

**MINUTES
WESTPORT CONSERVATION COMMISSION
SEPTEMBER 17, 2014**

The September 17, 2014 of the Westport Conservation Commission was called to order at 7:00 p.m. in the Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

W. Fergus Porter, Chair
Pat Shea, Esq., Vice-Chair
Anna Rycenga, Secretary
Kathy Belzer
Robert Corroon
Paul Davis
John Washburn

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicky, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the September 17, 2014 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

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

Ms. Mozian stated there were two items to add to the agenda.

- 17 Woodway Lane:** Request for bond release; and
- 11 Great Marsh Road:** Request for permit amendment.

Motion to amend the agenda to include 17 Woodway Lane and 11 Great Marsh Road.

Motion:	Shea	Second:	Belzer
Ayes:	Shea, Belzer, Corroon, Davis, Porter, Rycenga, Washburn		
Nayes:	None	Abstentions:	None Vote: 7:0:0

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

1. Receipt of Applications

Ms. Mozian stated there were no applications to officially receive.

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

Ms. Mozian reported that there have been on-going sediment and erosion control inspections. Staff has responded to complaints but there were no Notices of Violation issued.

3. 21 Woodside Lane: Request by staff on behalf of Donald Miller and Michelle Bradley for issuance of administrative approvals to add a small extension to an existing deck for a hot tub in the regulated area of Stony Brook.

Ms. Krynicki reviewed a proposal for a small extension to an existing deck for a hot tub. The current survey and wetland line indicates that the work would be within the regulated area but new wetland boundary flagging indicates the deck expansion will not be within the 30-foot upland review area. Staff is waiting for a revised survey to determine if it is in the WPLO. They recommend issuance of staff level permits. Commissioners Davis and Washburn visited the site during the field trip.

Motion to allow staff issue an administrative approval for a small extension of the existing deck for a hot tub.

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Belzer, Corroon, Davis, Porter, Washburn		
Nayes:	None	Abstentions:	None Vote: 7:0:0

4. 33 Edgewater Hillside: Request by staff on behalf of Post Road Edgehill, LLC for issuance of an administrative approval for the construction of a new residence over the existing foundation. A portion of the work is proposed in the WPLO area of the Sherwood Mill Pond.

Ms. Krynicki reviewed a request for administrative approval for the construction of a new residence over the existing foundation. She stated this was a tear down and rebuild on the same footprint to be FEMA compliant. A portion of the structure is within the WPLO but mostly due to lines on the map not elevation as the as in the WPLO is higher. Staff including the Town Engineer supports a WPL/E. The Conservation Department staff is recommending a permeable driveway as the property is over 25% coverage. The house is bi-sected by the 100-year flood elevation; which they will be raising the house above. The proposal is going to ZBA for a coverage variance.

Motion to allow staff to issue a WPL/E to construct a new residence over the existing foundation with conditions.

Motion: Shea **Second:** Washburn
Ayes: Shea, Washburn, Belzer, Corroon, Davis, Porter, Rycenga
Nays: None **Abstentions:** None **Vote:** 7:0:0

5. Approval of July 16, 2014 meeting minutes.

The July 16, 2014 meeting minutes were approved as submitted.

Motion: Shea **Second:** Corroon
Ayes: Shea, Corroon, Belzer, Davis, Rycenga, Washburn
Nays: None **Abstentions:** Porter **Vote:** 6:0:1

6. Other Business

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

Motion: Shea **Second:** Corroon
Ayes: Shea, Corroon, Belzer, Davis, Porter, Rycenga, Washburn
Nays: None **Abstentions:** None **Vote:** 7:0:0

Public Hearing: 7:20 p.m. Room 201/201A.

1. 40 Burr Farms Road: Application #IWW/M-9822-14 by Scott M Silverman to amend wetland boundary map #F11.

Scott Silverman presented the application to amend wetland boundary map #F11. The line was flagged by soil scientist, Mary Jaehnig.

Ms. Krynicki stated the line was verified by soil scientist, Tom Pietras. Both soil scientists agreed on the wetland boundary delineation.

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

Motion: Shea **Second:** Rycenga
Ayes: Shea, Rycenga, Belzer, Corroon, Davis, Porter, Washburn
Nays: None **Abstentions:** None **Vote:** 7:0:0

Findings
40 Burr Farms Road
#IWW/M 9822-14

- 1. Application Request:** Applicant is requesting an amendment for wetland boundary map #F-11
- 2. Soil Scientist for Applicant:** Mary Jahng of Pfizer-Jahng Environmental Consulting
- 3. Soil Scientist for the Town of Westport:** Tom Pietras of Pietras Environmental Group, LLC
- 4. Plan reviewed:** "Existing Conditions Plot Plan Prepared for Scott M. & Robin Silverman, 40 Burr Farms Road, Westport, Connecticut", Scale: 1" = 30', dated June 16, 2014, prepared by Leonard Surveyors, LLC
- 5. Wetlands Description**

Soil report Summary- prepared by Mary Jahnig dated May 27, 2014 describes the following wetland soil occurring on the property:

The driveway crosses an intermittent watercourse that flows to the south. The watercourse is a tributary to Muddy Brook. The edge of the watercourse and associated wetland were flagged on both sides of the watercourse.

The wetlands soils on the subject property consist of **Ridgebury** fine sandy loams (Rn).

Ridgebury fine sandy loams (Rn): This unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. The soils have a seasonal high watertable at or near the surface from fall to spring. The permeability of Ridgebury soils is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. Available water capacity is moderate in the soil. Runoff is slow and water is ponded on the surface of some areas. The high water table, ponding 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.

Ms. Jahnig describes the non-wetland soils as the following:

Charlton fine sandy loam (Cf).

Charlton very stony fine sandy loam, 8-15 percent slopes (ChC): This soil unit consists of sloping, well drained soil is on hills and ridges. Stones and boulders cover 1 to 5 percent of the surface. The permeability of the Charlton soil is moderate or moderately rapid. Runoff is rapid, and available water capacity is moderate. The soil dries out and warms up early in spring. It is very strongly acid to medium acid. The hazard to erosion is severe. Most areas of this soil are wooded. Some of the acreage is used for pasture. Slope and the stones and boulders on the surface limit this soil for community development. Slope makes careful design and installation of onsite septic systems necessary to prevent effluent from seeping to the surface.

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

- a. The property supports a 3 bedroom home built in 1954.
 - b. The property is serviced by public water and an on-site septic system.
 - c. Property is outside aquifer protection zones and not within the primary groundwater recharge areas.
 - d. Property is not within the Coastal Area Management zones.
 - e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as an intermittent streamside floodplain with a perimeter wooded swamp. The perimeter of this wetland system is developed residentially.
 - f. The wetland system is hydraulically connected to a named watercourse.
 - g. The WPLO boundary will be 15' from the wetland boundary.
 - h. Landscape position of the residence is a backslope. Land surface shape is convex/linear.
7. The Town of Westport retained the services of Tom Pietras of Pietras Environmental Group, LLC to review the proposed wetland boundary. In a letter dated August 1, 2014, Tom Pietras states he agrees with the proposed wetland boundary as delineated by Mary Jahnig of Pfizer-Jahnig.

Resolution
Application #IWW/M-9822-14
40 Burr Farms Road

The Conservation Commission resolves to **APPROVE** Application #IWW/M-9822-14 by Scott and Robin Silverman to amend the wetland boundary on Map #F-11 on the property identified as 40 Burr Farms Road with the following conditions:

1. Conformance to the plan entitled: "Existing Conditions Plot Plan Prepared for Scott M. & Robin Silverman, 40 Burr Farms Road, Westport, Connecticut", Scale: 1" = 30', dated June 16, 2014, prepared by Leonard Surveyors, LLC
2. An electronic file of the above referenced plan in a format acceptable to the Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. 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: Rycenga

Second: Shea

Ayes: Rycenga, Shea, Porter, Washburn, Belzer, Corroon, Davis

Nays: 0

Abstentions: 0

Votes: 7:0:0

2. **325, 333, & 335 Post Road West:** Application #IWW,WPL-9844-14 by Barr Associates LLC on behalf of 325 PRW LLC, 333 PRW LLC & 335 PRW LLC to request the amendment of IWW,WPL-9763-14 for 333 & 335 Post Road West to allow for the merger of 325 Post Road West with 333 & 335 Post Road West; the demolition of the building on 325 Post Road West; and the construction of a parking lot and associated drainage improvements on 325 Post Road West to be located outside the IWW upland review area and WPLO boundary.

Ms. Mozian incorporated the file contents of Application IWW,WPL-9763-14 into the record.

Mr. Porter and Ms. Belzer recused themselves from hearing this application as they did not familiarize themselves with the previous record.

Ms. Rycenga read a disclosure into the record stating she had worked with the site engineer, Manny Silva, PE in her capacity as ZEO in Oxford but she believe it was not necessary for her to recuse herself.

Mel Barr presented the application. He explained that subsequent to the decision of 333-335 Post Road West decision, the applicant took possession of 325 Post Road West and now wants to merge the properties. Because of the property merger, the Town Attorney advised the applicant to return to the Commission. If the lots had not been merged, it would have been eligible for Administrative Approvals. There are no wetlands or watercourses on 325 Post Road West. The wetlands on 333 Post West are about 70 feet away and the proposed parking lot on 325 Post Road would be outside the upland review area. No runoff from 325 Post Road West is expected to flow onto the wetland on 333 Post Road West. The proposed drainage includes stormwater galleries with swirl separators to capture sediments. He noted the existing drainage system was inspected by the Town and is in working order. The staff report notes water quality will be improved and the sediment and erosion controls are adequate. He stated the applicant is amenable to the conditions recommended in the staff report.

Mr. Washburn asked for clarification of how the runoff from 325 Post Road West will not flow onto 333 Post Road West since it is higher.

Manny Silva, PE, described the grading and drainage plan. He noted that where the two parking lots come together there will be a "speed hump" and landscape island, which will block the flow. He added that 1400 s.f. of runoff from 333 Post Road West will be diverted onto 325 Post Road West for a reduction of 3.7%. They propose an additional 75 s.f. of galleries on 325 Post Road West to what already exists. The soils are gravelly and sandy. The existing 33 lf of galleries are well functioning. A

downstream defender and hooded catchbasins with 3-foot sumps will also be added for water quality. These will have to be maintained. He noted there will only be one driveway used for all three sites rather than the three driveways that are there now.

Mr. Silva noted there would be a 71% reduction in runoff at 325 Post Road West in a 25 year storm, a 3.7% reduction in runoff at 333 Post Road West, and a 59% reduction in runoff at 335 Post Road West. The Maintenance Schedule is included on the plans. The property manager is responsible for executing it.

Ms. Mozian noted that the Flood Board conditions require the Maintenance Plan be filed on the Land Records.

Ms. Rycenga suggested that a log book be kept on-site and be made available for inspection by Town officials.

Steve Nevas, atty., representing Steve Storfer of 41 Kings Highway South, stated his client's property floods and he feels that it is being caused, in part, by this property.

Ms. Mozian showed the Town wetland map with topography.

Ms. Krynicki discussed the neighborhood drainage patterns showing that Dr. Storfer's property is receiving runoff from several directions.

Mr. Nevas expressed concern with the runoff on 333 Post Road West. He stated there have been no calculations submitted on how that runoff will be handled other than being diverted to a detention basin that has been converted to a wetland. They would like to see that area deepened but have been told by staff that this is not part of the application and would not be approved.

Ms. Rycenga stated that the Commission recommended at the last hearing that his client hire a professional engineer to review the drainage calculations.

Mr. Nevas stated raised the issue with the Flood Board but the application was still approved.

Mr. Silva responded. He submitted drainage calculations for 333 Post Road West. He noted these were also submitted to the Flood and Erosion Control Board at its meeting. Mr. Storfer's engineer, Dainius Virbickas, also received a copy. Mr. Silva submitted an e-mail dated 9/17/14 from Mr. Virbickas addressing the proposed grading.

Mr. Nevas objected to Mr. Silva being in contact with his engineer and making comments about his agreement with the proposed plans.

Ms. Shea stated that there is a reduction in runoff and this has not been contradicted by expert testimony. The only change in the application from the previous one is that 325 Post Road West has been merged with the parcel, which does not have wetlands.

Mr. Washburn offered that that 325 Post Road West will not be adding more water onto the site and will actually be a decrease in runoff.

Ms. Mozian referred to the Flood Board minutes where these issues were addressed. She added that she also heard that the Town Engineer offered to investigate Mr. Storfer's property.

Mr. Barr confirmed that this occurred at the Flood Board meeting. This proposal has thus far been deemed an improvement to what is currently there.

Ms. Shea highlighted some of the passages in the Flood Board minutes.

Mr. Washburn concurred that if nothing was done that the flooding problem would remain. He stated that what he understands from the evidence is that if this project is implemented, conditions will improve.

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

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Corroon, Davis, Washburn		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

Findings

Application # IWW, WPL 9844-14
325-335 st Road West

1. **Receipt Date:** September 17, 2014
2. **Application Classification:** Summary
3. **Application Request:** For the amendment of IWW,WPL 9763-14 for 333 and 335 Post Road West to allow for the merger of 325 Post Road West with 333 and 335 Post Road West; the demolition of the building at 325 Post Road West and the construction of a parking lot and associated drainage improvements to be located outside the IWW upland review area and the WPLO boundary.
4. **Plans Reviewed:**
 - a) "Demolition Plan Medical Arts Building (Sheet SP-0), 325, 333 and 335 Post Road West, Westport, CT", Scale: 1" = 20', dated January 13, 2014 and last revised to May 1, 2014, prepared by Rose Tiso & Co.
 - b) "Site Plan Medical Arts Building (Sheet SP-1), 325, 333 and 335 Post Road West, Westport, CT", Scale: 1" = 20', dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - c) "Grading Plan Medical Arts Building (Sheet SP-2), 325, 333 and 335 Post Road West, Westport, CT", Scale: 1" = 20', dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - d) "Erosion-Control Plan Medical Arts Building (Sheet SP-3), 325, 333 and 335 Post Road West, Westport, CT", Scale: 1" = 20', dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - e) "Details Plan Medical Arts Building (Sheet SP-4), 325, 333 and 335 Post Road West, Westport, CT", dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - f) "Details Plan Medical Arts Building (Sheet SP-5), 325, 333 and 335 Post Road West, Westport, CT", dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - g) "Details Plan Medical Arts Building (Sheet SP-6), 325, 333 and 335 Post Road West, Westport, CT", dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - h) "Landscape Plan, Sheet LP-1.0, 333 Post Road West, Westport, Connecticut", Scale: 1" = 20', dated February 12, 2014 and last revised to August 7, 2014, prepared by Wesley Stout Associates
 - i) "Landscape Details, Sheet LP-2.0, 333 Post Road West, Westport, Connecticut", Scale: 1" = 20', dated February 12, 2014 and last revised to August 7, 2014, prepared by Wesley Stout Associates
5. **Reports Reviewed:**
 - a) Site Engineering Design Report, Proposed Parking Lot 325 Post Road West, Westport, Connecticut, Job No. 1743, Prepared for 333 PRW, LLC, dated May 20, 2014, prepared by Rose Tiso & Co. LLC

6. Property description and facts relative to this application: Wetlands and Watercourses occur on southern boundary of 333 and 335 Post Road West. The wetland boundary was verified by the Town's Consultant, Beth Evans of Evans Associates. A map amendment application #IWW/M 9620-13 was approved by the Conservation Commission on November 20, 2013. A subsequent report dated March 7, 2014 prepared by Otto R. Theall of Soil & Wetland Science, LLC states that an investigation of the soils on the property located at 325 Post Road West was conducted and that no wetlands or watercourses were found on this property.

7. Soils Description:

Two Soil Reports Summary- prepared by Otto R. Theall of Soil & Wetland Science, LLC describes the following wetland and non-wetland soils occurring on the property identified as 325, 333 and 335 Post Road West:

Ridgebury, Leicester and Whitman soils, extremely stony (3)

Mr. Theall describes the non-wetland soils as described by the National Resources Conservation Service by the following:

Udorthents-Urban land complex (308), Charlton and Canton soils (60), and Udorthents, smoother (308).

- The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes the wetland on 333 and 335 Post Road West as "streamside floodplain, with an intermittent watercourse and a wooded swamp present."
 - Landscape position of this parcel is a backslope and land surface shape is linear/linear.
 - The FEMA maps indicate that the property is not located within the 100 year floodplain.
 - The Waterway Protection Line occurs 15' from the wetland boundary on the properties at 333 and 335 Post Road West.
 - Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
 - Property does not exist within the Coastal Areas Management Zone.
- 8. Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations**
- 6.1 GENERAL STANDARDS**
- a) disturbance and pollution are minimized;
 - b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
 - c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
 - d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
 - e) maintain conservation, economic, recreational and aesthetic qualities;
 - f) consider historical sites

The Commission finds the focus of this narrative is for the activities on 325 Post Road West as the previously approved application **IWW,WPL 9763-14** approved the proposed activities on 333 and 335 Post Road West.

All proposed activities are located outside the IWW upland review area setbacks and the WPLO as well as there is no direct drainage or grading connection to the adjacent retention pond.

All work proposed is within areas of existing site improvements.

No vegetation removal is proposed for this project.

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, pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- d. all applicable state and local health codes shall be met;
- e. 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;
- f. prevents pollution of surface water

The Commission finds the primary functions provided by the wetlands include groundwater discharge, flood flow control, sediment retention, nutrient removal/retention and transformation and storm water runoff. The proposed activities as proposed on 333 and 335 Post Road West will result in improved water quality provided by the proposed swirl concentrator which removes sediments and other pollutants from storm water proposed bioswale that further filters storm water runoff. These treatment methods also reduce thermal pollution.

The proposed activities on 325 Post Road West will not have a surface flow connection to the adjacent wetland. The Commission finds the storm water runoff will be retained in the subsurface and will not adversely impact the wetlands and/or vegetation.

An extensive replanting and screening plan includes new plantings within and immediately adjacent to the wetland boundaries. These plantings as stated above will further filter and polish the storm water from 333-335 Post Road West.

The Commission finds the proposed rain garden (biofiltration area) should have certification upon completion by the design engineer that all specifications and requirements have been met as was previously approved by the Commission for activities on 333 and 335 Post Road West.

An existing septic system in close proximity to the wetlands will be abandoned.

On May 1, 2014, Alicia Mozian received an e mail from Dick Harris, Director of Harbor Watch of Earthplace, The Nature Discovery Center. He had reviewed the testing data submitted from George Logan of Rema. His statement indicated he would like to see nitrogen and particularly phosphorus testing based on the presence of an algae bloom but he stated from the results of the testing, "it looked like a wetland in good shape".

A septic system abandonment permit will be required from the Westport Weston Health District.

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.

The Commission finds the erosion and sediment controls should be concentrated along the southerly property boundaries of 325, 333 and 335 Post Road West and will be installed prior to any site disturbance.

A permanent maintenance schedule for all proposed and existing on site proposed drainage structures is a permit condition.

The Commission finds the plan as submitted and designed is adequate if controls are maintained and anti-tracking pad replenished as necessary.

6.4 NATURAL HABITAT STANDARDS

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

The Commission finds per an Environmental Assessment as conducted by Environmental Land Solutions, LLC on March 14, 2014, wildlife species as identified within the wetlands will be typically of common wildlife species that are adapted to the urban landscape and small woodland tracts.

In addition, a review of the online CT DEEP Natural Diversity Data Base (NDDDB) map of December 2013 indicates that the site lies outside of any delineated State and Federal Listed Species & Significant Natural Communities known by DEEP.

The Commission finds additional plantings are proposed within and adjacent to the regulated areas to provide the opportunity for increased habitat.

Storm water retention will mitigate thermal pollution and additional screening material will lessen light and visual interference.

The Commission finds that this project will not impact the existing natural habitats of the adjacent wetlands.

The applicant has proposed to engage in the removal of the invasive species in the wetland area.

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

Peter Ratkiewich, Town Engineer, has reviewed the drainage design submitted for 325 Post Road West as this application is focusing on the additional site improvements and drainage proposed on that parcel. This portion of the project meets town standards.

He adds the approach for drainage on #325 is similar to that which was proposed on 333-335 Post Road West. The drainage calculations are conservative in that they model the existing condition as open meadow when it is in fact impervious. In addition, they do not take advantage of discharge to infiltration. The Applicants' Engineer has included in the model both the actual site conditions and the assumed site conditions for design purposes. The calculations indicate the flow rate on #325 Post Road West will be reduced by 69.5% over the actual current discharge. In addition, soil and perc test results indicate that there will be significant percolation into the soils in the proposed system. As added infiltration, an existing subsurface drainage system will serve as an overflow for the proposed drainage system.

The Flood and Erosion Board has approved this project with conditions on September 3, 2014.

6.6 RECREATIONAL AND PUBLIC USES

The Commission finds there will be no adverse impact to recreational and public uses.

Waterway Protection Line Ordinance

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

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

Test hole data witnessed by the Engineering Department and submitted by the applicant shows that all proposed drainage structures will be sufficient for volume storage, detention and treatment to occur.

No work will be occurring within the wetlands and watercourses, no vegetation removal is proposed.

For the reasons enumerated above, the Commission finds the proposal as presented will not have an adverse impact on the preservation of the natural resources as protected by the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL 9844-14

Street Address: 325, 333 & 335 Post Road West
Assessor's: Map B 07 Lot 032, 033 and 034
Date of Resolution: September 17, 2014

Project Description: For the amendment of IWW,WPL 9763-14 for 333 and 335 Post Road West to allow for the merger of 325 Post Road West with 333 and 335 Post Road West; the demolition of the building at 325 Post Road West and the construction of a parking lot and associated drainage improvements to be located outside the IWW upland review area and the WPLO boundary.

Owner of Record: 333 PRW LLC and 335 PRW LLC

Applicant: Barr Associates 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 9844-14** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) 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 TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.

13. 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.
14. 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.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
16. Conformance to the conditions of the Flood and Erosion Control Board of September 3, 2014.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the following plans:
 - a) "Demolition Plan Medical Arts Building (Sheet SP-0), 325, 333 and 335 Post Road West, Westport, CT", Scale: 1" = 20', dated January 13, 2014 and last revised to May 1, 2014, prepared by Rose Tiso & Co.
 - b) "Site Plan Medical Arts Building (Sheet SP-1), 325, 333 and 335 Post Road West, Westport, CT", Scale: 1" = 20', dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - c) "Grading Plan Medical Arts Building (Sheet SP-2), 325, 333 and 335 Post Road West, Westport, CT", Scale: 1" = 20', dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - d) "Erosion-Control Plan Medical Arts Building (Sheet SP-3), 325, 333 and 335 Post Road West, Westport, CT", Scale: 1" = 20', dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - e) "Details Plan Medical Arts Building (Sheet SP-4), 325, 333 and 335 Post Road West, Westport, CT", dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - f) "Details Plan Medical Arts Building (Sheet SP-5), 325, 333 and 335 Post Road West, Westport, CT", dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - g) "Details Plan Medical Arts Building (Sheet SP-6), 325, 333 and 335 Post Road West, Westport, CT", dated January 13, 2014 and last revised to August 7, 2014, prepared by Rose Tiso & Co.
 - h) "Landscape Plan, Sheet LP-1.0, 333 Post Road West, Westport, Connecticut", Scale: 1" = 20', dated February 12, 2014 and last revised to August 7, 2014, prepared by Wesley Stout Associates
 - i) "Landscape Details, Sheet LP-2.0, 333 Post Road West, Westport, Connecticut", Scale: 1" = 20', dated February 12, 2014 and last revised to August 7, 2014, prepared by Wesley Stout Associates
18. The permanent maintenance schedule on Sheet SP-2 dated January 13, 2014 last revised to August 7, 2014 for all drainage structures shall be prepared by the site engineer and submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. Said plan to be recorded on the Westport Land Records. A log book recording compliance with the maintenance schedule shall be held on site and made available for reviewing by Town Officials.
19. All catch basins existing and proposed on all properties shall be provided with 3 ft minimum sediment sumps and traps. Certification by site engineer for these installations shall be provided to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

20. The stands of knotweed shall be removed from the wetland buffer by a landscape professional using the method of hand pulling and the select use of an herbicide. Minor landscape debris is to be removed from the wetland and upland review area near the southwest corner of the site upon inspection by the Conservation Department.
21. Vegetation to include native, invasive, shrubs and trees within regulated wetland areas shall remain unless removal authorization is granted by the Conservation Department. Installation of proposed plantings as indicated on the landscape plan by Wesley Stout Associates, as referenced above, shall be completed prior to the issuance of a Conservation Certificate of Compliance.
22. The proposed privacy fence on the southerly property boundary shall be installed with a 12" clearance from grade for the free passage of water and wildlife. The fence posts shall be hand dug and secured using helical piles.
23. All proposed retaining walls shall be constructed first and prior to the placement of any proposed filling.

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: Corroon **Second:** Rycenga
Ayes: Corroon, Rycenga, Belzer, Davis, Porter, Shea, Washburn
Nayes: 0 **Abstentions:** 0 **Vote:** 7:0:0

8. 4 Victoria Lane, 14 Charcoal Hill Road, 127 Beachside Avenue, 40 Silent Grove North, 8 North Sasco Common, 20 Timber Lane, 75 Patrick Road, 4 Gonzcy Road, 22 Jennie Lane, 38 Marion Road, 1 Terhune Drive, 1 Plunket Place, 31 Hermit Lane, 11 Sprucewood Lane, and 9 Daniel Court: Application #IWW/M-9826-14 by the Town of Westport on behalf of Phillip Bowman, Milton Development, Trevor & Elizabeth Janis, Rex Investment LLC, Paul & Janet Bradshaw, Mark & Megan Edwards, Dwell LLC, Cindy Jiang, Tomas Brothers LLC, Jason & Nicole Abromowitz, Bradley Agar, Mattera Construction, Matthew & Gery Grove, Keith Brunetti, and Charles Pennington & Susan Zhang, respectively, to amend wetland boundary maps #E13, E15, I06, F14, I10, E11, A11, D06, D05, B08, F12, G11, B15, H11, and G14, respectively.

Ms. Shea disclosed that she sold the house to the current owner of 4 Gonzcy Road. She did not recuse herself from hearing this application.

Ms. Krynicky presented the application to amend multiple wetland boundary maps. Soil scientists have flagged the lines. Most were done in conjunction with submitted permit applications. Staff confirmed the wetland boundaries.

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

Motion: Rycenga **Second:** Porter
Ayes: Rycenga, Porter, Belzer, Corroon, Davis, Shea, Washburn
Nayes: None **Abstentions:** None **Vote:** 7:0:0

FINDINGS AND RESOLUTION
Application #IWW/M 9826-14
September 17, 2014

4 Victoria Lane, 14 Charcoal Hill Road, 127 Beachside Avenue, 40 Silent Grove North, 8 North Sasco Common, 20 Timber Lane, 75 Partrick Road, 4 Gonczy Road, 22 Jennie Lane, 38 Marion Road, 1 Terhune Drive, 1 Plunkett Place, 31 Hermit Lane, 11 Sprucewood Lane, 9 Daniel Court

WHEREAS, the applicants have retained a certified soil scientist to flag the wetland boundary, have submitted the soils report and sketch to the Conservation Department along with a survey plan depicting the flagged wetland line to which staff has confirmed the boundary as flagged in the field, the Commission finds the following:

1. The plan and application material submissions meet that which is required by Section 8.0 of the "Regulations for the Protection and Preservation of Wetlands and Watercourses for the Town of Westport, Connecticut" revised to August 2004 and the Change in Policy requirements for wetland boundary amendments as adopted by the Conservation Commission effective July 1, 2012.

THEREFORE BE IT RESOLVED, The Conservation Commission resolves to APPROVE Application #IWW/M-9826-14 for the amendment of the following wetland boundary maps on the basis that any petition to revise a wetland boundary requires supporting documentation from a soil scientist that the land in question does have a poorly or very poorly drained, alluvial or floodplain soil and that all proposed boundaries as submitted and or soil type changes depicted in the field are supported by certified soil scientist on the basis of soil investigations.

1. **4 Victoria Lane:** Amendment of wetland boundary map E 13 pursuant to the boundary determination of William Kenny of William Kenny Associates LLC on April 4, 2013
2. **14 Charcoal Hill Road:** Amendment of wetland boundary map E 15 pursuant to the boundary determination of Otto Theall of Soil & Wetlands Science, LLC on November 30, 2012.
3. **127 Beachside Avenue:** Amendment of wetland boundary map I 6 pursuant to the boundary determination of Otto Theall of Soil & Wetland Science, LLC on January 24, 2013.
4. **40 Silent Grove North:** Amendment of wetland boundary F 14 pursuant to the boundary determination of Otto Theall of Soil & Wetland Science LLC on March 12, 2014.
5. **8 North Sasco Common:** Amendment of wetland boundary map I 10 pursuant to the boundary determination of Jim McManus on April 8, 2013.
6. **20 Timber Lane:** Amendment of wetland boundary map E 11 pursuant to the boundary determination of William Kenny of William Kenny Associates LLC on April 4, 2013.
7. **75 Partrick Road:** Amendment of wetland boundary map A 11 pursuant to the boundary determination of Steven Danzer, PhD & Associates LLC on June 18, 2013.
8. **4 Gonczy Road:** Amendment of wetland boundary map D 6 pursuant to the boundary determination of Otto Theall of Soil & Wetland Science, LLC on October 17, 2013.
9. **22 Jennie Lane:** Amendment of wetland boundary map D 5 pursuant to the boundary determination of Aleksandra Moch, Soil & Wetland Scientist dated July 19, 2013.
10. **38 Marion Road:** Amendment of wetland map B 8 pursuant to the boundary determination of Christie Coon of Wetland Resource LLC dated December 21, 2013.
11. **1 Terhune Drive:** Amendment of wetland map F 12 pursuant to the boundary determination of Aleksandra Moch, Soil & Wetland Scientist dated March 20, 2013.
12. **1 Plunkett Place:** Amendment of wetland map G 11 pursuant to the boundary determination of Christopher Allan of LandTech dated January 24, 2014.
13. **31 Hermit Lane:** Amendment of wetland map B 15 pursuant to the boundary determination of Tom Pietras of Soil Science and Environmental Services, Inc. dated September 3, 2010.
14. **11 Sprucewood Lane:** Amendment of wetland map H 11 pursuant to the boundary determination of Otto Theall of Soil & Wetland Science LLC dated September 10, 2013.

c. Training Opportunities

Ms. Mozian reviewed upcoming training opportunities including DEEP, CACIWC Annual Meeting and NEMO Land Use Academy.

d. Proposed changes to Clean Water Act.

Ms. Mozian noted there are proposed changes to the Clean Water Act that would clarify and expand the definition of a watercourse. The Commissioners decided they will act individually rather than as a group.

The September 17, 2014 Public Hearing of the Westport Conservation Commission adjourned at 9:20 p.m.

Motion:	Porter	Second:	Corroon
Ayes:	Porter, Corroon, Belzer, Davis, Rycenga, Shea, Washburn		
Nays:	None	Abstentions:	None
		Vote:	7:0:0