S**oil Investigation Report**, 60 Cranbury Road, Westport, Connecticut, prepared by Otto Theall, Professional Soil Scientist / Wetland Scientist, dated November 14, 2022.

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

The shallow rooting depth to the seasonal high water table causes the uprooting of many trees during windy periods.

Non-wetland soils found on the property

Sutton fine sandy loam, very stony (51): This soil unit consists of gently sloping, moderately well drained soil found in slight depressions and on the sides of hills and ridges. This Sutton soil has seasonal high water table at a depth of about 20 inches from late fall until mid-spring. The permeability of the soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. Many areas of this soil type are used for community development, with limitations caused by the high water table. Quickly establishing plant cover, mulching, and using siltation basins and diversions help to control erosion and sedimentation during construction.

Canton and Charlton soils (60): This map unit is 45 percent Canton soils, 35 percent Charlton soils. 20 percent minor components.Canton soils unit is very deep, nearly level, well-drained soil formed in a loamy mantle underlain by sandy, loose-to-firm ablation till. Canton soils are on slopes of uplands, ground moraines, ice contact deposits, and adjacent to plains and stream terraces. It is well suited for woodland and development. Large surface and subsurface stones and boulders may hinder excavation. Erosion may be a problem during disturbance. The Canton soil unit may contain areas that consist of a slowly permeable layer that may exhibit slow percolation rates for on-site sewage disposal systems. Charlton soils unit is a gently sloping, well-drained soil found on hills and ridges. The areas are mostly irregular in shape and range from 4 to 100 acres. Typically, the surface layer is very dark brown fine sandy loam 6 inches thick. The subsoil is strong brown and yellowish brown fine sandy loam 23 inches thick. The substratum is light olive brown gravelly sandy loam to a depth of 60 inches or more. The permeability of this Charlton soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. The soil dries out and warms up early in spring. It is very strongly acid to medium acid. This soil is generally suitable for community development. Quickly establishing plant cover, mulching and using siltation basins help to control erosion and sedimentation during construction.

Charlton Urban Land Complex (260): 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. This map unit is 40 percent Charlton soils, 35 percent Urban Land. 25 percent minor components.

Charlton soils: This component occurs on upland hill landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. The slope ranges from 8 to 15 percent and the runoff class is low. The depth to a restrictive feature is greater than 60 inches. The drainage class is well drained.

Urban land: Urban land is land mostly covered by streets, parking lots, buildings, and other structures of urban areas. The slope ranges from 8 to 15 percent and the runoff class is very high.

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

a. The existing house was built in 1970. It is served by a septic system.
b. The property is 1.00 acres (43,560 sq. ft.) in size; located in Residential Zone AA.
c. The parcel is shown as located within the Stony Brook Watershed. Stony Brook is located ~1100'to the east. The wetland onsite is associated with an unnamed stream located immediately adjacent to the southeast corner of the property. The stream is not indicated on the site plan or the wetland sketch.
d. Property is situated in Flood Zone X as shown on F.I.R.M. Panel 09001C0394F Map revised to June 18, 2010.
e. The property **is not** within the Aquifer Protection Overlay Zone.
f. Property **is not** within the Coastal Area Management Zone.
g. The Waterway Protection Line is established 15' from the surveyed wetland boundary. The WPLO boundaries are not shown on the survey.
h. There is no historical wetland boundary available on the Town's GIS system.
i. The flagged wetland area is **~14,088 sq. ft.,** as specified on the Proposed Improvement Plan.

7. Discussion:

The applicant submitted a wetland delineation report by Otto Theall, Professional Soil Scientist / Wetland Scientist, dated November 14, 2022. This documents Mr. Theall's investigation of the soils on the site. Wetland soils were found on the site, identified as Leicester fine sandy loam (4).

The sketch map provided with the report from November 14, 2022, identifies the location of the wetland boundary. The wetland flag locations are reflected as 1A & 1B and 1 to 8. The "Proposed Improvement Plan", prepared for Jeffrey & Susan Rubin, 60 Cranbury Road, Westport, Connecticut, prepared by Leonard Surveyors LLC, Dated January 13, 2022 and last revised to January 15, 2023, Scale: 1" = 20'; indicates the wetland flag locations with the notations WF#1A & WF#1B and WF#1 to WF#8.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary findings. Ms. Jaehnig conducted an on-site investigation on May 02, 2023. Ms. Jaehnig submitted a letter, dated May 05, 2022, stating the general agreement with Mr. Theall's report.

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

Resolution
Application #IWW/M-11713-23
60 Cranbury Road
Assessor's Map: A11 Tax Lot: 038
Public Hearing: May 17, 2023

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M-11713-23** by MLR Properties, on behalf of Jeffrey and Susan Rubin to amend the wetland boundary on Map: #A11 Lot: #038 on the property located at 60 Cranbury Road with the following conditions:

1.) Conformance to the plans titled:
- **a. Proposed Improvement Plan,** prepared for Jeffrey & Susan Rubin, 60 Cranbury Road, Westport, Connecticut, prepared by Leonard Surveyors LLC, Dated January 13, 2022 and last revised to January 15, 2023, Scale: 1" = 20'.

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

Motion: Murphy Second: Carey
Ayes: Murphy, Carey, Lewi, Davis
Nays: 0 Abstentions: 0 Votes: 4:0:0

2. 128 Bayberry Lane: Application #IWW,WPL/E-11719-23 by John Fallon, Esq on behalf of Beltas Farm Legacy LLC to construct a new single family residence, driveway, septic system and drainage.

John Fallon, Esq presented the application on behalf of the property owners. He noted the memo from Ted Gill of the Engineering Department regarding drainage and sediment and erosion controls. Atty. Fallon explained that the Commission under the subdivision of the Belta Farm that certain lots must return for review if they intrude into the 100-foot upland review area. He cited conditions 18 & 19 of subdivision approval.

Mark Lancor, PE with Dymar, stated the project is very primarily what the Commission saw during the subdivision application. They have only added a pool that is mostly outside the 100-foot review area. The septic system is in the same location as was shown during the subdivision.

Mr. Davis noted a concrete pad near the proposed driveway location.

Mr. Lancor pointed out the location on the map and indicated this is the location for the transformer.

Mr . Carey noted the owners have done a very good job with the invasive species control and maintenance of the 50-foot upland review area. He asked about the installation of the planting plan and whether that would be done as each property is developed.

Mr. Lancor stated the plantings were installed but many have not survived. Their wetland biologist has retired and they are now working with Bill Kenny to come up with a plan to ensure survival. He noted they must maintain for 3 years the buffer for three years.

Mr. Hally reviewed the staff report. Based on an initial investigation, he asked the applicants to seek a National Diversity Database (NDDB) report for the property. This report was submitted and there are no threatened or

endangered species identified. He asked for clarification of the driveway drainage. Mr. Hally noted the Commission's special conditions for pools and suggested asking for a pool form as-built.

Mr. Kelly asked if all the utilities are in.

Mr. Lancor stated all the underground utilities are in except for those to the individual houses.

Mr. Carey asked for public comment.

Anqi Liu, 11 Daniel Court, asked about the plantings that have not survived.

Mr. Carey stated the owners have posted a bond for the plants, which is greater than the cost of the plants. The plantings were a condition of the subdivision approval. He noted that it is in the interest of the applicant to install the plantings because they will not get their bond back until those plantings are in and thriving.

There were no further comments from the public and the hearing was closed.

Motion:	**Davis**		**Second:**	**Carey**	
Ayes:	**Davis, Carey, Lewi, Murphy**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**

Findings
Application # IWW, WPL/E-11719-23
128 Bayberry Lane, Lot 5
Assessor's Map: G13 Tax Lot: 020
Public Hearing: May 17, 2023

1. **Receipt Date:** **April 13, 2023**
2. **Application Classification:** **Plenary**
3. **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.
4. **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

5. Past Permits:

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

6. 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. The Commission finds that 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."*

7. 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.

8. Property Description and Relative Facts

- Lot #5 was created as a part of the 2020 Subdivision.
- The property is 1.47 acres (63,953 sq. ft.) in size; located in Residential Zone AAA.
- The parcel is located within the Muddy Brook Watershed. The Muddy Brook watercourse is located offsite, ~900' to the west.
- 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.
- The Waterway Protection Line Ordinance boundary is established 15' from the wetland boundary.
- Property does not exist within the Aquifer Protection Overlay Zone.
- Property does not exist within the Coastal Areas Management Zone.
- 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:
9. 6.1 GENERAL STANDARDS

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

Discussion:
The "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. 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. With the implementation of a 50' conservation easement/ non-disturbance

buffer, the Commission finds the applicant demonstrates minimization of disturbance adjacent to the wetland while promoting conservation of the natural resources.

10. 6.2 WATER QUALITY

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

Discussion:
The 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.

The Commission references 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 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, the Commission finds 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. The Commission 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, the Commission does not anticipate 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. The driveway and pool patio shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.

11. **6.3 EROSION AND SEDIMENT**
    a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
    b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
    c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
    d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
    e) applicable state, federal and local guidelines shall be met.

Discussion:
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.

The Commission finds that 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.

12. ***6.4 NATURAL HABITAT STANDARDS***
    a) critical habitats areas,
    b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
    c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
    d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
    e) periods of seasonal fish runs and bird migrations shall not be impeded;
    f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

Discussion:
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, the Commission 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. The Commission fundamentally concurs with this assessment.

The Commission finds that developing an undeveloped lot species potentially reduces natural habitat and the flora and fauna within the area. The Commission finds 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. The Commission finds 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. The Commission finds 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.

13. 6.5 DISCHARGE AND RUNOFF

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

Discussion:
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, 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 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. The Commission finds that continued maintenance of dense vegetation within the buffer will help continue to diffuse stormwater runoff energy before reaching the wetland.

14. 6.6 RECREATIONAL AND PUBLIC USES

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

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-11719-23
128 Bayberry Lane, Lot 5
Assessor's Map: G13 Tax Lot: 020
Public Hearing May 17, 2023

Project Description: to construct a new single-family residence, pool, driveway, septic system, deck, patio and retaining walls with associated site improvements within upland review area of wetlands.

Owner of Record: Beltas Farm Legacy, LLC
Applicant: Beltas Farm Legacy, 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/E-11719-23** 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. 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.

xi.	**First Floor Plan**	Sheet A1
xii.	**Second Floor Plan**	Sheet A2
xiii.	**Attic Plan**	Sheet A3
xiv.	**Roof Plan**	Sheet A4
xv.	**Front Elevation**	Sheet A5
xvi.	**Rear Elevation**	Sheet A6
xvii.	**Right Side Elevation**	Sheet A7
xviii.	**Left Side Elevation**	Sheet A8
xix.	**Basement Plan**	Sheet AB
xx.	**Foundation Plan**	Sheet AF

18. Conformance to the requirements outlined by Town Engineering Department in its memo to the Conservation Commission dated May 05, 2023
19. Conformance to the applicable conditions of the subdivision approval dated October 14, 2020.
20. Portions of the driveway and the entire pool patio shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
21. The site engineer shall witness and certify the construction of permeable surfaces proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
22. 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.
23. 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.
24. A pool dewatering plan must be submitted to the Conservation Department prior to issuance of a zoning permit.
25. 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: Carey
Ayes: Lewi, Carey, Davis, Murphy
Nays: 0 Abstentions: 0 Vote: 4:0:0

3. 11 Murvon Court: Application #WPL-11720-23 by Moon Gardens LLC on behalf Eymard & Madhurya Chitty to construct a new single family residence with an attached garage, patio, mechanical deck, driveway and drainage system. Work is within the WPLO area of the Saugatuck River.

Cindy Tyminski presented on behalf of the property owners. She gave a presentation, which gave an overview of the parcel including that it is in the Saugatuck River WPLO zone, the 100-year flood zone and the CAM zone. She reviewed the existing conditions and the proposed plan. They will be removing the two koi ponds and raising the house to FEMA standards. There are two trees on the site that will remain. She highlighted the drainage. She noted they are reducing both building and total coverage. The project has received Flood and Erosion Control Board approval and still needs Zoning Board of Appeals approval.

Mr. Murphy asked about the propane tank location.

Ms. Tyminski indicated that they have not finalized a location yet. A potential location may be under the stockpile location.

Mr. Lewi asked if it would be properly anchored.

Ms. Tyminski stated it would meet FEMA standards.
Mr. Hally highlighted the staff report. He suggested adding a Condition 20 that states Any potential propane tank shall be installed per FEMA standards.

Mr. Kelly noted the reduction in coverage looks significant but it is only about 600 s.f. It is based on the site of the property and is typical in this neighborhood.

Mr. Carey asked for public comment.

There was no public comment and the hearing was closed.

Motion:	**Lewi**		**Second:**	**Murphy**	
Ayes:	**Lewi, Murphy, Carey, Davis**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**

Findings
Application #WPL-11720-23
11 Murvon Court
Assessor's Map: D03 Tax Lot: 040
Public Hearing: May 17, 2023

1. **Application Request:** Applicant is proposing to demolish an existing single-family residence, deck, and patio, fill in two (2) ornamental ponds construct a new single-family residence and a pervious driveway and patio with associated site improvements. The proposed work is occurring partially within the WPLO (elevation 9') area of the Saugatuck River.
2. **Plans Reviewed:**
   a. **Improvement/Location Survey Map of Property**, prepared for Eymard Chitty & Madhurya Chitty, 11 Murvon Court, Westport, Connecticut, prepared by Walter H Skidd, Land Surveyor, LLC, dated: January 9, 2023, Scale: 1" = 10'.
   b. **Site Plan, Details & Notes,** prepared for Eymard & Madhurya Chitty, 11 Murvon Court, Westport, CT, prepared by Chappa Site Consulting LLC, dated: April 6, 2023, Scale: NTS.
   c. **Architecturals,** prepared for Compo Luxury Homes, 11 Murvon Court, Westport, CT, prepared by John Jones Architect, dated March 22, 2023 and revised to April 6, 2023, Scale As Noted.
      i. **Foundation Plan**
      ii. **First Floor Plan**
      iii. **Second Floor Plan**
      iv. **Attic Floor Plan**
      v. **Roof Plan**
      vi. **Front (North) Elevation**
      vii. **West Elevation**
      viii. **South Elevation**

ix. East Elevation

3. **Past Permits:** None
4. **Property Description:**
   a. **Location of 25-year flood boundary:** 9 ft. contour interval. A portion of the property is within the Waterway Protection Line Ordinance (WPLO) boundary.
   b. **Property is situated in Flood Zones AE (el. 11')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
   c. **Proposed First Floor Elevation of House:** 12.1 ft.
   d. **Proposed Average Site Grade Elevation**: 8.9 ft.
   e. **Proposed Patio and Barbeque Elevation:** 9.2 ft.
   f. **Lot Size:** 0.124 acres (5,400 sq. ft.)
   g. **Existing Site Coverage:** 51.25% (2,767.5 sq. ft.)
   h. Proposed Site Coverage: 43.40% (2,344 sq. ft.)
   i. **Existing Building Coverage: 37.92%** (2,047.5 sq. ft.)
   j. **Proposed Building Coverage: 34.72%** (1,875 sq. ft.)
   k. **Sewer Line:** The existing residence is serviced by municipal sewer.
   l. **Existing Residence:** The existing residence was constructed in 1920.
5. **Aquifer**: Property underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
6. **Coastal Area Management**: The subject property is located within the Coastal Area Management (CAM) zone. The coastal resource is identified as Coastal Flood Hazard Area. Coastal Flood Hazard Areas are defined as land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
7. **Proposed Storm Water Treatment**: The applicant proposes a drainage system consisting of 32 linear feet (LF) of precast concrete stormwater galleries within a crushed stone reservoir, located at the rear (south) of the property. Secondary stormwater storage will be within the stone reservoir beneath the proposed pervious driveway. Surface drainage features include a pervious driveway surface, a pervious patio surface, and a single overflow yard drain.
8. **Discussion:**
   The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

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

   Most of the property lies within the WPLO boundary (elevation 9') of Grays Creek. The property is situated ~550' east of Grays Creek and ~450' North of the Saugatuck River. The mean high water line of the Saugatuck River is established at elevation 3.3' (NAVD88) to the south of the property. Isolated to the west of the property is Grays Creek, a tidal watercourse featuring tidal wetlands and mudflats. The portion of the Saugatuck River nearest to the subject property is the Ned Dimes Marina basin. The intertidal zone within the marina basin can be characterized as highly modified, noting the presence of a stone/concrete seawall along much of the shoreline.

   Based on the existing spot elevations shown on the site plan, the topography of the site is relatively flat. The elevations indicate the site generally drains towards the southeast corner of the site. Noting that the Saugatuck River is located to the south of the site, the Commission assumes potential flood waters may originate from the Saugatuck River during heavy storm events, though flooding from Grays Creek is likely to occur in more extreme events.

   The application proposes to demolish the existing single-family residence and construct a FEMA-compliant, two-story, single-family residence with a first-floor elevation of 12.1' and garage floor elevation of ~9.0'. The proposed location of the house and pervious patio is substantively within the footprint of the existing house, but the proposed dwelling area footprint is about 10% larger than the existing house, porch and deck combined. The existing

impervious driveway will be replaced with a pervious driveway with storm water storage beneath. The existing deck and bbq area will be replaced with a pervious patio and attached impervious bbq area.

Application proposes to remove two ornamental ponds. Since the ponds are man-made and lined the ponds cannot be characterized as inland wetlands and watercourses as defined by the Town's Inland Wetlands and Watercourses Regulations.

The proposed residence will be built to conform to FEMA standards with the first habitable floor (el. 12.1') constructed above the 100-year base flood elevation (el. 11'). The garage is proposed at elevation ~9'. The architectural rendering, "Foundation Plan", demonstrates the flood vents are within one foot of the adjacent grade. The architectural drawings show the surrounding proposed average grade around the residence is 8.9'. The foundation level includes a crawl space and garage. The "Foundation Plan" demonstrates the plan proposes eight (8) flood vents along the exterior wall of lower level of the residence and one flood vent on the interior wall between the garage and the crawl space. Each of the flood vents is sized to account for 200 sq. ft. of coverage. During the Flood and Erosion Control Board meeting held on May 3, 2023, the application was approved by the Board with no special conditions.

Though the footprint of the proposed residence is larger than the existing residence, it is substantively within the same location of the existing house. The plan proposes to install air conditioning units and a generator on the roof of the proposed dwelling.

The plan proposes to install a 500-gallon underground propane tank. A note for the specifications of the UST is provided on the site plan. The note specifies that the tank will be anchored with cable straps to a concrete counterweight which is consistent with the FEMA guidance for installing underground tanks, "***Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems***".

The site plan demonstrates that groundwater was not encountered at test pits advanced to 64" and 84" below grade on the adjacent property at 8 Murvon Court. The Commission does not anticipate that groundwater will be encountered for excavation activities for the installation of the foundation footing at 63' below grade or for the installation of the 500-gallon underground propane storage tank (proposed depth unknown). The Commission finds that a dewatering plan for excavation activities was not provided on the site plan. Given ground water was not encountered in test pits on the adjacent property, the Commission finds that a dewatering plan for this project is not necessary.

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The project proposes a 7.85% reduction in coverage. The proposed site coverage is be **43.4%,** which is greater than the 10-25% cover that is expected to impact water quality. Coverage calculations are provided on the site plan. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

Sediment release from loose soil is one of the most significant potential impacts from soil stockpiling. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. The site plan depicts one layer of perimeter silt fence. A detail for typical silt fence installation is provided on the site plan. Soil stockpiling will occur at the northwest corner of the property. The site plan depicts row of silt fence as the erosion and sediment controls around the soil stockpile area. The application proposes minimal grading across the site. The site plan provides calculations for excavation and fill and establishes that the proposed amount of cut and fill is 75 cubic yards (cu. yd.) A construction entrance will be installed at the apron of the existing driveway. It will be constructed of 2" crushed stone. A detail for the construction entrance is provided on the site plan. The Commission finds the level of S&E controls shown on the plan is adequate for the proposed conditions.

The grade across the property will slightly change, as proposed spot elevations on the site plan indicate the site will remain relative level but gradually slope towards the eastern property boundary. General site stormwater runoff that is not collected by the proposed drainage features will drain as sheet flow over the ground surface to the south along the western side of the residence and to the east along the eastern side of the residence. Stormwater from the roof of the house and covered patio will be conveyed through roof leaders and underground drainage pipes

towards the stormwater reservoir. Stormwater runoff from the patio will be collected within the reservoir beneath the patio. Stormwater runoff from the driveway will be collected within the reservoir beneath the driveway.

Stormwater calculations are provided in the "Drainage Computations" 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 driveway stormwater reservoir has a retention volume of 10 cu. ft. while the proposed 32 LF of stormwater galleries within the crushed stone reservoir have a volume of 269 cu. ft. which is greater than the 213 cu. ft. required by Town drainage standards. The applicant provided drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV). The Commission finds the proposed pervious surfaces as a benefit, and these features should enhance the stormwater quality across the site from the existing conditions. The Commission requires that the design engineer shall witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The Commission requires a deed restriction to be filed on the land record stating that the proposed rear patio and driveway will remain pervious in perpetuity.

Although the Commission does not anticipate temporary or long-term impacts to water quality, natural resources, or habitat. The Commission finds that the extensive redevelopment of the site prioritizes maximizing the size of the dwelling while maintaining a high percentage of site coverage.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11720-23
11 Murvon Court
Assessor's Map: D03 Tax Lot: 040
Date of Resolution: May 16, 2023

Project Description: To demolish an existing single-family residence, deck, and patio, fill in two (2) ornamental ponds construct a new single-family residence and a pervious driveway and patio with associated site improvements. The proposed work is occurring partially within the WPLO (elevation 9') area of the Saugatuck River.

Owner of Record: Eymard & Madhurya Chitty
Applicant: Cindy Tyminski of Moon Gardens LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application ##**WPL-11720-23** 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 **June 1, 2022,** including adding additional spot elevations in the rear yard to the site plan prior to issuance of a zoning permit**.**

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
    a. **Improvement/Location Survey Map of Property**, prepared for Eymard Chitty & Madhurya Chitty, 11 Murvon Court, Westport, Connecticut, prepared by Walter H Skidd, Land Surveyor, LLC, dated: January 9, 2023, Scale: 1" = 10'.
    b. **Site Plan, Details & Notes,** prepared for Eymard & Madhurya Chitty, 11 Murvon Court, Westport, CT, prepared by Chappa Site Consulting LLC, dated: April 6, 2023, Scale: NTS.
    c. **Architecturals,** prepared for Compo Luxury Homes, 11 Murvon Court, Westport, CT, prepared by John Jones Architect, dated March 22, 2023 and revised to April 6, 2023, Scale As Noted.
        x. **Foundation Plan**
        xi. **First Floor Plan**
        xii. **Second Floor Plan**
        xiii. **Attic Floor Plan**
        xiv. **Roof Plan**
        xv. **Front (North) Elevation**
        xvi. **West Elevation**
        xvii. **South Elevation**
        xviii. **East Elevation**
17. Conformance to Flood & Erosion Control Board **May 3, 2023** conditions of approval.
18. The driveway and patio shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
19. The design engineer shall witness and certify the construction of all permeable surfaces proposed for this project (driveway and patios) and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
20. Any underground storage tanks on site shall be installed and anchored to meet compliance with FEMA standards.

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: Davis
Ayes: Carey, Davis, Murphy, Lewi
Nays: 0 Abstentions: 0 Vote: 4:0:0

4. **15 Green Acre Lane:** Application #IWW,WPL/E-11722-23 by Peter Romano of LandTech on behalf of Hiroko Rawald to construct a new accessory dwelling unit, patio and walkway. Portions of the work are within the upland review area and the WPLO area of an unnamed watercourse.

   Pete Romano of LandTech presented the application on behalf of the property owners. Oriented the Commission to the property for an ADU, septic and drainage. There were plans previously approved for the ADU to be placed on the basketball court but it was found that the survey had not correctly placed the tennis court. They have resurveyed the property and wetlands. The ADU is located somewhat closer to the wetland. They are providing sediment and erosion controls. He reviewed the drainage for the tennis court and the ADU. The wetlands have some plantings already.

   Mr. Carey noted the siting of the ADU is due to wetlands on both sides of the structure and the presence of ledge.

   John Rountree, AIA, agreed there is a lot of ledge in the area and moving the ADU forward would make construction more difficult.

   Mr. Hally reviewed the submitted planting plan and invasive management plan. He recommends the work be done by hand and there be a bond for the plantings.

   Mr. Kelly stated that staff felt that because there a basketball court in the area, they did not consider this new construction within the setback. The septic system and drainage system are located as proposed in the previous application.

   Mr. Carey asked for public comment.

   There were no public comments and the hearing was closed.

Motion:	**Carey**		**Second:**	**Davis**	
Ayes:	**Carey, Davis, Lewi, Murphy**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**

Findings
Application # IWW, WPL/E-11722-23
15 Green Acre Lane
Assessor's Map: D08 Tax Lot: 135
Public Hearing: May 17, 2023

1. **Receipt Date:** **April 13, 2023**
2. **Application Classification:** **Plenary**
3. **Application Request:** The applicant has requested to construct an accessory dwelling unit (ADU), a patio, and a walkway. A portion of the work is proposed within upland review area setbacks of on-site wetlands.
4. **Plans Reviewed:**
   a. **Zoning Map of Property** prepared for Ronald A & Hiroko E Rawald, 15 Green Acre Lane, Westport, CT, Dated July 14, 2021, prepared by Dennis A Deilus, Land Surveyors, Scale: 1" = 40'.
   b. **Site Development Plan** prepared for Ronald & Hiroko Rawald, 15 Green Acre Lane, Westport, CT, prepared by LandTech, dated April 13, 2023, Scale: 1" = 20', Sheet: C-1.0.
   c. **Notes and Details** prepared for Ronald & Hiroko Rawald, 15 Green Acre Lane, Westport, CT, prepared by LandTech, dated April 13, 2023, Scale: NTS, Sheet: C-1.0.
   d. **Architecturals,** Proposed Accessory Dwelling Unit @ 15 Green Acre Lane, Westport, CT prepared by Roundtree Architects, dated: April 19, 2022 and revised to March 3, 2022, Scale: As Noted
      i. **Mezzanine,1st Floor & Foundation Plan** Sheet A-1
      ii. **Elevations** Sheet A-2
      iii. **Section @ Mezzanine**
      Section @Living Room Sheet A-3
      iv. **Misc. Details** Sheet A-4
      v. **Misc. Details** Sheet A-5
      vi.

5. Past Permits:

• **IWW/M-6808-02**	Map Amendment
• **IWW,WPL-7358-04**	NSFR, pool, tennis court, stream crossings
• **AA,WPL-7490-04**	Foundation for 6 bedroom dwelling
• **AA,WPL/E-7587-05**	Construct 6 Bedroom residence
• **AA,WPL/E-7586-05**	Pool house
• **AA,WPL/E-7638-05**	inground swimming pool with spa
• **AA,WPL/E-7851-06**	Add spa, stonewall and tennis court and new access drive
• **AA,WPL/E-7889-06**	3 car garage addition with connection
• **AA,WPL/E-7947-06**	Basketball court, parking, shuffleboard court, firepit, BBQ and dining counter, extend dining room 8 feet, golf tees
• **IWW,WPL-8135-07**	tennis pavilion, parking, shed, 4th golf tee, relocate Green Acre Lane
• **AA,WPL/E-11533-22**	Accessory Dwelling Unit, patio, walkway & generator

6. IWW and WPLO Regulated Areas:

The Waterway Protection Line is established 15' landward from the wetland boundary associated with the wetlands to the west and the southeast of the proposed ADU. There are no other WPLO areas on the subject property. No work is proposed within the WPLO boundary.

There are two wetland/ watercourse areas on the subject property. One of the wetland areas is associated with an intermittent stream along the southeast border of the property. The other is a wooded wetland along the western property boundary. The wetland areas within the property total in 41,423 sq. ft., though the extents of the wetlands continue on adjacent properties to the south and west. The Commission finds the stream the crosses the southern property boundary is a tributary of Pussy Willow Brook.

The location for the ADU was previously approved as a part of a permit for Administrative Approval (AA,WPL/E-11533-22). The wetland line provided on the approved site plan was established by Triton Environmental. The ADU was shown on the approved 2022 plan as being outside the 50-ft upland review area setback. The nearest wetland boundary was re-delineated by William Kenny. The wetland boundary shown on the site plan puts the proposed ADU within the Commission setback.

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

50' upland review area for an outbuilding with
30' upland review area for a patio,
30' upland review area for a walkway,
20' upland review area for the proposed grading and drainage from the wetland boundaries.

The proposed ADU is within the 50 ft. upland review area. The proposed patio is located outside of the 30 ft. upland review area 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 outside of the 20 ft. upland review area. The installation of the ADU will require a septic system and drainage management system. The proposed septic system and drainage system locations were approved as a part of the permit for administrative approval in 2022. The proposed septic system is located outside of the 50 ft. upland review area. The drainage system is located outside of the 20 ft. upland review area.

The wetland boundary on the subject property was established in 2022, based on a delineation performed by William Kenny Associates in October 2021. The delineation report identified two (2) isolated wetland areas on the subject property.

The USFWS National Wetland Inventory identifies the southern wetland as 0.31 acre freshwater forested/shrub wetland habitat, classified as a **PFO1E**.

*"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 **Forested (FO)**: Characterized by woody vegetation that is 6 m tall or taller.*

*Subclass **Broad-Leaved Deciduous (1)**: Woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (Fraxinus nigra).*

*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."*

The USFWS National Wetland Inventory identifies the watercourse as 1.29 acre riverine habitat is classified as a **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."*

7. Wetlands Description:

The surveyed wetland boundary depicted on the "Site Development Plan" was flagged during a wetland delineation by William Kenny Associates in October 2021. The findings are represented in the report "Wetland and Watercourse Delineation, 15 Green Acre Lane, Westport Connecticut", prepared by William Kenny Associates, dated October 13, 2021. The new record of wetland boundary was adopted by the Town's Conservation Department through a permit for an administrative approval. The report describes the following soil types occurring on the property:

Wetland soils found on the property:
Ridgebury, Leicester, and Whitman soils, extremely stony (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 permeability of Ridgebury and Whitman soils is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. The permeability of the Leicester soils is moderate or moderately rapid throughout. Available water capacity is moderate in all three soils. Runoff is slow on all three, and water is ponded on the surface of some areas of the Whitman soils. 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. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

Upland soils found on the property:
Sutton fine sandy loam (50):

This soil unit consists of gently sloping, moderately well drained soil found in slight depressions and on the sides of hills and ridges. This Sutton soil has seasonal high water table at a depth of about 20 inches from late fall until mid-spring. The permeability of the soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. Many areas of this soil type are used for community development, with limitations caused by the high water table. Quickly establishing plant cover, mulching, and using siltation basins and diversions help to control erosion and sedimentation during construction.

Canton and Charlton soils (60):
This component occurs on upland hill landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. The drainage class is well drained.

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

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

8. Property Description and Relative Facts:

- The existing house was built in 2006. It is served by onsite septic system.
- The property is 6.02 acres (262,005 sq. ft.) in size; located in Residential Zone AA.
- An unnamed tributary to Pussy Willow Brook is located on site. The main stem of the Pussy Willow Brook watercourse is located offsite, ~1700' to the east. The wetland / watercourses on site consist of an intermittent stream and a forested wetland.
- This property is within FEMA Zone X as determined in FEMA Firm panel 09001C0413G, effective July 8, 2023.
- The property is not within the Aquifer Protection Overlay Zone.
- The project area is not within the Coastal Areas Management Zone.
- The Waterway Protection Line (WPL) is established 15' from the surveyed wetland boundaries located west and southeast of the proposed ADU.
- The flagged wetland area is 41,423 sq. ft. as determined by the "Zoning Map of Property" prepared by Dennis A. Deilus Land Surveyors, dated July, 14, 2021.

Lot Area: **6.02 acres (262,005 sq. ft.)**
Existing Base Lot Area: **199,624 sq. ft.**
Existing Building Coverage: **3.4% (6,792 sq. ft.)**
Proposed Building Coverage: **3.9% (7,786 sq. ft.)**
Existing Site Coverage: **13.9%** (27,876 sq. ft.)
Proposed Site Coverage: **13.1%** (26,170 sq. ft.)

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

9. 6.1 GENERAL STANDARDS

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

Discussion:
The "Site Development Plan", prepared by LandTech, dated April 13, 2023, depicts that the proposed ADU will be developed ~30' from the nearest wetland boundary, within of the Conservation Commission's upland review area setback. The proposed stormwater galleries and stormwater system overflow are ~62' and ~50' from the wetland boundary, respectively. The septic galleries are shown ~70' from the wetland boundary. These structures represent the most intensive development within upland review areas on site. Minor grading will occur to accommodate for the ADU, septic system, stormwater management system, patio, and buffer planting. The applicant proposes a buffer planting and seeding upgradient from the limit of the western wetland. Though drainage from the ADU will be

treated by the proposed management system, the planting will offer additional protection to the wooded wetland habitat from overall site runoff.

The project does not propose any direct impacts to wetlands or watercourses. The sensitive areas on site include the forested wetland to the west and the wetland and watercourse to the south. Though the wetlands could be considered candidate habitat for fish 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 proposed ADU will be in the general area of the basketball court and will represent reduced coverage adjacent to the wetland. The Commission finds the reduction in coverage and the introduction of drainage system as an overall benefit.

10. 6.2 WATER QUALITY

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

Discussion:
The nearest perennial water course is Pussy Willow Brook. The main stem of Pussy Willow Brook is located off site ~1700' to the east. The on-site intermittent watercourse is a tributary of Pussy Willow Brook. The surface water quality classification for Pussy Willow Brook (State Waterbody ID: (State Waterbody ID: CT7000-18_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 references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin for Pussy Willow Brook has a combined condition index (CCI) score of 0.18. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Pussy Willow Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

The proposed limit of disturbance is located ~75' from the on-site watercourse, which is a tributary of Pussy Willow Brook. Based on the limited disturbance, the Commission finds the surface water quality of Pussy Willow Brook will not be impacted from the proposed development across the subject property.

The proposed stormwater management system is located ~45' north the proposed ADU. It will serve the proposed new development.

On the site plan, the stormwater detention area is shown to be composed of two stormwater galleries and an overflow discharge located ~10 downgradient from the galleries. The stormwater management system will collect roof runoff from the proposed ADU. 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 memo from the Town's Engineering Department, dated May 5, 2023, stated, "The storm water drainage system previously approved for this ADU substantially complies with the Town of Westport Storm Water Drainage Standards." With the stormwater system installed in conformance with the Town's Engineering requirements and with the oposed implementation of a buffer planting and seeding, the Commission does not anticipate adverse long-term impacts to water quality.

11. 6.3 EROSION AND SEDIMENT

a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;

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

Discussion:
Minimal grading is proposed to accommodate the proposed new developments. The existing basketball court is proposed to be removed. Some excavation will occur to install the foundation for the ADU, the septic system, and the drainage systems, though excavation will occur outside Conservation Commission 20' setback for grading and disturbance on the subject property.

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

The "Site Development Plan, Notes and Details" depicts details for the silt fencing, soil stockpile, and the construction entrance.

A memo from the Town's Engineering Department, dated May 5, 2023, stated that project substantially complies with the Town's Sedimentation & Erosion Control requirements.

The Commission finds that 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.

12. 6.4 NATURAL HABITAT STANDARDS

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

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 there were no potential sensitive habitats or state listed species in the database for the subject property. Based on these results and the limited scope of the project, the Commission does not recommend further consultation for biological information.

The Commission finds the applicant provides a planting in the upland immediately upgradient from the boundary of the western wetland. On the site plan, the applicant proposes a row of five (5) American holly and three (3) northern bayberry immediately upgradient of the WPLO boundary and a seed mix, appropriate for the soil conditions, to be established between the wetland boundary and the row of shrubs.

The added native plants 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 resident and migrating fauna. The Commission finds the inclusion of the buffer planting and seeding as a benefit for the natural habitat of the on-site wetlands. The site plan specifies the removal of Japanese barberry within the western wetland. The barberry will be replaced by arrowwood viburnum.

The Commission requires a performance bond for the landscape plan. The performance should be held for one full growing season to help ensure vitality of the intended plants.

13. 6.5 DISCHARGE AND RUNOFF

a) the potential for flood damage on adjacent or adjoining properties will not be increased;
b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
d) flooding upstream or downstream of the location site will not be significantly increased;

e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

Discussion:
Runoff from the roof of the proposed ADU will discharge through roof leaders and be conveyed through an underground pipe towards the underground detention galleries. The detention system will overflow through a yard drain and discharge as sheet flow towards the wetlands. General stormwater runoff from the patio, the walkway and lawn will discharge as sheet flow towards the wetlands.

Overall, site grades will remain the same. The Commission finds the final site design does not pose a change to how the site transmits or absorbs flood waters. The overflow discharge located ~50' from the limit of wetlands will present a concentrated source of discharge towards the western wetland during the season's heaviest storm events, but the proposed buffer planting and seeding will help dissipate discharge energy before reaching the wetland.

The Commission finds the final design minimizes potential adverse impacts to the wetlands and watercourse from stormwater discharge and runoff.

14. 6.6 RECREATIONAL AND PUBLIC USES

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

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

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW, WPL/E-11722-23
15 Green Acre Lane
Assessor's Map: D08 Tax Lot: 135
Public Hearing May 17, 2023

Project Description: to construct an accessory dwelling unit (ADU), a patio, and a walkway. A portion of the work is proposed within upland review area setbacks of on-site wetlands.

Owner of Record: Hiroko Rawald
Applicant: Peter Romano 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-11722-23** 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.
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12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an “as built” survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
    a. **Zoning Map of Property** prepared for Ronald A & Hiroko E Rawald, 15 Green Acre Lane, Westport, CT, Dated July 14, 2021, prepared by Dennis A Deilus, Land Surveyors, Scale: 1” = 40’.
    b. **Site Development Plan** prepared for Ronald & Hiroko Rawald, 15 Green Acre Lane, Westport, CT, prepared by LandTech, dated April 13, 2023, Scale: 1” = 20’, Sheet: C-1.0.
    c. **Notes and Details** prepared for Ronald & Hiroko Rawald, 15 Green Acre Lane, Westport, CT, prepared by LandTech, dated April 13, 2023, Scale: NTS, Sheet: C-1.0.
    d. **Architecturals,** Proposed Accessory Dwelling Unit @ 15 Green Acre Lane, Westport, CT prepared by Roundtree Architects, dated: April 19, 2022 and revised to March 3, 2022, Scale: As Noted
        i. **Mezzanine,1st Floor & Foundation Plan** Sheet A-1
        ii. **Elevations** Sheet A-2
        iii. **Section @ Mezzanine & Section @ Living Room** Sheet A-3
        iv. **Misc. Details** Sheet A-4
        v. **Misc. Details** Sheet A-5

17. Conformance to the recommendations outlined by Town Engineering Department in its memo to the Conservation Commission dated May 05, 2023
18. Erosion Controls shall be installed as depicted on the site plan, prior to the start of construction.
19. Plants shall be installed as noted on the “Site Development Plan” prior to the issuance of Conservation Certificate of Compliance. Contact Conservation Department staff at start of planting.
20. All invasive management and plantings proposed in the “Site Development Plan” shall be performed by hand to prevent disturbance to the wetland.
21. 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 to ensure plant vitality.
22. An “as-built” survey shall be submitted prior to the issuance of a Certificate of Compliance.

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.

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: Murphy**
Ayes: 4
Nays: 0 **Abstentions: 0** **Vote: 4:0:0**

5. 85 Compo Road North: Application #IWW,WPL/E-11742-23 by Town of Westport on behalf of the estate of Janis T Folsom for a main line sewer extension. Work will be within the wetland, the upland review area and the WPLO area of Deadman's Brook.

Bryan Thompson, PE presented the application. He noted this a gravity sewer line that will connect to Brookside Drive. He highlighted the easement for the sewer line for the Commission. There will be silt fence installed to protect the brook. They will also have a frack tank and silt sack during excavation. The spoils will be placed on the far side of the trench so that if there were a rain event the spoils would go back into the trench rather than the stream. The work on this property should take only 3 to 4 days. Mr. Thompson noted that while installing the line on Lone Pine, they encountered high groundwater. They may move onto other portions of the project and return to this project during the dry season.

Mr. Carey suggested staked haybales backing the silt fence as added protection especially as they are reestablishing the area.

Mr. Hally suggested New England seed mix for stabilizing the wetland setback and a native seed mix for the upland. He asked for clarification of the dewatering.

Mr. Kelly noted there is no staging taking place on this site. He discussed the yard debris and waste has been dumped in the work area.

Mr. Thompson indicated that the Town would either remove it or he could reach out to the contractor for the new owner and try to get them to remove the debris.

Mr. Carey asked for public comment.

There were no public comments and the hearing was closed.

Motion: **Carey** **Second:** **Murphy**
Ayes: **Carey, Murphy, Davis, Lewi**
Nayes: **None** **Abstentions:** **None** **Vote: 4:0:0**

Findings
Application # IWW, WPL/E-11742-23
85 Compo Road North
Assessor's Map: D11 Tax Lot: 154
Public Hearing: May 17, 2023

1. **Receipt Date:** **April 13, 2023**
2. **Application Classification:** **Plenary**
3. **Application Request:** The Town of Westport is the applicant. The proposed work is to install a municipal sewer mainline extension through the Town-held easement on the property.
4. **Plans Reviewed:**

a. Sanitary Sewer Plan and Profile Brookside Dr- 1, Contract 75 Sewer Extension, prepared by AI Engineers, dated March 1, 2022, Scale: 1" = 20'.

5. **Past Permits:**
   WPLE-13-9615-H: Generator
6. **IWW and WPLO Regulated Areas**
   The Waterway Protection Line is established 15' landward from the wetland boundary associated with offsite watercourse south of the subject property. The proposed activity is within the WPLO boundary. Per Regulation **#30-90-A.** of the Waterway Protection Line Ordinance for "**Permitted Activities**", The Town Engineer has determined the project to have **no** adverse impact on flooding, draining, erosion, or the natural carrying and water-storage capacity of the waterway. The Conservation Director agrees with the Town Engineer's findings. Therefore, pursuant to the Waterway Protection Line Ordinance regulations, the proposed activity is exempt from a Conservation Commission determination.

   There is a wooded wetland along the southern property boundary which is associated with an offsite perennial watercourse, Dead Man's Brook. The proposed mainline extension will cross along the northern extent of the wetland. Approximately 100 linear feet (LF) of excavation will occur within the wetland. Sections of 8"- diameter, PVC pipe will be installed and excavated areas will be backfilled with crushed stone and excavated soil. Once the pipe is installed, and the excavation has been backfilled, the disturbed ground surface will be stabilized and restored to native wetland vegetation. The entire period of excavation activity is anticipated to last two (2) days.

   The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include a 20' upland review area for the proposed excavation.
7. ***Wetlands Description: T****here is no site-specific soil survey provided for this project. The Commission references USGS Web Soil Survey and soil reports from adjacent properties and selected the soils units likely present on the subject property.*

   The USFWS National Wetland Inventory identifies the southern wetland as 0.64 acre freshwater forested/shrub wetland habitat, classified as a **PFO1E**.

   *"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 **Forested (FO)**: Characterized by woody vegetation that is 6 m tall or taller.*

   *Subclass **Broad-Leaved Deciduous (1)**: Woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (Fraxinus nigra).*

   *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."*

   Wetland soils likely found on the property:
   Raypole 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 Raypole soil has a seasonal high water table at a depth of 6 inches from fall until late spring. The permeability of the soil is moderate in the surface layer and subsoil, and rapid or very rapid in the substratum. Runoff is slow, and available water capacity is moderate. The soil dries and warms up slowly in spring. Most areas of this soil type are wooded. The seasonal high water table and rapid permeability in the substratum limit this soil for community development. Groundwater pollution is a hazard in areas used for on-site septic systems. 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.

Upland soils found on the property:
Ninigret fine sandy loam (701): 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. Permeability is moderately rapid in the surface layer and subsoil, and rapid in the substratum. Runoff is slow and available water capacity is moderate. The soil dries out and warms up slowly in spring. Many areas of this soil are used for hay, corn, vegetable and nursery crops. Some scattered areas are used for community development and a few small areas are wooded. 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. This soil is well suited for cultivated crops and trees, but drainage is needed in some of the farmed areas. Minimum tillage and the use of cover crops help to control a moderate hazard of erosion in cultivated areas. Machine planting is practical in areas used for woodland.

8. Property Description and Relative Facts

1. The existing house was built in 1950.
2. The property is 0.37 acres (16,117.2) in size; located in Residential Zone A.
3. The parcel is located within the Dead Man's Brook Watershed. The Dead Man's Brook watercourse is located offsite, ~30' to the south. The wetlands onsite are associated with the offsite watercourse.
4. This property is within Flood Zone X, 0.2 % Annual Chance Flood Hazard, per FEMA FIRM Panels: 09001C0413G, Effective July 8, 2013.
5. The property is within the Aquifer Protection Overlay Zone.
6. Property does not exist within the Coastal Areas Management Zone.
7. The Waterway Protection Line (WPL) is established 15' from the surveyed wetland boundary.
8. The wetland boundary shown on the Town's GIS.

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

9. 6.1 GENERAL STANDARDS

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

Discussion:

The project proposes temporary disturbance within the wetlands. The sewage easement exists within the wetland boundary. There is no opportunity for the applicant to pursue the proposed activity outside of the wetlands on the property. Disturbance and pollution are minimized because the pipe will be installed at the shallowest depth that is practicable to extend the sewer line. The amount of excavated material and period of disturbance is minimized because the pipe is installed in sections, and portions will be backfilled upon completion. Conditions that facilitate sedimentation will be minimized from an E&S plan that includes perimeter silt fence and silt sack dewatering system.

The excavation for the pipe will occur in the up-gradient margin of the riparian wetland where the boundary abuts maintained lawn. Some herbaceous and shrub vegetation within the wetland will be disturbed but preferential habitat within the nearby watercourse corridor will be left undisturbed. The Commission finds that disturbed conditions are temporary and do not pose any long-term adverse impacts to wildlife, vegetative community, and or fish habitat.

10. 6.2 WATER QUALITY

a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
b) water stagnation will neither be contributed nor caused;
c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);

e) all applicable state and local health codes shall be met;
f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
g) prevents pollution of surface water

Discussion:
The nearest perennial water course is Dead Man's Brook, located off site ~30' to the south. The surface water quality classification for Dead Man's Brook (State Waterbody ID: CT7200-29_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 references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin (7200-29) for Dead Man's Brook has a combined condition index (CCI) score of 0.24. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Dead Man's 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 limited disturbance and extensive implementation of E&S controls, the Commission finds the surface water quality of Dead Man's Brook will not be impacted from the proposed excavation activity across the subject property. The site conditions will be restored to its their current state post work, so it is expected the restoration will have limited potential in improving water quality in the off-site watercourse.

The proposed pipe invert elevation is ~31.3', which is ~5'-8' below the ground surface across the wetland area on the subject property.

It is anticipated that the excavation for the pipe will encounter groundwater. The Commission finds the applicant provides an E&S plan that includes a frac tank and silt sack dewatering system to minimize the amount of sediment transport.

11. 6.3 EROSION AND SEDIMENT
a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
e) applicable state, federal and local guidelines shall be met.

Discussion:
Due to the extensive amount of excavation 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 applicant has provided sediment and erosion controls in the project narrative which specifies the use of a single silt fence at the southern limit of disturbance and silt sack dewatering bags.

Water encountered within the excavation will be pumped out and discharged at the southern property boundary upgradient from the limit of wetland. Water will be pumped to a 1000-gallon frac tank to allow for settling. After the tank, the water will be discharged into silt sack(s) to provide further sediment capture before the wetland and offsite watercourse.

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

12. 6.4 NATURAL HABITAT STANDARDS
a) critical habitats areas,
b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;

c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
e) periods of seasonal fish runs and bird migrations shall not be impeded;
f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

Discussion:
A preliminary Staff review of current data maintained by the Natural Diversity Database (NDDB) and housed in the DEEP ezFile portal, demonstrated that no populations of State Endangered, Threatened, or Special Concern species (RCA Sec. 26-306), and no Critical Habitats have been documented within or in close proximity to the project area.

Trees, shrubs and groundcover will be removed within the excavation footprint. Excavated soil will be staged on the upgradient side of the excavation, an area of which is mostly upland. A minimum of three (3) mature trees and some of the understory within the wetlands and adjacent upland area will be removed to accommodate machinery access and to prepare the ground surface for excavation. Some of the area that is being disturbed is maintained lawn. The full scale of the vegetation removal is not fully understood because vegetation will be removed as needed at the time of equipment mobilization. Though, the site workers will make a good faith effort to minimize disturbance of vegetation outside of the excavation footprint. Much of the wetland habitat will be down gradient of E&S controls and will be left undisturbed.

The Commission finds that there will be vegetative loss of shrubs and trees within the upgradient margin of the wetland boundary and within the immediate upland. The Commission finds enough of the vegetation within the wetland will be left undisturbed to maintain the function of a healthy riparian buffer before the stream corridor of Dead Man's Brook. The Commission requires restoration of the disturbed areas with native seed mix to help establish a more robust buffer of groundcover than is currently observed. The Commission does not anticipate long-term adverse impacts to the natural habitat and riparian vegetation community from the temporary disturbance proposed with this project.

13. 6.5 DISCHARGE AND RUNOFF

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

Discussion:
The Town Engineer has determined the project to have no adverse impact on flooding, draining, erosion, or the natural carrying and water-storage capacity of the waterway. Consequently, the project will not be before the Flood and Erosion Control Board. Final grades will remain substantively the same as is currently observed across site. The Commission finds the site topography will not be altered enough to change the direction, velocity or volume of flood waters across the subject property. The Commission finds stormwater discharge and runoff patterns will remain the same as current conditions. The excavation activity does not propose to introduce impervious surface, so the Commission does not anticipate the project will diminish the capacity of wetland or watercourse to transmit or absorb flood waters.

14. 6.6 RECREATIONAL AND PUBLIC USES

e) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
f) navigable channels and or small craft navigation will not be obstructed;
g) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
h) 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-11742-23
85 Compo Road North
Assessor's Map: D11 Tax Lot: 154
Public Hearing May 17, 2023

Project Description: to install a municipal sewer mainline extension through the Town-held easement on the property.

Owner of Record: Co-Fiduciaries of the Estate of Janis T. Folsom
Applicant: Town of Westport

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-11742-23** with the following conditions:

Completion of the regulated activity shall be within FOURTEEN (14) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than NINETEEN (19) years.

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
   a. Sanitary Sewer Plan and Profile Brookside Dr- 1, Contract 75 Sewer Extension, prepared by AI Engineers, dated March 1, 2022, Scale: 1" = 20'.
17. All disturbed ground surface shall be stabilized and restored with native wetland / upland seed mix.
18. Silt fence and haybales and dewatering system shall be periodically inspected by and properly maintained by site personnel.

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: Carey
Ayes: Murphy, Carey, Davis, Lewi
Nays: 0 Abstentions: 0 Vote: 4:0:0

Work Session:

1. Receipt of applications

There were no applications to receive. The submission deadline is May 18, 2023. Mr. Kelly reported that he is aware of 9 potential applications.

2. Approval of April 19, 2023 minutes.

The April 19, 2023 minutes were approved as submitted.

Motion:	**Carey**		**Second:**	**Davis**	
Ayes:	**Carey, Davis, Lewi, Murphy**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**

3. Approval of April 14, 2023 field trip minutes.

The April 14, 2023 field trip minutes were approved as submitted.

Motion:	**Davis**		**Second:**	**Carey**	
Ayes:	**Davis, Carey, Lewi, Murphy**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**

4. **23 Bermuda Road:** Request for bond release being held for planting as required by Permit #WPL-11190-21.

Mr. Kelly reported staff inspected the site on May 11, 2023 and found that the plantings are thriving. Staff recommends release of the bond.

Motion to release the bond.

Motion:	**Carey**		**Second:**	**Murphy**	
Ayes:	**Carey, Murphy, Davis, Lewi**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**

5. Other business

a. 16 Joann Circle: Request for release of remaining bond monies.

Mr. Kelly stated the Commission allowed for a partial bond release for plantings. However, they held monies for monitoring. Staff went out for a site visit on May 9, 2023 and recommends release of the remaining bond monies.

Motion to release the remaining bond monies.

Motion:	**Murphy**		**Second:**	**Lewi**	
Ayes:	**Murphy, Lewi, Carey, Davis**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**

b. Compliance Report

Mr. Kelly highlighted the Commission received the updated Compliance Report. At this time, Mr. Hartshorne is working his way towards bringing these violations into compliance by working with the property owners.

The May 17, 2023 Public Hearing of the Westport Conservation Commission adjourned at 9:05 p.m.

Motion:	**Lewi**		**Second:**	**Davis**	
Ayes:	**Lewi, Davis, Carey, Murphy**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**