



CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
JUNE 21, 2023**

The June 21, 2023 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

Tom Carey, Chair
Paul Davis, Vice-Chair
Don Bancroft, Secretary
Josh Lewi
Rory Murphy
Patrick Ryll

Staff Members:

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

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the June 21, 2023 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Colin Kelly
Conservation Director

Changes or Additions to the Agenda: None

Public Hearing: 7:00 p.m.

All members of the Commission visited the sites in preparation for the meeting.

1. **1A Plunkett Place:** Application #IWW/M-11751-23 by ELR Morgan LLC to amend wetland boundary map #G11.

James Fraser of ELR Morgan was present on behalf of the application. He stated he hired Aleksandra Moch to flag the wetlands.

Mr. Hally noted the Town's wetland map shows there are approximately 24,210 s.f. of wetlands on the property. Based on Ms. Moch's delineations, the new wetlands area is 14,743 s.f. for a reduction of 9,467 s.f. The Town hired soil scientist, Mary Jaehnig to verify the flagging done by Ms. Moch. Ms. Jaehnig sent a report on June 12 indicating her agreement with the flagging.

Mr. Carey asked for public comment. There was no public comment.

Motion to close the public hearing.

Motion:	Davis	Second:	Ryll
Ayes:	Davis, Ryll, Bancroft, Carey, Lewi		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

Findings
Application #IWW/M-11751-23
1A Plunkett Place
Assessor's Map: G11 Tax Lot: 004
Public Hearing: June 21, 2023

1. **Application Request:** ELR Morgan LLC is requesting to amend wetland map #G11 on Lot #004.
2. **Soil Scientist for Applicant:** Aleksandra Moch, Soil & Wetland Scientist
Soil Scientist for Town of Westport: Mary Jaehnig, Pfizer-Jaehnig Soils, LLC
3. **Plans Reviewed:**
 - a. **Drainage Plan**, prepared for ELR Morgan LLC, 1A Plunkett Place, Westport, Connecticut, prepared by Fairfield County Engineering LLC, dated May 5, 2022 and last revised to May 10, 2023, Scale: 1" = 20'.
 - b. **Wetland Delineation** for the property located at 1A Plunkett Place, Westport Connecticut, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated November 11, 2022.
4. **Past Permits:** None
5. **Wetlands Description:**
"Wetland Delineation for the property located at 1A Plunkett Place, Westport Connecticut", prepared by Aleksandra Moch, Soil & Wetland Scientist, dated November 11, 2022.

Wetland soils found on the property

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

This soil unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. Stones and boulders cover 5% to 35% of the surface. This unit consists of three soil types mapped together because they have no major differences in use and management. The soils have a seasonal high water table at or near the surface from fall to spring. The permeability of Ridgebury and Whitman soils is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. The permeability of the Leicester soils is moderate or moderately rapid throughout. Available water capacity is moderate in all three soils. Runoff is slow on all three, and water is ponded on the surface of some areas of the Whitman soils.

The high water table, ponding, and the stones and boulders on the surface limit these soils for community development. Excavations are commonly filled with water. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

Non-wetland soils found on the property

Charlton-Chatfield complex, 3 to 15 percent slopes, very rocky (73C):

This component occurs on upland hill landforms. The parent material consists of melt-out till derived from schist, granite, and gneiss. The slope ranges from 3 to 15 percent and the runoff class is low. The depth to a restrictive feature is 20 to 40 inches or greater than 60 inches. The drainage class is well drained.

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

- a. The existing house was built in 1963. It is served by public sanitary sewer.
- b. The property is 1.01 acres (44,098 sq. ft.) in size; located in Residential Zone AA.
- c. The parcel is shown as located within the Muddy Brook Watershed. Muddy Brook is located ~2000' to the southeast. The wetland is depressional and drains to the southeast.
- d. Property is situated in Flood Zone X as shown on F.I.R.M. Panel 09001C0414G Map revised to July 8, 2013.
- e. The property **is not** within the Aquifer Protection Overlay Zone.
- f. Property **is not** within the Coastal Area Management Zone.
- g. The Waterway Protection Line is established 15' from the surveyed wetland boundary. The WPLO boundary is shown on the "Drainage Plan".
- h. The Town's GIS system identifies the original wetland boundary. The identified wetland area is ~24,210 sq. ft.
- i. The surveyed wetland area is **~14,743 sq. ft.**, as specified on the "Drainage Plan". This represents a decrease in area of ~9,467 sq. ft.

7. Discussion:

The applicant submitted a wetland delineation report by Aleksandra Moch, Soil & Wetland Scientist, dated November 11, 2022. This documents Ms. Moch's investigation of the soils on the site. Wetland soils were found on the site, identified as Ridgebury, Leicester, and Whitman soils, extremely stony (3).

The sketch map provided with the report from November 11, 2022, identifies the location of the wetland boundary. The wetland flag locations shown on the sketch are reflected as #1 to #30. The "Drainage Plan", prepared for ELR Morgan LLC, 1A Plunkett Place, Westport, Connecticut, prepared by Fairfield County Engineering LLC, dated May 5, 2022 and last revised to May 10, 2023, Scale: 1" = 20'; indicates the wetland flag locations with the notations WF#1 to WF#30.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary findings. Ms. Jaehnig conducted an on-site investigation on June 07, 2023. Ms. Jaehnig submitted a letter, dated June 12, 2023, stating the general agreement with Ms. Moch's report.

With the finding of the two concurring soils scientists, staff recommends adoption of the new wetland line.

Resolution
Application #IWW/M-11751-23
1A Plunkett Place
Assessor's Map: G11 Tax Lot: 004
Public Hearing: June 21, 2023

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M-11751-23** by ELR Morgan LLC to amend the wetland boundary on Map: #G11 Lot: #004 on the property located at 1A Plunkett Place with the following conditions:

1.) Conformance to the plans titled:

- a. **Drainage Plan**, prepared for ELR Morgan LLC, 1A Plunkett Place, Westport, Connecticut, prepared by Fairfield County Engineering LLC, dated May 5, 2022 and last revised to May 10, 2023, Scale: 1" = 20'.

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

Motion: Ryll Second: Lewi
Ayes: Ryll, Lewi, Davis, Bancroft, Carey
Nays: None Abstentions: None Votes: 5:0:0

2. **Plumtree Right of Way:** Application IWW,WPL/E-11752-23 by the Town of Westport, Public Works Department for installation of a municipal sewer main line extension within the Plumtree right-of-way. Portions of the work are within the upland review area setback.

Bryan Thompson, WPCA Supervisor, presented the application on behalf of the Town. The proposal is to install a low-pressure municipal sewer main line extension within the Plumtree right of way. This will be a 2-inch pipe. There is a wetland pocket they will have to do work in but the work will only take about 2 to 4 hours. The pipe will be buried 3 feet below the twin culvert. They have dewatering available through use of a silt sack that will be directed away from the wetland.

Mr. Hally noted his staff report discussed the removal of trees greater than 8" dbh. He suggested seeding the area with native seed mix rather than replacing the trees due to the existing canopy.

Mr. Carey asked for public comment. There were no public comments.

Motion to close the public hearing.

Motion: Carey Second: Davis
Ayes: Carey, Davis, Bancroft, Lewi, Ryll
Nays: None Abstentions: None Vote: 5:0:0

Findings
Application # IWW, WPL/E-11752-23
Plumtree Lane
Assessor's Map: E11 Tax Lot: N/A
Public Hearing: June 21, 2023

1. **Receipt Date:** **May 18, 2023**
2. **Application Classification:** **Plenary**
3. **Application Request:** The Town of Westport is the applicant. The proposed work is to install a 2" low-pressure, force main extension. The work will occur through the private road right-of-way (ROW).
4. **Plans Reviewed:**
 - a. **Contract 73 Westport Sewer Extension Westport, Connecticut**, Plumtree Road Station 0+00-6+00 Plan and Profile, prepared by Nafis & Young Engineers, Inc. dated December 2022, Scale: 1" = 20'.
5. **IWW and WPLO Regulated Areas**

The Waterway Protection Line is established 15' landward from the wetland boundary associated with the watercourse within the private road right-of-way. The proposed activity is within the WPLO boundary. Per Regulation **#30-90-A**. of the Waterway Protection Line Ordinance for "**Permitted Activities**", The Town Engineer has determined the project to have **no** adverse impact on flooding, draining, erosion, or the natural carrying and water-storage capacity of the waterway. The Conservation Director agrees with the Town Engineer's findings. Therefore, pursuant to the

Waterway Protection Line Ordinance regulations, the proposed activity is exempt from a Conservation Commission determination.

The project area is a private road right-of-way that intersects a watercourse and extends through a wooded wetland. The intermittent watercourse is an unnamed tributary to Dead Man's Brook that drains wetlands from the east towards its confluence with the perennial watercourse to the west. The proposed mainline extension will cross along the northern finger of the wetland. Approximately 40 linear feet (LF) of excavation will occur within the wetland. Sections of 2"- diameter pipe will be installed and excavated areas will be backfilled with crushed stone and excavated soil. Once the pipe is installed, and the excavation has been backfilled, the disturbed ground surface will be stabilized and restored. The entire period of excavation activity is anticipated to last one week. Work is anticipated to commence in late July to early August of 2023.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include a 20' upland review area for the proposed excavation.

6. Wetlands Description: *There is no site-specific soil survey or wetland characterization provided for this project.*

The USFWS National Wetland Inventory identifies the watercourse as a 1.40 acre riverine habitat, classified as a **R5UBH**.

“System Riverine (R): *The Riverine System includes all wetlands and deepwater habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water.*

Subsystem Unknown Perennial (5): *This Subsystem designation was created specifically for use when the distinction between lower perennial, upper perennial, and tidal cannot be made from aerial photography and no data is available.*

Class Unconsolidated Bottom (UB): *Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.*

Water Regime Permanently Flooded (H): *Water covers the substrate throughout the year in all years.”*

The Commission references USGS Web Soil Survey search results and listed the soils units likely present on the subject property.

Wetland soils likely found on the property:

Wetland soils found on the property

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

This soil unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. Stones and boulders cover 5% to 35% of the surface. This unit consists of three soil types mapped together because they have no major differences in use and management. The soils have a seasonal high water table at or near the surface from fall to spring. The permeability of Ridgebury and Whitman soils is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. The permeability of the Leicester soils is moderate or moderately rapid throughout. Available water capacity is moderate in all three soils. Runoff is slow on all three, and water is ponded on the surface of some areas of the Whitman soils. The high water table, ponding, and the stones and boulders on the surface limit these soils for community development. Excavations are commonly filled with water. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

Non-wetland soils likely found on the property

Charlton-Chatfield complex, 3 to 15 percent slopes, very rocky (73C):

This component occurs on upland hill landforms. The parent material consists of melt-out till derived from schist, granite, and gneiss. The slope ranges from 3 to 15 percent and the runoff class is low. The

depth to a restrictive feature is 20 to 40 inches or greater than 60 inches. The drainage class is well drained.

7. Property Description and Relative Facts

1. The project area is within a private road right-of-way with no deeded ownership.
2. The project area is located in Residential Zone AA.
3. The project area is located within the Dead Man's Brook Watershed. The Dead Man's Brook watercourse is located offsite, ~675' to the northwest. The wetlands within the project area are associated with an unnamed watercourse. The watercourse is a tributary of Dead Man's Brook.
4. The project area is within Flood Zone X, 0.2 % Annual Chance Flood Hazard, per FEMA FIRM Panels: 09001C0413G, Effective July 7, 2013.
5. The property is within the Aquifer Protection Overlay Zone.
6. The project area does not exist within the Coastal Areas Management Zone.
7. The Waterway Protection Line (WPL) is established 15' from the surveyed wetland boundary.
8. The wetland boundary is identified on the Town's GIS.

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

8. 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

Finding:

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

The excavation for the pipe will occur in the up-gradient margin of the riparian wetland where the boundary abuts forested upland. Trees, shrubs, and herbaceous vegetation within the wetland and upland will be disturbed. Removal of mature trees is limited to slightly outside the excavation footprint. Though some mature trees will be removed the overall forest canopy will remain intact. Preferential habitat within the nearby watercourse corridor will be left undisturbed. The Commission finds that work is planned in the middle of the summer during the dry period in an effort to limit the amount of water encountered during excavation. The Commission finds that disturbed conditions are temporary and do not pose any long-term adverse impacts to wildlife, vegetative community, and or fish habitat.

9. 6.2 WATER QUALITY

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

Finding:

The nearest perennial water course is Dead Man's Brook, located off site ~675' to the south. The surface water quality classification for Dead Man's Brook (State Waterbody ID: CT7200-29_01 (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), located offsite to the west, is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish other aquatic life and wildlife and recreation.

The Commission references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin (7200-29) for Dead Man's Brook has a combined condition index (CCI) score of 0.24. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Dead Man's Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

Based on the distance of the activity from the watercourse and the limited disturbance proposed, the Commission finds the surface water quality of Dead Man's Brook will not be impacted from the proposed excavation activity across the subject property. The site conditions will be restored to its their current state post work, so it is expected the restoration will have limited potential in improving water quality in the off-site watercourse.

The excavation for the pipe will occur adjacent to an intermittent watercourse that flows towards a confluence with Dead Man's Brook. The length of the sewer extension that will intersect the stream will be installed by directional drilling under the piped portion of the watercourse within the roadway. This portion of the stream of the roadway culvert is contained within a length of corrugated high density polyethylene (HDPE) pipe. The Commission finds that with the proper silt fence or hay bales installed along the watercourse, potential impacts to water quality from sedimentation will be minimized.

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

10. 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.

Finding:

Due to the extensive amount of excavation across the subject property, assessing potential adverse impacts should focus on the site utilizing the adequate type and amount of erosion and sediment controls to prevent a large-scale release of loose sediment during storm conditions. The Commission finds the potential for sedimentation into the wetlands will be related to E&S inadequacies or failures.

The applicant has provided sediment and erosion controls in the project narrative which specifies the use of a single row of silt fence and/ or hay bales at the limit of disturbance and silt sack dewatering bags. Water encountered within the excavation will be pumped out and discharged through a silt sack upgradient from the limit of wetland to prevent sediment deposition within the wetland and watercourse.

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

11. 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.

Finding:

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

Trees, shrubs and groundcover will be removed within the excavation footprint. Excavated soil will be staged on the upgradient side of the excavation, an area of which is mostly upland. Conservation Staff visited the project area and recorded the trees greater than 8" diameter at breast height (DBH) planned to be removed. Staff counted three hickory, one beech, and one oak anticipated to be removed in the upland and one maple and one oak to be removed along the wetland boundary closest to the roadway. The understory within the excavation footprint featured honeysuckle, nettle, green briar, sedge, ferns, and Japanese stilt grass. The full scale of the vegetation removal is not fully understood because vegetation will be removed as needed at the time of equipment mobilization. Though, the site workers will make a good faith effort to minimize disturbance of vegetation outside of the excavation footprint. Much of the wetland habitat will be down gradient of E&S controls and will be left undisturbed.

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

12. 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

Finding:

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

13. 6.6 RECREATIONAL AND PUBLIC USES

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

Finding:

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

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW, WPL/E-11752-23
Plumtree Lane
Assessor's Map: E11 Tax Lot: N/A
Public Hearing June 21, 2023

Project Description: to install a municipal sewer mainline extension through a private road right-of-way.

Owner of Record: No deeded ownership for the private road right-of-way

Applicant: Town of Westport

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **IWW, WPL/E-11752-23** with the following conditions:

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

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.

8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. **Contract 73 Westport Sewer Extension Westport, Connecticut, Plumtree Road Station 0+00-6+00 Plan and Profile, prepared by Nafis & Young Engineers, Inc. dated December 2022, Scale: 1" = 20'.**
17. All disturbed ground surface shall be stabilized and restored with native wetland / upland seed mix.
18. Silt fence and haybales and dewatering system shall be periodically inspected by and properly maintained by site personnel.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review. This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval or has secured this application through inaccurate information.

Motion: Davis Second: Ryll
Ayes: Davis, Ryll, Carey, Lewi, Bancroft
Nays: None Abstentions: None Vote: 5:0:0

3. **24 Canal Road:** Application #WPL-11721-23 by Jim Kousidis on Heidi Schoeneck for proposed renovations to the existing residence including additions, an attached carport and new driveway. The entire residence will be brought into FEMA compliance. Work is within the WPLO area of the Saugatuck River.

Jim Kousidis, PE, was presented the application on behalf of the property owners. He oriented the Commission to the property. The proposal is to elevate the existing residence bringing it into FEMA compliance, add a carport, which will be located at elevation 8 and is at least 30 inches above the existing garage and remove the existing driveway access and replace it with grass. There is silt fence proposed around the entire disturbed area. The existing shrubs will remain and they will enhance those plantings with new plantings. There will be no lawn area. They are also proposing invasive removal.

The Commission and Mr. Kousidis discussed the trees that would have to be removed as part of this project. They clarified the drainage system and discussed the stockpile area.

Mr. Hally reviewed the staff report. He stated that based on the original landscape plan, he made the recommendation that they abandon the lawn area. The updated landscape plan creates a clear demarcation between the planted area and the driveway. The original landscape plan had made a recommendation to abandon the lawn area. The plans provide for invasive removal and management. He recommends that the driveway remain permeable in perpetuity as it is the primary drainage component of the addition. He reviewed the Flood and Erosion Control Board comments.

Mr. Kelly recommended requiring a planting bond.

Mr. Davis asked how they will raise the house and if they will have to close Canal Road.

Mr. Kousidis stated they will raise the house using lifts. He does not anticipate having to close Canal Road. If that would be required, all necessary authorities will be contacted.

Mr. Carey asked for public comments.

Jeff Manchester, 14 Spriteview Road, stated is opposed to proposal. He noted the proposal is over coverage, no feasible and prudent alternatives were explored, there was a notification discrepancy, flooding is a known issue and the number of trees being removed. He stated he was told this was a merged lot of lot 56 and 57 and it was indicated that one could not be built on.

Juli Aronson, 8 Spriteview Road, stated he was not notified. He asked about the maintenance program for the driveway. He added he believes that Canal Road would have to be closed for the small equipment to access the house to lift it.

Mr. Hally read an email from Lorna Mack indicating her opposition to the proposal.

Mr. Kelly stated there were no additional emails. There were no additional public comments.

Mr. Kousidis stated that there will be no maintenance plan for the driveway. The gravel will not clog. The home will be lifted by jacks. The driveway will be opened up to allow access by the trucks and small equipment. He stated that the Zoning Board of Appeals has a wider notification requirement than Conservation does. He indicated that when the house was lifted in 2011, the house was in FEMA compliance. In 2013, the FEMA guidance changed and the house no longer meets the regulations.

Mr. Kelly agreed with Mr. Kousidis regarding the FEMA regulations. He stated that houses built prior to 2013 may have been built to compliance but they no longer meet the standards. FEMA reviewed the flood zones for the area after Hurricanes Sandy and Irene and upgraded the flood heights. Mr. Kelly read WPLO regulation 30-97 regarding neighbor notifications, which indicates that it is only adjacent neighbors that need to be notified.

Mr. Hally suggested asking for a demolition, construction, and planting sequence plan prior to the Zoning permit.

Mr. Davis asked if the Commission needs to see feasible and prudent alternatives.

Mr. Kelly stated the Inland Wetland Regulation allow the Commission to consider feasible and prudent alternatives. Under the Waterway Protection Line Ordinance, the Commission is looking at the environmental impacts of the application presented to them. There is no mention of feasible and prudent alternatives in the ordinance.

Motion to close the public hearing.

Motion:	Davis	Second:	Ryll
Ayes:	Davis, Ryll, Bancroft, Carey, Lewi		
Nayes:	None	Abstentions:	None
			Vote: 5:0:0

Mr. Carey stated he believes that the application complies with the requirements of the Commission's purview. The sequence plan and a bond for the plantings and the invasive management should be conditions of approval.

Findings
Application #WPL-11721-23
24 Canal Road
Assessor's Map: B02 Tax Lot: 056
Public Hearing: June 21, 2023

1. **Application Request:** Applicant is proposing to raise the existing residential structure, construct a residential addition and a permeable driveway with associated site improvements. The proposed work is occurring entirely within the WPLO (elevation 9') area of the Saugatuck River.
2. **Plans Reviewed:**
 - a. **Site Development Plan**, 24 Canal Road, Westport, CT, prepared for Phil Benjamin White & Heidi Schoeneck, prepared by Kousidis Engineering, LLC, dated: April 7, last revised June 01, 2023, Scale: 1" = 10'.
 - b. **Conservation & CAM Landscape Plan**, prepared for Heidi Schoeneck & Phil Benjamin White, 24 Canal Road, Westport, CT, 06880, prepared by Moon Gardens, dated May 18, 2023, last revised to June 21, 2023, Scale: 1" = 10'.
 - c. **Drainage Report**, prepared by Kousidis Engineering, LLC, dated: April 7, last revised June 01, 2023, Scale: 1" = 10'.
 - d. **Proposed Additions & Alterations to the Residence of Mr. And Mrs. Phillip White (Architectural Renderings)**, 24 Canal Rd, Westport, CT, 06880, prepared by Wingedfoot Construction LLC, dated March 25, 2023 and revised to May 25, 2023, Scale As Noted.
 - i. **Ground Level Plan** Sheet A1
 - ii. **First Floor Plan** Sheet A2
 - iii. **Second Floor Plan** Sheet A3
 - iv. **Front Elevation** Sheet A4
 - v. **Right Side Elevation** Sheet A5
 - vi. **Rear Elevation** Sheet A6
3. **Past Permits:**
 - a. WPL-8379-08 – Legalization of low retaining walls and fill
 - b. WPL-7967-06 – Demolition of a single-family residence and the construction of a new single-family residence.
 - c. AA-WPL/E 4180-91 – Construction of an addition and deck
4. **Property Description:**
 - a. **Location of 25-year flood boundary:** 9 ft. contour interval. The entire property is within the Waterway Protection Line Ordinance (WPLO) boundary.
 - b. **Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
 - c. **Existing Residence:** The existing residence was constructed in 2007.
 - d. **Proposed First Floor Elevation of Addition:** 17.2 ft.
 - e. **Proposed Carport Elevation:** 8.2 ft.
 - f. **Proposed Driveway Elevation:** 8.0 ft.
 - g. **Proposed Average Site Grade Elevation:** 6.0 ft.
 - h. **Proposed Deck Landing Elevation:** 16.75 ft.
 - i. **Lot Size:** 0.18 acres (7,836 sq. ft.)
 - j. **Existing Site Coverage:** 22.22% (1,424 sq. ft.)
 - k. **Proposed Site Coverage:** 46.8% (2,996 sq. ft.)
 - l. **Existing Building Coverage:** 18.02% (1,154 sq. ft.)
 - m. **Proposed Building Coverage:** 31.8% (2,038 sq. ft.)
 - n. **Sewer Line:** The existing residence is serviced by municipal sewer.
5. **Aquifer:** The property is underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
6. **Coastal Area Management:** The subject property is located within the Coastal Area Management (CAM) zone. The coastal resources are identified as: Near Shore Waters, Shellfish Area and Coastal Flood Hazard Area. Nearshore Waters are those waters and their substrates lying between mean high water and a depth approximately by the ten-meter contour. Shellfish Area areas support an important source of food, provide recreational shellfishing opportunities, provide economic opportunities for the shellfish industry, and provide employment through the shellfish industry. Coastal Flood Hazard Areas are defined as those land areas inundated during coastal storm events.

A-zones are subject to still-water flooding during “100-year” flood events. Coastal Hazard Areas serves as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.

7. **Proposed Storm Water Treatment:** The applicant proposes to treat the first 1” of runoff with a pervious driveway with a stone reservoir underlayment. Roof leaders from the residential addition will convey roof runoff to a perforated PVC pipe within the stormwater reservoir beneath the driveway. Runoff from the driveway surface will be collected within the stormwater reservoir beneath the driveway.

8. **Findings:**

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

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

Most of the property lies within the WPLO boundary (elevation 9’) of the Saugatuck River. The property is situated ~450’ south of the Saugatuck River. Immediately east of the property is the Canal Road travel way and a tidal canal, which is influenced by the Saugatuck River. The tidal marsh immediately west of the property is hydraulically connected to the canal through a series of culverts under Canal Road. The mean high water line of the abutting tidal marsh is established at elevation 3.3’ (NAVD88) to the north, south, and west of the property. The Coastal Jurisdiction Line is established at elevation 5.3’. The site plan demonstrates the coastal jurisdiction line (CJL) is located along the northern, southern and western property boundaries.

Based on the existing spot elevations shown on the site plan, the topography of the site is relatively flat. The elevations indicate the site drains to the east and the west of the existing residence.

The application proposes to abandon the existing garage and raise the first floor elevation of the existing residential structure to elevation 17.2’. Additionally, the application proposes to construct a FEMA-compliant, two-story, residential addition and carport with a first-floor elevation of 17.2’ and carport floor elevation of ~8.2’. The existing garage is proposed to be abandoned, and the gravel driveway that serves the garage will be removed. The proposed location of the addition is within the maintained lawn immediately adjacent of the existing residential structure. The elevated area was the location of the previously approved septic system. The existing site was connected to municipal sewer in 2012. The northern driveway portion will be reconfigured to have more square footage of surface coverage and it will be constructed as pervious as a method to comply with the Town’s stormwater drainage standards. Grades around the driveway entrance and the northern end of the property will change slightly. The Commission finds the pervious driveway is substantively within the footprint of existing lawn. The driveway entrance will be shifted ~20’ to the south. A portion of the existing retaining wall will be removed to accommodate the driveway entrance. The Commission finds that building coverage will increase from ~18% to ~32%. The footprint of the addition and driveway are shown to extend the limit of development towards the tidal wetlands boundary.

The proposed residential addition will be built to conform to FEMA standards with the first habitable floor (el. 17.2’) constructed above the 100-year base flood elevation (el. 13’). The carport is proposed at elevation ~8.2’. The architectural rendering, “Ground Level Plan”, demonstrates the former garage to be abandoned has five existing flood vents. The architectural drawings show the surrounding proposed average grade around the residence is 6.0’. The ground level of the proposed residential addition includes a carport with two (2) bays. The carport is proposed not to be enclosed and thus, does not utilize flood vents. The Town’s Engineering Department found this design to be compliant. During the Flood and Erosion Control Board meeting held on June 7, 2023, the application was approved by the Board with no special conditions.

Water Quality Considerations:

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The project proposes a significant increase in coverage. Existing site coverage is ~22%. The proposed site coverage is ~47%, which is greater than the 10-25% cover that is expected to impact water quality. Coverage calculations are provided on the site plan. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River Watershed/Saugatuck Shores is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The site plan depicts one layer of perimeter silt fence beyond the limit of disturbance. A detail for typical silt fence installation is provided on the site plan. Soil stockpiling will occur at the northern end of the property. The site plan depicts row of silt fence as the erosion and sediment controls around the soil stockpile area. The application proposes minimal grading across the site. The average grade will change from an elevation of 6.0' to 6.4', and site contours will remain the same. The site plan provides calculations for excavation and fill and establishes that the proposed amount of cut and fill is 135 cubic yards (cu. yd.), which is less than the 363 allowed per Planning and Zoning standards. An anti-mud tracking pad will be installed at the entrance of the existing driveway. The Commission finds that the limited space within the property boundary and Canal Road travelway create logistical challenges to carry out all the proposed activities. A written sequence of demolition, construction and landscaping is required to ensure all activities don't amount to an increased risk of temporary impacts to water quality and natural habitat.

The Commission finds that the applicant provides a landscape planting along the northern limit of proposed development, adjacent to the top of the slope, up-gradient from the tidal wetlands, to create a vegetative buffer. This buffer will provide some water quality treatment for sheet flow runoff from stormwater. The Commission finds the existing lawn area is proposed to be abandoned and restored with native, salt tolerant trees and shrubs. The Commission finds that the area has a greater potential benefit as a planted feature by buffering the adjacent tidal wetlands from adverse impacts from stormwater runoff and flooding.

The Commission finds that the stormwater runoff associated with the residence addition is directed by roof to the pervious driveway where the volume is dissipated through a 4' diameter perforated pipe below the driveway surface. The driveway will be constructed as pervious and contain its own storage reservoir with a 6" layer of clean crushed stone.

Stormwater calculations are provided in the stormwater report. The "Permeable Driveway "Detail" provided on the site plan demonstrates that the driveway will be constructed with a 6" subbase of $\frac{3}{4}$ " clean crushed stone. The drainage report demonstrates the proposed driveway stormwater reservoir has a retention volume of 252 cu. ft. which is greater than the 170 cu. ft. required by Town drainage standards for the first 1" of runoff from the new impervious surfaces. The drainage report demonstrates that the stormwater runoff volume from the roof will be collected and retained by the permeable driveway. The applicant provided drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV). The Commission considers the proposed pervious surfaces as a benefit, and these features should enhance the stormwater quality across the site from the existing conditions. The Commission requires that the design engineer shall witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The site plan demonstrates that groundwater was encountered at 60" below ground surface at Test Pits #1 and #2, which were advanced to 84" and 74", respectively. The Commission finds that groundwater will not likely not be encountered during the excavation activities for the installation of the foundation footings at ~48' below grade. The Commission finds "Sediment and Erosion Control Note" #31 on the "Site Development Plan" indicates the potential utilization of a dewatering method. However, the Commission notes no specific dewatering method or location is depicted on the plan.

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

The Commission finds that stormwater quality across the property has the potential to improve with the inclusion of the pervious driveway and the buffer planting along the northern limit of the proposed development. These features should help mitigate any potential impacts to surface water quality within the waterways from on-site runoff.

Natural Habitat Considerations:

Conservation Staff performed a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential nesting habitat for the following state threatened species; snowy egret (*Egretta thula*) and great egret (*Ardea alba*), and the following state species of special concern; glossy ibis (*Plegadis falcinellus*), little blue heron (*Egretta caerulea*), and yellow-crowned night heron (*Nyctanassa violacea*). Since the property is mostly devoid of mature trees or any contiguous canopy, the project area does not feature the candidate habitat for coastal bird rookeries. At present, the Commission does not require additional review or consultation for listed species or critical habitat(s). The Commission finds the implementation of additional trees provides the benefits of bolstering canopy coverage and increasing the potential for wildlife forage and habitat.

Sediment release from loose soil is one of the most significant potential impacts from the proposed project activities. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. Impacted water quality may negatively affect the shellfish and aquatic vegetative community of the adjacent canal and tidal marsh.

The existing residence is ~15' from the western tidal wetland boundary at its nearest point. The adjacent retaining wall is ~3' to ~5' from the wetland boundary in that area. The proposed residential addition is shown to be developed ~10' from the wetland boundary. The natural habitat resource along the western property boundary is a tidal marsh. The Commission finds that the proposed location of the residential addition prioritizes maximizing the size of the dwelling over limiting the extent of development close to the habitat resources.

The landscape planting plan proposes vegetative restoration of the lawn north of the residence. The Commission finds the elimination of lawn as a benefit, as a grassed lawn provides limited potential for natural habitat. The plan features three (3) trees, 36 shrubs and ten (10) herbaceous perennials proposed upgradient from the tidal wetland boundary. The proposed plants include white oak, serviceberry, summersweet, potentilla, sumac, blueberry, arrowwood, and purple coneflower. The landscape plan depicts the proposed removal of some ornamental trees and shrubs to accommodate the new development. The vegetation proposed to be removed include two dogwoods, three roses, one honey locust, one buckeye, and one Japanese maple. The plan provides a note to remove invasive vegetation observed along the top of the bank, which included tree of heaven, porcelain berry, and phragmites. The Commission finds that the planting will help diversify the native vegetative community on site and fortify the vegetative buffer up-gradient of the tidal wetlands. The planting will also help offset the loss of some of the ornamental plants due to development.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11721-23
24 Canal Road
Assessor's Map: B02 Tax Lot: 056
Date of Resolution: June 21, 2023**

Project Description: To raise the existing residential structure, construct a residential addition and a permeable driveway with associated site improvements within the WPLO (elevation 9') area of the Saugatuck River.

Owner of Record: Heidi Schoeneck

Applicant: Jim Kousidis, Kousidis Engineering, 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-11721-23** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least **forty-eight (48) hours** in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. Conformance to the conditions of the Flood and Erosion Control Board of **June 7, 2023**, including adding additional spot elevations in the rear yard to the site plan prior to issuance of a zoning permit.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. **Site Development Plan**, 24 Canal Road, Westport, CT, prepared for Phil Benjamin White & Heidi Schoeneck, prepared by Kousidis Engineering, LLC, dated: April 7, last revised June 01, 2023, Scale: 1" = 10'.
 - b. **Conservation & CAM Landscape Plan**, prepared for Heidi Schoeneck & Phil Benjamin White, 24 Canal Road, Westport, CT, 06880, prepared by Moon Gardens, dated May 18, 2023, last revised June 20, 2023 Scale: 1" = 10'.
 - c. **Drainage Report**, prepared by Kousidis Engineering, LLC, dated: April 7, last revised June 01, 2023, Scale: 1" = 10'.

- d. Proposed Additions & Alterations to the Residence of Mr. And Mrs. Phillip White (Architectural Renderings), 24 Canal Rd, Westport, CT, 06880, prepared by Wingedfoot Construction LLC, dated March 25, 2023 and revised to May 25, 2023, Scale As Noted.**
- i. Ground Level Plan** Sheet A1
 - ii. First Floor Plan** Sheet A2
 - iii. Second Floor Plan** Sheet A3
 - iv. Front Elevation** Sheet A4
 - v. Right Side Elevation** Sheet A5
 - vi. Rear Elevation** Sheet A6

- 17. The driveway shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
- 18. The design engineer shall witness and certify the construction of all permeable surfaces proposed for this project (driveway and patios) and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
- 19. Plants shall be installed as depicted on the "Conservation & CAM Landscape Plan", last revised June 20, 2023, prior to the issuance of Conservation Certificate of Compliance. All invasive plants shall be removed by hand. Contact the Conservation Department staff at the start of planting. A performance bond to cover the total cost of the plantings shall be submitted prior to the issuance of a Zoning Permit. The bond shall be held for one full growing season to ensure plant vitality.
- 20. A plan outlining the sequence of demolition, construction, and planting shall be submitted to the Conservation Department for approval prior to the issuance of a Zoning Permit.

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

This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval, or has secured this application through inaccurate information.

Motion: Carey Second: Davis
Ayes: Carey, Davis, Ryll, Bancroft, Lewi
Nays: None Abstentions: None Vote: 5:0:0

Work Session:

1. Receipt of applications

Mr. Kelly reviewed the applications to be received including:

- **9 Green Acre** – Application #IWW,WPL-11754-23 for an addition, driveway and retaining wall;
- **50 Roseville Road** – Application #IWW,WPL-11761-23 for a new single family residence, driveway, septic, drainage, retaining wall and an amendment to the conservation easement;
- **52 Marion Road** – Application #IWW/M-11762-23 to amend wetland boundary map #B08;
- **1A Plunkett Place** – Application #IWW,WPL/E-11763-23 for a new single family residence, driveway, drainage and associated site improvements; and
- **25 Ford Road** – Application #IWW,WPL-11764-23 for remediation of contaminated soils.

Mr. Kelly stated there are also two WPLO applications up for review. He noted that 3 Tupelo had a deadline of earlier in the day to be on the Flood and Erosion Control Board agenda. He did not believe the applicant met that deadline. They have used all extensions to get onto the July hearing but if they do not meet the requirements to get on the FECB, staff will be asking the applicant to withdraw until those issues are resolved.

Motion to receive.

Motion: Carey **Second:** Lewi
Ayes: Carey, Lewi, Bancroft, Davis, Ryll
Nays: None **Abstentions:** None **Vote:** 5:0:0

2. Approval of May 17, 2023 minutes.

The May 17, 2023 meeting minutes were approved as submitted.

Motion: Carey **Second:** Davis
Ayes: Carey, Davis, Lewi, Ryll
Nays: None **Abstentions:** Bancroft **Vote:** 4:0:1

3. **61 Kings Highway South:** Request for bond release being held for plantings and monitoring as a requirement of Permit #IWW,WPL-10389-17.

Mr. Kelly reviewed a request for bond release. He noted that the Commission previously allowed for a partial bond release but retained monies for some plantings and the monitoring. Staff inspected the site and has received the final monitoring report from Aleksandra Moch. Ms. Moch indicates that the site meets the intent of the Commission for a wetland meadow and recommended the release of the bond.

Motion to release the remaining bond monies.

Motion: Davis **Second:** Lewi
Ayes: Davis, Lewi, Bancroft, Carey, Ryll
Nays: None **Abstentions:** None **Vote:** 5:0:0

4. Other business

a. **2 Timber Lane**

Mr. Kelly reported to the Commission that staff had received a request for bond release at 2 Timber Lane. When conducting the inspection, they found many dead plantings and the planted area was not in keeping with the Commission’s condition for approval. They reached out to the applicant and told him that the plantings would have to be replaced and have to be kept up in order to have the bond released.

b. **Compliance Report**

Mr. Kelly noted the Commission received the Compliance Report from Mr. Hartshorne. Many items are being dealt with at the staff level and are awaiting plans or implementation of plans.

The June 21, 2023 Public Hearing of the Westport Conservation Commission adjourned at 8:30 p.m.

Motion: Lewi **Second:** Bancroft
Ayes: Lewi, Bancroft, Carey, Davis, Ryll
Nays: None **Abstentions:** None **Vote:** 5:0:0