

**MINUTES  
WESTPORT CONSERVATION COMMISSION  
DECEMBER 10, 2014**

The December 10, 2014 of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201 of the Westport Town Hall.

**ATTENDANCE**

**Commission Members:**

W. Fergus Porter, Chair  
Anna Rycenga, Secretary  
Robert Corroon  
Paul Davis, Alternate  
John Washburn

**Staff Members:**

Alicia Mozian, Conservation Department Director  
Lynne Krynicky, Conservation Analyst  
Peter Ratkiewich, P.E., Town Engineer

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the December 10, 2014 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian  
Conservation Department Director





#### 4. Previous applications for this property:

IWW,WPL 9761-14 For the demolition of two structures and the construction of a two story commercial building, surface parking and associated site improvements.

#### 5. Plans Reviewed:

- a) "Site Development Plan Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-1, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
- b) "Grading & Utility Plan Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-2, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
- c) "Sediment & Erosion Control Plan Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-3, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
- d) "Site Removals Plan & Truck Turning Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-4, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
- e) "CT DOT Plan Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-5, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
- f) "CT DOT Details Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-6, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
- g) "Cross Sections Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-7, Scale: 1"= 30', dated October 16, 2014, prepared by Redniss & Mead
- h) "Notes and Storm & Sanitary Structure Information Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-8, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead.
- i) "Details Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheets SE-9, and SE-11, dated October 16, 2014 and last revised to November 25, 2014, and Sheet SE-10 dated October 16, 2014 prepared by Redniss & Mead
- j) Property and Topographic Survey Depicting 1135 Post Road East, Geiger's Garden Center, Westport, Connecticut Prepared for 1135 Post Road East LLC", Scale: 1" = 30', dated April 11, 2014, prepared by Redniss & Mead
- k) "Planting Plan Prepared for Coastal Construction Group, 1135 Post Road East, Westport, Connecticut", dated October 15, 2014 and last revised to November 26, 2014, prepared by William Kenny Associates, LLC

#### 6. Property description and facts relative to this application:

Wetlands and Watercourses do not occur on the subject property. The Town of Westport wetland maps indicate a wetland associated with Muddy Brook is present on the south side of Post Road East approximately 85' from the subject site southerly property boundary. The overflow drainage from the site will enter the Town drainage system in Post Road East and subsequently the adjacent brook and wetland system and therefore the reason for this review.

- a. Wetlands Inventory Study Description prepared by Flaherty Giavara Associates, P.C. June 1983, indicate the wetlands occurring off site as a "streamside floodplain, marsh and wooded swamp surrounded by 100% residential."
- b. Property is outside Coastal Area Management zones.
- c. The property is currently being used as a Garden Center and Landscaper's yard. Existing improvements include two wooden buildings, a green house, paved parking and drives and various storage areas for landscape stock and vehicles. The total impervious coverage on the property is currently 1.11± acres or 55%. However, given the existing subgrade impervious soil

- conditions (primarily ledge) as indicated by the test pit data shown on Sheet SE-5 and other site disturbances, it can be assumed that the property acts as though it is fully impervious.
- d. Proposed coverage is estimated to be reduced to 45,244 s.f. or 51%.
  - e. The wetland areas directly across the Post Rd as observed by staff appear to be high functioning areas for groundwater discharge and a floodplain. It can be assumed that the wetlands support a diversity and abundance of wetland flora and fauna.
  - f. A portion of the property falls within the 100 year floodplain at Elevation 31 ft.
  - g. The WPLO boundary is established 15ft off of the 25 year floodplain boundary.

## 7. 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

All proposed site work and proposed building work will be located outside the 75' IWW upland review area for commercial activity. However, the overflow from the site drainage will enter the wetland system through a culvert under Post Road East. The drainage calculations submitted for the review represents a full build out of the property including a proposed bank plus residential and commercial construction on the north end of the property.

The proposed site improvements and drainage attempt to improve the quality of the runoff leaving the property and reduce the volume and rate of runoff as it exits the parcel. The majority of the impervious coverage from the property will be treated in the infiltration system. This is located in the southern end of the site as that is the only location where soil conditions allow for infiltration. All runoff will be collected in the catch basins with two foot sumps and bell traps to ensure sediment, oil and other floatables do not enter into the infiltration systems.

The proposed bank building will be designed to be FEMA compliant with the first floor elevation to be at elevation 32.5'. Zone AE has a 100 year flood elevation calculated at 31.0'. All other structures will be located outside the 100 year floodplain.

Three landscaped areas are proposed which mainly serve for aesthetics and to satisfy the P&Z's commercially zoned landscape regulations. The Commission finds that any storm water that infiltrates these areas will benefit from the nutrient removal the plants and soil will afford.

### 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

In order to determine that an activity will not have significant impact or major effect on water quality in wetlands and watercourses, the Commission shall, as applicable, find that: water pollution which will unduly affect the fauna, flora, physical or chemical nature of the regulated area, or the propagation and habitats of fish and wildlife will not result and secondly; pollution of the groundwater or a significant aquifer will not result. Staff advised the Commission in the process of the first review and public hearing

that without the appropriate environmental data, this determination of impact on water quality could not be made.

Data collected by Harbor Watch between 2006 and 2013 shows elevated levels of total nitrogen and sporadic high levels of e coli in Muddy Brook downgradient of Geigers Home and Garden Center. Due to the existing use of the subject parcel and a sports field of an adjacent elementary school, Harbor Watch was unable to identify a sole source of the nitrogen.

The majority of the water quality of the storm water runoff is proposed to be achieved through subsurface infiltration. The Commission finds a planting plan has been submitted which is proposed to help contribute to infiltration and renovation of surface storm water runoff reaching these smaller isolated areas and increasing the amount of pervious surface on this parcel.

All catch basins are proposed to have a minimum of 24" sumps and bell traps.

The proposed project will not impact the floodway boundary and the proposed building will be FEMA compliant.

Property is serviced by municipal sewer.

The Commission finds the drainage calculations show that the proposed site improvements will create a reduction in both peak flow and volume of runoff from the site.

### 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.

A comprehensive Erosion and Sediment Control Plan has been prepared for the project construction as well as a Construction Sequence narrative.

Silt fencing, sediment filter for stock piles, construction entrance, sediment filter for the catch basins and tree protection are provided. The plan as submitted appears to be adequate if controls are maintained and anti-tracking pad replenished as necessary.

Additional filters in the catch basins on the Post Road were required by the Flood and Erosion Control Board pending permission from the State D.O.T.

In a report dated November 7, 2014, the Southwest Conservation District completed a review of the site plan dated October 16, 2014 and the Phase II Report of Mountain Laurel Environmental dated October 14, 2014. It is recommended that temporary sediment basins be utilized as well as biofiltration and LID components in the drainage system.

In two reports from Peter Ratkiewicz, Town Engineer, dated November 18, 2014 and November 26, 2014, he addresses the storm water retention and water quality treatment methods as proposed by the applicant and as recommended by Roman Mrozinski of the Southwest Conservation District.

In this first report dated November 18, 2014, Mr. Ratkiewicz stated that while rain gardens and wet swales are a commendable goal, and are encouraged where feasible, they are not codified or required in any regulations of the Town of Westport and can be problematic on a constrained commercial site.

He added that while Low Impact development is a concept that may be attainable on some sites, it is not part of the Westport Planning and Zoning Regulations, nor part of the Inland Wetlands regulations, nor part of the Waterway Protection Lines Ordinance. The developer has designed a comprehensive plan using accepted methodology, guided by the Planning and Zoning Regulations in their current form.

In the second memo, dated November 26, 2014, he states that there are many different ways to handle S&E controls during construction. Removal of fine sediment can be handled with surface collection and discharge into temporary surface settlement basins if necessary. Sediment bags can be used effectively to filter sediments out of the construction storm water discharge. Construction can be phased to limit the amount of exposed earth and physical applications of hay matting, hydroseeding or temporary stabilization fabrics can be utilized to reduce the exposed areas immediately after regarding. Staff has the

ability to require the developer take other measures to stabilize the site if the initial S&E controls are not working.

It is the opinion of Mr. Ratkiewich that the methodology as proposed by the South West Conservation District would be more appropriate on a site that is much larger and that has areas in which a large open sediment pit can be constructed without interfering with the actual development.

Dave Ginter, of Redniss and Mead responded to the comments raised during the initial hearing on November 19, 2016. Plan revisions include creating two isolator rows within the infiltration system which will remain permanently in the infiltration system post construction as an additional pre-treatment device. Water bars have been added at the construction entrance from Morningside Drive North and three at the construction entrance from Post Road East. The construction entrance will be used during construction of the bank only and be closed during the rest of construction.

#### **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 this project will not impact natural habitats of the adjacent wetlands.

#### **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

The existing site provides no formal drainage structures. The Commission finds the statement by the Town Engineer indicates there will be no effect on the waterway nor the floodway of Muddy Brook from the proposed conditions has been verified by the Flood and Erosion Control Board. A portion of the building is within the 100 yr floodplain. The Commission finds the site plan indicates the finished floor elevation will be above the 100 year flood elevation and building plans will need to be submitted to verify conformance to the town's floodplain regulations prior to the issuance of a zoning permit.

The Commission finds there will be a reduction in the runoff generated from this site and therefore the velocity and volume of flood waters both into and out of the wetlands and watercourses will not be adversely impacted. The submitted drainage calculations show that proposed grading will not have any adverse impacts to the neighboring properties.

The Flood and Erosion Control Board approved this project with conditions on November 5, 2014. One of the conditions requires filters to be installed in the catch basins within the state right-of-way on Post Road East contingent upon state approval. The Commission finds that a storm water maintenance plan be prepared by the site engineer and submitted for review and approval prior to issuance of a Certificate of Compliance.

#### **6.6 RECREATIONAL AND PUBLIC USES**

There should 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.”

On this particular property the WPLO boundary is established 15 ft from the 25 yr floodplain boundary. The proposed buildings for the project are located outside the WPLO, however, drainage appurtenances and driveway improvements are within the boundary as well as runoff from the site development is proposed to discharge to Muddy Brook.

It is anticipated that the proposed project will be FEMA compliant and will not impact the floodway and/or flood heights of Muddy Brook.

The unanswered question from the first application review of this parcel #IWW,WPL 9761-14 stemmed from the site's history as a garden center which has been in existence at least 50 years based on aerial photos. There was a possibility that pesticides were used as well as petroleum products and given the age of the buildings, underground storage tanks may have been present. The Commission finds these concerns have been addressed and analyzed through the report by Daniel White of Mountain Laurel Environmental and Nicholas Tsacoyannis, staff for the Conservation Department. A Phase II report dated November 11, 2014 gave recommendations for consideration. Pesticides 4,4'- DDD, 4,4'- DDE and 4,4'- DDT were detected at concentrations well below Residential Direct Exposure Criteria. Nitrates were detected in one sample well below DEC-RES. Based on these results; Mountail Laurel is of the opinion that the Subject Site can be developed for residential use without the necessity for remediation. Methylene chloride was detected in the septic leach field at a concentration well below DEC-RES and most likely an artifact of the analytical process.

Excess soil from cutting and filling operations at the site will be transported off-site for disposal at an appropriate facility in accordance with State and Federal regulations.

Because of the extensive excavation required to develop the site due to the presence of shallow ledge and the proposed underground storm water drainage system, staff and the Commission were concerned during the previous application review of the proposed bank building. The concern stemmed from the possibility that pollution existed that could discharge into the proposed drainage system which then directly discharges to Muddy Brook. An investigation that would reveal subsurface environmental hazards, and in turn remediation if found, would provide a level of surety that the project as proposed will not cause water pollution, erosion and/or environmentally related hazards to life and property or have an adverse impact of the natural resources and ecosystems of the waterway as outlined in Section 30-93 of the WPL Ordinance.

On June 13, 2014 Mountain Laurel Environmental completed a Phase I Environmental Site Assessment of the property. The Mountain Laurel Phase identified two (2) Areas of Concern (AOCs). These included AOC-1 Heating Oil Underground Storage Tank and AOC-2 Septic System. The Westport Conservation Commission also expressed concern regarding several other areas. AOC-3 Current Barn, AOC-4 Proposed Underground Garage and AOC-5 Proposed Stormwater Infiltrators.

The purpose of the Phase II Environmental Site Investigation was to 1) determine if releases of the Constituents of Concern (COC's) have occurred in any of the AOC's and 2) if any such releases would impact plans for residential use of the site.

In a report dated November 11, 2014, Phase II soil analytical results identified the pesticides at concentrations well below Connecticut Department of Energy and Environmental Protection Direct Exposure Criteria for residential properties. Nitrates (fertilizer) were present in one soil sample at a

concentration well below DEC-RES. Based on these results Mountain Laurel has determined the Site can be redeveloped for residential use without the need for remediation.

Methylene chloride was detected in the septic leach field at a concentration well below DEC-RES. No other VOC's were detected; therefore Mountain Laurel is of the opinion the compound is most likely an artifact of the analytical process. Given the low concentration of Methylene chloride, Mountain Laurel also opines that the Subject Site can be developed for residential use without the necessity for remediation. Mountain Laurel further notes that excess soil from cutting and filling operations at the Site will be transported off-site for disposal at an appropriate facility in accordance with State and Federal regulations.

Nicholas Tsacoyannis, CPG, LEP and staff of the Conservation Department prepared a review of the Phase II Environmental Report and Construction Sequence dated November 17, 2014. His conclusion and recommendations are as follows:

- a) Groundwater beneath the site, if present was not investigated.
- b) AOC 1, the heating-oil underground storage tank of unknown size and construction, was not investigated, and
- c) Soil samples were not collected from beneath site buildings.

Pesticides, nitrate and methylene chloride were determined to be below the MLE calculated action level. The data gaps can be accommodated during construction activities as recommended by MLE. Groundwater if encountered during construction activities should be sampled and tested for all site compounds of concern prior to handling. The Commission finds the applicant will comply with the above referenced recommendations.

Based on the thorough environmental analysis, the extensive E&S control additions and the revised landscape plan, the Commission finds the project as proposed will not have a significant impact to Muddy Brook and 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 as protected under the Waterway Protection Line Ordinance.

**Conservation Commission**  
TOWN OF WESTPORT

**Conditions of Approval**

**Application # IWW,WPL 9895-14**  
**Street Address: 1135 Post Road East**  
**Assessor's: Map G 09 Lot 027**  
**Date of Resolution: December 10, 2014**

**Project Description:** For the proposed razing of the existing structures and constructing two, two story commercial buildings, surface parking, driveways and walkways in the southern portion of the property. Four residential buildings with underground parking garage will be constructed in the northern portion of the property. Portions of the site are within the WPLO area of Muddy Brook.

**Owner of Record:** 1135 Post Road East, LLC

**Applicant:** Redniss & Mead

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 9895-14** 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. Conformance to the Flood and Erosion Control Board Conditions of Approval of November 5, 2014.
  7. 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.
  8. 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.
  9. 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.
  10. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
  11. All plants proposed in regulated areas must be non-invasive and native to North America.
  12. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
  13. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
  14. 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.
  15. 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.
  16. A final inspection is required prior to the issuance of a Certificate of Compliance.

#### **SPECIAL CONDITIONS OF APPROVAL**

17. Conformance to the plans entitled:
  - a. "Site Development Plan Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-1, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
  - b. "Grading & Utility Plan Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-2, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
  - c. "Sediment & Erosion Control Plan Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-3, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
  - d. "Site Removals Plan & Truck Turning Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-4, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
  - e. "CT DOT Plan Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-5, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
  - f. "CT DOT Details Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-6, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead
  - g. "Cross Sections Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-7, Scale: 1"= 30', dated October 16, 2014, prepared by Redniss & Mead
  - h. "Notes and Storm & Sanitary Structure Information Depicting 1135 Post Road East, Westport, CT Prepared for 1135 Post Road East, LLC", Sheet SE-8, Scale: 1"= 30', dated October 16, 2014 and last revised to November 25, 2014, prepared by Redniss & Mead.





The Commission finds the activity will not have an adverse impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and/or decomposition?	Driveway and walkway surfaces shall remain permeable. The proposed retaining wall will assist in retaining a level area on the parcel and limit sloping topography. Subsurface infiltration is proposed to handle the runoff from the more frequent smaller storm events. Restrictive soils below infiltrators is proposed to be replaced with sand or gravel.
The Commission finds the activity will not have an adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation?	Existing conditions limit opportunity for habitat. Habitat expected should be that which is found in residential settings. Vegetative plantings of native species will be dispersed throughout the parcel as is show on the site plan entitled: "Habitat Enhancement Plan" prepared by Bill Kenny and submitted with this application. No direct impact to any waterbody or floodplain is anticipated. Construction phase of the parcel are to be monitored closely to assure sediment deposition in roadways does not become problematic.

**Issues applicable to all applications:**

Stormwater management / Plans	Storm water subsurface infiltration is proposed. Test holes have been witnessed to assure water table and soil composition are acceptable for infiltration. The design indicates permeable soil will be installed beneath infiltrator units.
Grading	1-2 ft of fill will be brought into the site.
Sedimentation and Erosion Controls	Perimeter silt fence around project area recommended as well as mud-tracking pad.
FEMA Compliance	All work is proposed to meet FEMA requirements.
Water Quality Management	Subsurface infiltration is proposed for storm water runoff.

**GENERAL notes and Comments:**

The Commission finds the project will be FEMA compliant and provide drainage for smaller storms. Parcel size and existing soil limitations draw concern for proper installation and function of the storm water retention design. The Commission finds the design engineer will witness and certify the proper installation of the subsurface infiltration. This will help assure there will not be adverse impacts from this proposal as protected under the Waterway Protection Line Ordinance. Close monitoring during the construction phase is warranted for reasons enumerated above.

**Conservation Commission  
 TOWN OF WESTPORT**

**Conditions of Approval**

**Application # WPL 9896-14  
 Street Address: 122 Harbor Road  
 Assessor's: Map B 02 Lot 153  
 Date of Resolution: December 10, 2014**

**Project Description:** Construction of a new single family residence and associated site improvements. Work is within the 25 year floodplain and the WPLO area of the Saugatuck River.

**Owner of Record:** Garrett Wilson

**Applicant:** Richard Kordas

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 9896-14** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.

2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the Flood and Erosion Control Board Conditions of Approval of December 4, 2014.

#### **SPECIAL CONDITIONS OF APPROVAL**

15. Conformance to the plans entitled:
  - a. "Map of Property Owned by Garrett Wilson, 122 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated November 20, 2013, prepared by Land Surveying Services, LLC
  - b. "Improvement Location Survey Prepared for by Garrett Wilson, 122 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated November 20, 2013, prepared by Land Surveying Services, LLC
  - c. "Habitat Enhancement Plan, Location: 122 Harbor Road, Westport, Connecticut, Owner/Applicant Garrett Wilson Builders LLC, dated October 15, 2014, prepared by William Kenny Associates LLC
  - d. Architectural Plans, New Residence for Garrett Wilson Builders, 122 Harbor Road, Westport, CT (7 sheets), prepared by Donald William Fairbanks Architect, P.C.
16. Excess excavated soil shall be removed from site and properly disposed.
17. Identification of the origin of the source of the fill material shall be supplied to the Conservation Department prior to the issuance of a Zoning permit. The contractor and/or owners shall certify to the Conservation Department that the fill used on the property is free of hazardous wastes and/or chemicals prior to the issuance of a Conservation Certificate of Compliance
18. Project engineer to witness installation of drainage appurtenances and certify it meets the proposed design standards prior to the issuance of a Conservation Certificate of Compliance.
19. A performance bond to cover the cost of the plantings and the sediment and erosion controls shall be

posted with the Conservation Department prior to the issuance of a zoning permit.

20. Submission of a patio construction detail and cross section to assure permeability shall be submitted to the Conservation Department prior to the issuance of a Zoning permit.
21. Driveways and patios shall remain pervious in perpetuity with said restriction placed on the Land Records 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:** Porter

**Ayes:** Davis, Rycenga, Porter, Corroon, Washburn

**Nayes:** 0

**Abstentions:** 0

**Votes:** 5:0:0



3. **29 Compo Beach Road:** Application #WPL-9914-14 by Juan P Paredes, PE of Land-Tech Consultants on behalf of Garrett Wilson to construct a new single family dwelling, pool, gravel driveway and related utilities. Work is within the WPLO area of Gray's Creek.

Tom Ryder of Land-Tech Consultants presented the application on behalf of the property owner, Garrett Wilson. The lot is currently vacant. They are proposing a new 4 bedroom house and in-ground pool. The patio and driveway will be permeable. A third of the runoff will be directed to a cul-tec system proposed to handle drainage. Another third will go towards the road as it does now. The final third will be directed into the northeast section of the property into a raingarden. The raingarden will have a catchbasin that will then go into a pipe that will discharge into a second cul-tec system. There are flood vents proposed in the house. The combination of the raingarden and catchbasin system will handle any excess runoff. Silt fence is proposed and a stockpile area. Test pits show groundwater at 7 feet. They are digging down about 1.5 feet. There is a stand of bamboo on the site in the southwest corner, which they plan on removing. Mr. Ryder submitted revised plans dated December 8, 2014 to add bamboo removal notes and add more trees in the northeast corner. He reviewed the staff report and agreed with its findings.

Ms. Mozian noted the Flood Board's finding that the rain garden be maintained in perpetuity.

Mr. Ryder explained the raingarden's importance relative to handling drainage in the vicinity of the properties to the north and east and was a reason for maintaining the function of the raingarden in perpetuity.

Ms. Krynicki asked about the installation of the pool and the depth to groundwater

Mr. Ryder stated test pit results show that the bottom of the pool should be higher than groundwater.

Pete Ratkiewich, Town Engineer, said this was discussed at the Flood Board meeting and groundwater and dewatering is not anticipated to be a problem.

Ms. Rycenga asked how to ensure the raingarden is maintained.

Mr. Ryder stated maintenance every 5 years is a good rule of thumb to prevent woody vegetation from taking over.

Mr. Ratkewich cautioned establishing a specific time-frame that could be used as a precedent. Instead, a town-wide policy should be adopted so that each and every Low Impact Development (LID) imposed on a property is subject to the same regulation for maintenance.

Ms. Krynicki said the owner should be responsible for the maintenance.

Ms. Mozian said the Flood Board adopted the condition that the raingarden must be maintained in perpetuity. This should be placed on the land records to alert future property owners for the need to protect and maintain the raingarden. This would note that the rain garden is an "off limits" area.

Steve Solomon, owner of 25 Compo Beach Road, spoke about the nature of the neighborhood with very small lots. He indicated he opposes the application and encouraged the Commission to be consistent with its 2007 decision in which a pool was denied. This current proposal moves the house from the center of the lot toward the north and the pool relocated from the north to the south side of the site. He does not object to the house but does object to the pool. There are no pools in the neighborhood. He spoke of the dangers of having a pool. He is concerned with chemicals in the pool being dispersed during a flood event and that it could pop out of the ground. He felt the court upheld the decision to deny the pool in the past. He stated this is the same application just shifted.

Alison Pitkin Cox of 33 Compo Beach Road stated she did not have a problem with the house but opposed the pool. She was concerned with flooding and chlorine. Her driveway and house is close to the proposed pool.

Mr. Ryder stated they will be using bromine instead of chlorine and a diatomaceous earth filter. Also the proposed pool location was moved away from the low spot on the property in the northeast corner where it had been previously denied.

Garrett Wilson, property owner, noted there are pools in the neighborhood.

Ms. Mozian noted the Building Code requires pools to have a flood relief valve to prevent them from popping out of the ground during flooding events. She also gave a brief history of the 2007 application and subsequent appeal of that decision which the court overturned. Also, she explained that, in addition to the pool's location in a low area on the lot, the 2007 proposal had a higher total coverage which exceeded the allotted amount of 25%.

Ms. Pitkin Cox stated that this is a dense neighborhood and that it needs as much open land as possible for flood storage and infiltration.

Mr. Ratkewich, Town Engineer, spoke to the 2007 appeal. The lawsuit was not about the pool but was really about the validity of the WPLO ordinance itself. There are pools all over town in flood zones including Longshore.

Mr. Washburn spoke as a pool owner and indicated that he does not store a large amount of pool chemicals on his property.

Ms. Mozian spoke about the Standard Pool Conditions that were added by a previous Commission that speak, in part, to the storage of pool chemicals.

Ms. Krynicki said the Commission would be approving the pool location not the details. Those would be required to be submitted for review and approval by staff under a separate application.

Ms. Mozian acknowledged Ms. Cox's concerns but stated it was difficult to deny an application if it did not exceed the allowable 25% coverage under the Zoning regulations but she does generally oppose applications in flood zones proposing greater than 25% coverage because of water quality concerns.

Ms. Krynicki added that is why the Commission requires Low Impact Development standards in the plans because the watershed is already impaired.

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

<b>Motion:</b>	<b>Corroon</b>	<b>Second:</b>	<b>Davis</b>
<b>Ayes:</b>	<b>Corroon, Davis, Porter, Rycenga, Washburn</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 5:0:0</b>

**FINDINGS**  
**29 Compo Beach Road**  
**#WPL 9914-14**

**1. Application Request:**

The Applicant is requesting to construct a new single family residence with an in-ground swimming pool and patio, and stormwater drainage. The site lies within the WPLO jurisdictional boundary and the 100 year floodplain of Zone AE, Elevation 11.0'. The property is served by municipal water and sewer. Total lot area is 13,969 sq. ft or .32 acres.

Based on the submitted calculations, at completion the total lot coverage for the proposed site development proposal will be 21%.

**2. Plans reviewed:**

- a. "Improvement Location Survey Prepared for Garrett Wilson, 29 Compo Beach Road, Westport, Connecticut, Scale: 1"=10'-0", dated July 21, 2014, prepared by Land Surveying Services, LLC
- b. "Layout/Utility Plan Prepared for Garrett Wilson, 29 Compo Beach Road, Westport, CT" (Sheet C-1), Scale: 1"=10', dated October 31, 2014 and last revised to November 26, 2014, prepared by LandTech
- c. "Grading and Erosion & Sediment Control Plan Prepared for Garrett Wilson, 29 Compo Beach Road, Westport, CT" (Sheet C-2), Scale: 1"=10', dated November 6, 2014 and last revised to November 26, 2014, prepared by LandTech
- d. Architectural Plans entitled: "New Residence at 29 Compo Beach Road, Westport, CT for Garrett Wilson Builders" (4 sheets), revised to November 20, 2014, prepared by Vicente Burin Architects, LLC

**3. Facts Relative to this application:**

**a. Permits and Applications:**

**WPLO 8040-07** This application for a new single family residence was approved in part and denied in part. The residence was never built; the pool was denied. The decision was appealed in court but the court upheld the Town's decision. The pool was denied in the northeast corner of the site in order to provide more room for bioretention of nutrient runoff in the lowest area on the site and in the "immediate vicinity".

**b. WPLO:** The majority of this parcel is below elevation 9.0' and within the WPLO jurisdiction.

**c. Inland Wetlands and Watercourses:** No inland wetlands or watercourses are located at the site.

**d. Physical and Chemical Properties of the Soil:** The USDA NRCS identifies the on-site soils as Udorthents and Agawam-Urban land complex 0 to 8 percent slopes. The Udorthent soils have a watertable depth of 59" during the months of November through April. Agawam-Urban land complex watertables exceed 72". These soils do not meet hydric criteria. These soil types are suitable for building construction.

- e. **100-Year Floodplain:** The entire property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The AE 100-year base flood elevation is 11 feet above mean sea level.
- f. **Aquifer Protection Zone:** The property is not located within the Aquifer Protection Overlay Zone, but is located within the aquifer recharge area defined as fine-grained stratified drift.
- g. **Coastal Area Management Zone:** The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area".
- h. **Zoning District:** The property is located within zoning district "A" (minimum lot size 0.5 acre).
- i. **Sewage Disposal:** The property is serviced by a public sanitary sewer.
- j. **Proposed building coverage:** 15%
- k. **Historic District:** The property lies within the boundaries of the Compo/Owenoke National Historic Register. At the time the original structure was to be demolished, the Westport Historic District Commission urged the applicant to consider the historic district.

#### **4. Waterway Protection Line Ordinance:**

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

The subject property is located on the east side of Compo Beach Road. Gray's Creek and the associated tidal wetlands are to be found opposite this site and on the west side of Compo Beach Road. This site is outside the 25' tidal wetland setback as will be regulated under the Planning and Zoning Regulations. There are no inland wetlands or tidal wetlands on this property.

The original residential structure on this property has been removed and so currently this is a vacant parcel.

The Commission finds that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways primarily is limited to nutrient loading and storm water quality impacts.

Based on the topographical aspects of this parcel, storm water runoff from the proposed project will flow in a northeasterly direction and towards the tidal wetland area associated with Grey's Creek. A natural "low spot" exists in the northeasterly portion of the property. It was determined by the Commission during the previous application review for this parcel (Application #WPL 8940-07) that this portion of the lot served as a natural drainage basin for the surrounding properties as well and that it should be retained free of structures and the existing topography should not be altered. The Commission finds this application proposal accomplishes that. Proposed grading outside this drainage area directs surface runoff to a proposed rain garden located in the northerly portion of the parcel. A yard drain in the rain garden will help direct excess runoff to subsurface infiltration units in the north western corner of the property. No change in topography and/or drainage function of the existing conditions is proposed.

The Commission finds that directing the focus of attention of the plan to nutrient removal and renovation at the lowest elevation and natural drainage way in the northeasterly section of this parcel will help address water quality concerns arising from the proposed storm water runoff.

Low impact development concepts using retention and biofiltration areas in the northeast portion of the parcel will help to significantly reduce the primary nutrients (nitrogen and phosphorus) from causing the algal growth in surface waters. The two main mechanism of nitrogen retention is vegetative uptake and bacterial denitrification.

Nutrient removal due to vegetation is well documented during the summer months, however, dormant or dead plants provide less uptake of water and nutrients during the winter months and conditions are less

favorable to denitrification. Nitrogen is of most concern for this project as this is the limiting nutrient in a salt water environment.

Although vegetation has a limited role in nutrient uptake in the winter, an above ground vegetative biomass can contribute carbon to the soil microbiological community that is primarily responsible for nitrate renovation from the soil in the non-growing season. The greater the surface biomass, the greater the available carbon source. (Haycock and Pinay 1993).

Taking these factors into consideration, the Commission supports the vegetative concept for the surface sheet flow of storm water runoff. A planting buffer of herbaceous native species in conjunction with a shallow swale will contribute to retention of flows from the smaller more frequent storm events and allow for initial infiltration and for nutrient removal to occur. The applicant proposes this method of storm water treatment with an overflow to subsurface infiltration.

The roof leaders are proposed to be directed to a subsurface infiltration system located in the front of the proposed residence. As this parcel is has limited area, the Commission finds the dual method of storm water treatment with the more intense rainfall from the impervious area to be handled with subsurface structures is. The Engineering Department has reviewed and approved the drainage calculations and methods of infiltration for this application.

All driveway and patio surfaces are proposed to be constructed as pervious. Construction details have been provided on the site plan. The Commission finds that the installation of these surfaces is important for long term longevity and therefore, the design engineer should witness and certify the installation.

A perimeter silt fence for erosion control is proposed for use during construction and should provide adequate protection if it is properly maintained. A soil stockpile area needs to be identified.

As this property lies within a Coastal Flood Hazard Area as defined by the Connecticut Department of Energy and Environmental Protection, it is important to note that these areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses. Activities that could significantly increase floodwater elevations or otherwise increase flood or erosion hazards should be avoided.

The Commission supports the Planning and Zoning policy of keeping the total maximum lot coverage to 25%.

The Commission finds that with the implementation of pervious surfaces, biofiltration and subsurface infiltration of storm water, and to remain within the allowable coverage calculations of the Planning and Zoning Department, that the proposed project will not have an adverse impact to the adjacent resources as protected by the Waterway Protection Line Ordinance.

**Conservation Commission**  
TOWN OF WESTPORT

**Conditions of Approval**

**Application # WPL 9914-14**  
**Street Address:** 29 Compo Beach Road  
**Assessor's: Map D 03 Lot 011**  
**Date of Resolution: December 10, 2014**

**Project Description:** Construction of a new single family dwelling, pool, gravel driveway and related utilities. Work is within the WPLO area of Gray's Creek.

**Owner of Record:** 29 Compo Beach Road LLC

**Applicant:** Juan Paredes of LandTech

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 9914-14** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the Flood and Erosion Control Board Conditions of Approval of December 3, 2014.

#### **SPECIAL CONDITIONS OF APPROVAL**

15. Conformance to the plans entitled:
  - e. "Improvement Location Survey Prepared for Garrett Wilson, 29 Compo Beach Road, Westport, Connecticut, Scale: 1"=10'-0", dated July 21, 2014, prepared by Land Surveying Services, LLC
  - f. "Layout/Utility Plan Prepared for Garrett Wilson, 29 Compo Beach Road, Westport, CT" (Sheet C-1), Scale: 1"=10', dated October 31, 2014 and last revised to November 26, 2014, prepared by LandTech
  - g. "Grading and Erosion & Sediment Control Plan Prepared for Garrett Wilson, 29 Compo Beach Road, Westport, CT" (Sheet C-2), Scale: 1"=10', dated November 6, 2014 and last revised to November 26, 2014, prepared by LandTech
  - h. Architectural Plans entitled: "New Residence at 29 Compo Beach Road, Westport, CT for Garrett Wilson Builders" (4 sheets), revised to November 20, 2014, prepared by Vicente Burin Architects, LLC

16. Any proposed or future fences to be erected on the parcel shall be designed without concrete pillars and of such construction to allow the free flow of water.
17. Any dewatering activity required during excavation shall be handled by a frac tank as this property is at a low spot in the neighborhood landscape.
18. The design engineer shall certify that the driveway, walkways, patios and the and the rain garden were installed per the proposed design standards prior to the issuance of a Conservation Certificate of Compliance.
19. The driveway, walkway and patios shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of a Conservation Certificate of Compliance.
20. The rain garden in the northeast corner of the property is to be maintained in perpetuity with said restriction placed on the land records prior to the issuance of a Conservation Certificate of Compliance.
21. The location and the grading for the proposed pool is approved. A separate application approval and review by the Conservation Department staff will be required for construction. The required documents to be submitted shall be the pool design plans and the Westport Weston Health District approval.

**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:** Washburn

**Second:** Corroon

**Ayes:** Washburn, Corroon, Davis, Rycenga, Porter

**Nays:** 0

**Abstentions:** 0

**Vote:** 5:0:0

4. **18 Grassy Plains Road:** Application #IWW,WPL/E-9913-14 by Land-Tech Consultants on behalf of Grassy Plains LLC for modifications to the 2002 permit #IWW-6678-01 and the 2007 permit #IWW,WPL-8147-07.

This application was withdrawn.

5. **260 Compo Road South:** Application #WPL-9918-14 by Roberge Associates Coastal Engineers, LLC on behalf of the Town of Westport to improve an existing parking lot and its associated runoff. Work is within the WPLO area of the Saugatuck River.

Pete Ratkiewich, Town Engineer, presented the application. The work is proposed in the lower parking lot at Hendricks' Point. He showed where the flood zone lines, mean high waterline, and the WPLO boundary are located. A portion of the project is located in the V flood zone. He noted that Steven Trinkaus, PE, was present and an expert in LID. Mr. Ratkiewich noted that Hendricks' Point is a previous landfill site. Test pits showed layering from top to bottom of asphalt, gravel, asphalt, and then landfill remnants. This changed the design parameters as a landfill cannot be disturbed. He explained the existing drainage patterns. The parking lot is used as an overflow lot for the Longshore Inn and the golfers. They will remove the raised islands from the parking lot and will mill the asphalt. Stockpiling, if any, will be surrounded by haybales. The parking islands will be eliminated so there will be flow toward the wet swale. Fill in V zones is allowed as long as it is less than 1:5 slope which it will be. A wave run-up analysis was done, which showed there would not be an increase in flood height from the fill. There will be silt fence around the site. There will be 6" to 3.5' to 4' of fill from east to west.

Steve Trinkaus, PE, presented the drainage and LID features.

Ms. Rycenga stated she worked with Mr. Trinkaus in Oxford. She indicated she has no bias or conflict of interest that would prevent her from hearing the application.

Mr. Trinkaus explained the findings of the test pits. He discussed the wet swale, which is designed to be a wetland. Very little maintenance will be required. Vegetation will be mowed to 3 inches. Plants will be fully established before stormwater enters. This will reduce the nitrogen load into the Saugatuck River. They, also, propose to remove the phragmites. The wet swale will not intercept the land fill as it will be over the underlying asphalt.

Mr. Davis asked about the snow plowing.

Mr. Trinkaus stated normal plowing operations are okay. Stockpiling in the wet swale should not occur.

Mr. Corroon asked if the phragmites acts as an erosion control.

Mr. Trinkaus stated the rhizomes of the phragmites do provide good shoreline protection. However, none of the other existing shoreline vegetation will be disturbed.

Ms. Mozian confirmed that the wet swale will be in place before the asphalt gets put down.

Mr. Ratkiewich stated Mr. Trinkaus' contract includes design and overseeing the installation. There are 2,800 cubic yards of fill.

With no public in attendance, the hearing was closed.

<b>Motion:</b>	<b>Porter</b>	<b>Second:</b>	<b>Rycenga</b>
<b>Ayes:</b>	<b>Porter, Rycenga, Corroon, Davis, Washburn</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 5:0:0</b>

**Findings**  
**Application # WPL 9918-14**  
**260 Compo Road South**

**1. Receipt Date:** N/A

**2. Application Classification:** N/A

**3. Application Request:**

The Applicant seeks to improve an existing parking lot and its associated runoff. The work is within the WPLO area, the 25 year and the 100 year floodplain of the Saugatuck River.

**4. Plans and Supplemental Material Reviewed:**

- a. "Longshore Lower Parking Lot, Longshore Club Park, Westport, CT, prepared for Town of Westport Department of Public Works" Sheet G-01, Title Sheet, Drawing List & Vicinity Map, Scale: as noted, dated November 12, 2014, prepared by Roberge Associates Coastal Engineers, LLC
- b. "Longshore Lower Parking Lot, Longshore Club Park, Westport, CT, prepared for Town of Westport Department of Public Works" Sheet G-02, General Notes, Scale: as noted, dated November 12, 2014, prepared by Roberge Associates Coastal Engineers, LLC
- c. "Longshore Lower Parking Lot, Longshore Club Park, Westport, CT, prepared for Town of Westport Department of Public Works" Sheet G-03, Existing Site Plan & Sections, Scale: as noted, dated November 12, 2014, prepared by Roberge Associates Coastal Engineers, LLC
- d. "Longshore Lower Parking Lot, Longshore Club Park, Westport, CT, prepared for Town of Westport Department of Public Works" Sheet G-04, Demolition & Layout Plans, Scale: as noted,

- dated November 12, 2014 and last revised to December 1, 2014, prepared by Roberge Associates Coastal Engineers, LLC
- e. "Longshore Lower Parking Lot, Longshore Club Park, Westport, CT, prepared for Town of Westport Department of Public Works" Sheet G-05, Proposed Site Plan, sections & Details, Scale: as noted, dated November 12, 2014 and last revised to December 1, 2014, prepared by Roberge Associates Coastal Engineers, LLC
  - f. "Design of a Wet Swale, Prepared for Town of Westport, Longshore Recreational Center, Westport, Connecticut," Scale: 1"= 20', dated October 10, 2014 prepared by Trinkaus Engineering, LLC

## 5. WPLO

The Waterway Protection Line is located 15' from the 9' contour in this area. The lower half of this property falls within this jurisdiction. Tidal wetlands do occur on this property along the edge of the Saugatuck River. The location is depicted on the plan for the design of the wet swale and was digitized from the 2005 aerials.

## 6. Property Description

- a. FEMA Designated Floodplain-Two 100 year floodplain designations occur on the property as indicated by FEMA. The upper flood zone is occurring within the parking lot and is designated as an AE zone with a base flood elevation of 13'NGVD and a VE zone with a base elevation of 14' NGVD which occurs adjacent to the Saugatuck River.
- b. The subject property exists within the Coastal Areas Management Zone, specifically identified as "coastal hazard area".

### Coastal Hazard Area

These areas can serve as flood storage areas and provide numerous open space and recreational opportunities. They are, by their nature, hazardous areas for structural development, especially residential-type uses.

- c. The goal for this project is to manage the coastal hazard areas so as to assure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems.

## 7. Consistency with Waterway Protection Line Ordinance

**Section 148-9 of the WPLO ordinance states the following: 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 waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.**

The *Waterway Protection Line Ordinance* of the Town of Westport regulates those activities that occur within the twenty five-year flood plain or the wetland jurisdictional boundary, which ever is more conservative, plus an additional fifteen feet. The 9' contour has been determined to be the approximate 25 year flood boundary, therefore grades in this area falling below this elevation are considered within the WPLO. The project also is located within the 100 year flood plain as determined by FEMA and varies between 13' and 14' NGVD.

This project intends to improve the existing lower parking lot of 93 spaces. The existing pavement is in disrepair and requires maintenance. There are significant cracks and there are areas of missing asphalt along the western edge of the lot. Within these areas, significant water ponding occurs. In addition to the parking lot deficiencies, there are two planting islands within the parking lot which are in poor condition.

The applicant is seeking to remove the existing islands, mill the existing parking lot, relocate (2) light pole foundations and place 2,500 cubic yards of fill such that a new parking lot can be constructed with a 2.5% pitch. Grade along the edge of the parking lot will be sloped at a 1 vertical to 5 horizontal pitch tying into existing grade.

Test pits revealed the presence of solid waste from the previous use as a municipal dumping ground along the westerly edge of the parking lot. In order to minimize ground disturbance, it was determined that a wet swale would be the best option. The wet swale is to be vegetated with a New England wet mix grass. Gravel filter berms will be placed at 50' center to center spacing to provide filtering of the parking lot runoff.

### **Wet swales**

- function as a linear wetland
- reduce peak flows and runoff velocity and promote infiltration
- reduce erosion
- can be built in relatively impervious soils
- trap and remove sediments and other pollutants with increased efficiency thus improving water quality
- create visually appealing and beneficial habitat between uplands and surface waters
- are less expensive to build and maintain than a traditional curb and gutter system
- provide effective pre-treatment of storm water passing through for further processing by additional storm water management practices

A 12" diameter Filtrexx Soxx and a secondary silt fence is to be installed immediately west of the proposed wet swale. This is one of the erosion and sediment control measures in place for the project. The Commission finds the engineer and designer have presented testimony to show that the plan for the sediment and erosion controls as presented will be sufficient for protection of the downgradient resource. The material being used for the fill activity is a coarse textured gravel which is void of significant fines and not prone to migration.

In order to minimize the sedimentation and erosion which can occur during the project a silt fence is also to be installed along the waterward perimeter of the project to aid in containing any material placed on the project from migrating to the surrounding areas during a typical storm event.

Once the silt fence is installed the contractor will start with the construction of the wet swale followed by the raising of the parking lot. Backfill for the lot will be placed in lifts and compacted.

As the parking lot is being completed, the side slopes will be finished with top soil and hydro seeded. A straw mat will be placed over the finished slope to minimize erosion until vegetative growth occurs.

The improved parking lot will be approximately 32,240 square feet in area. The parking lot will include an estimated 87 parking spaces. The Commission finds that the proposed improvements will reduce the area of impervious surface by approximately 1,400 square feet, improve traffic patterns within the lot, improve the pitch of the parking lot and improve water quality from the runoff.

The Commission finds that it has been determined by staff through the review process of the many projects within the WPLO in the tidal reaches of the Saugatuck River, that a filling activity within a 100 year floodplain will not require compensatory flood storage areas to be identified on the property. Peter Ratkiewich, Town Engineer, has reviewed the FEMA policy for VE Zone activity and filling for non-structural purposes is allowed.

The Commission finds that interim protection of the fill slopes at the westerly side of the parking lot and the associated unstabilized soil will be a priority following the grading activity.

The applicant is proposing to remove phragmites as needed to install the wet swale and a portion of the parking lot. The Commission finds a removal and maintenance plan should be submitted to the Conservation Department staff for review and approval prior to the issuance of a zoning permit.

The Commission finds the design engineer will supervise the construction of the wet swale and certify to the Conservation Department that design standards have been accomplished prior to the issuance of a Conservation Certificate of Compliance.

With proper site construction supervision and erosion and sediment controls installed and maintained properly, the Commission finds the proposed project should improve water quality from parking lot storm water runoff.

Provided site supervision and design construction inspections are carried out as intended, erosion controls are used and maintained as proposed, plantings are installed as proposed and revised as recommended, the Commission finds this application satisfies the requirements and addresses environmental concerns as they are regulated by the Waterway Protection Line Ordinance.

**Conservation Commission**  
TOWN OF WESTPORT

**Conditions of Approval**

**Application # WPL 9918-14**  
**Street Address: 260 Compo Road South**  
**Assessor's: Map C 04 Lot 001**  
**Date of Resolution: December 10, 2014**

**Project Description:** To improve an existing parking lot and its associated runoff. Work is within the WPLO area of the Saugatuck River

**Owner of Record:** Town of Westport

**Applicant:** Roberge Associates Coastal Engineers, 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 9918-14** with the following conditions:

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.



The December 10, 2014 Public Hearing of the Westport Conservation Commission adjourned at 10:00 p.m.

<b>Motion:</b>	<b>Washburn</b>	<b>Second:</b>	<b>Rycenga</b>
<b>Ayes:</b>	<b>Washburn, Rycenga, Corroon, Davis, Porter</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>5:0:0</b>