



CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
SEPTEMBER 13, 2023**

The September 13, 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 September 13, 2023 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Colin Kelly
Conservation Director

**Town of Westport
Conservation Commission
Findings
Application # IWW, WPL/E-11783-23
18 Partrick Road
Assessor's Map: B13 Tax Lot: 047
Public Hearing: September 13, 2023**

1. **Receipt Date:** August 17, 2023
2. **Application Classification:** Plenary
3. **Application Request:** The applicant is representing Earthplace, Inc. The proposed work is to install a wooden plank boardwalk through a seasonally inundated wetlands, connecting two trails within upland areas.
4. **Plans Reviewed:**
 - a. **Standard Wooden Planked Wetland Boardwalk**, (Plan & Section View), sheet 1 of 1, prepared for Earthplace, submitted August 15, 2023
5. **Past Permits:**

October 18, 2007- Administrative Approval for installing a water level control device at beaver dam built across Poplar Plains Brook
6. **IWW and WPLO Regulated Areas**

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

Partrick wetlands is a palustrine wetland complex comprised of emergent, scrub shrub and forested wetlands as well as a perennial watercourse, Poplar Plains Brook. The proposed wooden boardwalk will be installed through the seasonally inundated portions of the forested wetland in the northeast portion of the parcel. The plan does not propose to cross the main channel of Poplar Plains Brook, which is depicted to the west of the project area.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include a 20-ft non-disturbance, review area setback for the installation of a wooden walkway within wetlands with associated soil disturbance and vegetation removal.

7. Wetlands Description:

There is no site-specific wetland characterization for this project. Conservation Staff referenced US Fish and Wildlife's National Wetland Inventory Web Soil Survey and soil reports from adjacent properties and selected the soils units likely present on the subject property.

The USFWS National Wetland Inventory identifies the wetland areas on site as:

- 7.15 acre freshwater emergent wetland habitat, classified as **PEM1/SS1A**.
- 8.71 acre freshwater shrub wetland habitat, classified as **PSS1E**.
- 2.50 acre freshwater forested wetland habitat is classified as a **PFO1E**.

There is no site-specific soil survey provided for this project. Conservation Staff referenced USGS Web Soil Survey and selected the soils units likely present on the subject property.

Wetland soils likely found on the property:

Raypole silt loam (12): This soil type is nearly level, poorly drained soil found in depressions, on plains and terraces. Included in this unit are small areas of moderately well drained Ninigret soils, poorly drained Walpole soils, and very poorly drained Saco and Scarboro soils. The Raypole soil has a seasonal high water table at a depth of 6 inches from fall until late spring. The permeability of the soil is moderate in the surface layer and subsoil, and rapid or very rapid in the substratum. Runoff is slow, and available water capacity is moderate. The soil dries and warms up slowly in spring. Most areas of this soil type are wooded. The seasonal high water table and rapid permeability in the substratum limit this soil for community development. Groundwater pollution is a hazard in areas used for on-site septic systems. Excavations in the soil area commonly filled with water, and many areas do not have drainage outlets. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction. The soil is poorly suited for trees due to the high water table which restricts root growth. As a result, many trees are uprooted during windy periods.

Timakwa and Natchaug Soils (17): This map unit is in the New England and Eastern New York Upland, Southern Part Major Land Resource Area. The mean annual precipitation is 40 to 50 inches (1016 to 1270 millimeters) and the average annual air temperature is 45 to 52 degrees F. (7 to 11 degrees C.) This map unit is 45 percent Timakwa soils, 40 percent Natchaug soils. 15 percent minor components.

Timakwa soils

This component occurs on depression landforms. The parent material consists of woody organic material over sandy and gravelly glaciofluvial deposits. The slope ranges from 0 to 2 percent and the runoff class is negligible. The depth to a restrictive feature is greater than 60 inches.

The drainage class is very poorly drained. The slowest permeability within 60 inches is about 5.95 in/hr (rapid), with about 16.2 inches (very high) available water capacity. The weighted average shrink-swell potential in 10 to 60 inches is about 3.9 LEP (moderate). The flooding frequency for this component is rare. The ponding hazard is frequent. The minimum depth to a seasonal water table, when present, is about 4 inches. The maximum calcium carbonate within 40 inches is none.

Natchaug soils

This component occurs on depression landforms. The parent material consists of woody organic material over loamy alluvium, loamy glaciofluvial deposits, or loamy till. The slope ranges from 0 to 2 percent and the runoff class is negligible. The depth to a restrictive feature is greater than 60 inches. The drainage class is very poorly drained. The slowest permeability within 60 inches is about 0.20 in/hr (moderately slow), with about 15.6 inches (very high) available water capacity. The weighted average shrink-swell potential in 10 to 60 inches is about 3.9 LEP (moderate). The flooding frequency for this component is rare. The ponding hazard is frequent. The minimum depth to a seasonal water table, when present, is about 0 inches. The maximum calcium carbonate within 40 inches is none.

Upland soils likely found on the property:

Agawam Fine Sandy Loam, 3 to 8 percent slopes (29B): This map unit is in the Connecticut Valley New England and Eastern New York Upland, Southern Part Major Land Resource Area. The mean annual precipitation is 32 to 50 inches (813 to 1270 millimeters) and the average annual air temperature is 45 to 50 degrees F. (7 to 10 degrees C.) This map unit is 80 percent Agawam soils. 20 percent minor components. This component occurs on valley and outwash plain terrace landforms. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite, and gneiss. The slope ranges from 3 to 8 percent and the runoff class is low. The depth to a restrictive feature is greater than 60 inches. The drainage class is well drained. The slowest permeability within 60 inches is about 1.98 in/hr (moderately rapid), with about 4.8 inches (moderate) available water capacity. The weighted average shrink-swell potential in 10 to 60 inches is about 1.5 LEP (low). The flooding frequency for this component is none. The ponding hazard is none. The minimum depth to a seasonal water table, when present, is greater than 6 feet.

Agawam Fine Sandy Loam 8 to 15 percent slopes (29 C): This map unit is in the New England and Eastern New York Upland, Southern Part Connecticut Valley Major Land Resource Area. The mean annual precipitation is 32 to 50 inches (813 to 1270 millimeters) and the average annual air temperature is 45 to 50 degrees F. (7 to 10 degrees C.) This map unit is 80 percent Agawam soils. 20 percent minor components. This component occurs on valley and outwash plain terrace landforms. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite, and gneiss. The slope ranges from 8 to 15 percent and the runoff class is low. The depth to a restrictive feature is greater than 60 inches. The drainage class is well drained. The slowest permeability within 60 inches is about 1.98 in/hr (moderately rapid), with about 4.8 inches (moderate) available water capacity. The weighted average shrink-swell potential in 10 to 60 inches is about 1.5 LEP (low). The flooding frequency for this component is none. The ponding hazard is none. The minimum depth to a seasonal water table, when present, is greater than 6 feet.

Ninigret fine sandy loam (701): This nearly level to gently sloping, moderately well drained soil is found on plains and terraces in stream valleys. This soil has a seasonal high water table at a depth of about 20 inches from late fall until mid-spring. Permeability is moderately rapid in the surface layer and subsoil, and rapid in the substratum. Runoff is slow and available water capacity is moderate. The soil dries out and warms up slowly in spring. Many areas of this soil are used for hay, corn, vegetable and nursery crops. Some scattered areas are used for community development and a few small areas are wooded. The seasonal high water table is the main limitation of this soil for community development. The water table makes special design and installation of on-site septic systems necessary. Slopes of excavations are commonly unstable. Where outlets are available, footing drains help prevent wet basements. Quickly establishing plant cover, mulching, and using siltation basins help to control erosion and sedimentation during construction. This soil is well suited for cultivated crops and trees, but drainage is needed in some of the farmed areas. Minimum tillage and the use of cover crops help to control a moderate hazard of erosion in cultivated areas. Machine planting is practical in areas used for woodland.

8. Property Description and Relative Facts

- a. The property is 22.12 acres (963,547.2 sq.ft.) in size; located in Zone OSRD.
- b. The parcel is located within the Poplar Plains Brook Watershed. Poplar Plains Brook flows from the south to the north through the property.
- c. The property is not within the Aquifer Protection Overlay Zone.
- d. Property does not exist within the Coastal Areas Management Zone.
- e. The Waterway Protection Line (WPL) is established 15' from the wetland boundary.
- f. The wetland boundary and soil types are provided on the Town's GIS.
- g. The parcel has a single outbuilding (pump house).

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

9. 6.1 GENERAL STANDARDS

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

Discussion:

The project proposes a permanent boardwalk structure within the forested wetlands within the northeast portion of the parcel. The boardwalk will be constructed of 36"-long planks affixed to 4"x4" cross supports (sills) laid on the ground surface. Earth disturbance and vegetation will be minimal and exclusively associated to improve ground surface for the sills. Cutting and sealing of lumber will take place offsite and the boardwalk will be installed by a team of four to eight volunteers to minimize foot traffic within the wetland. There is no proposed use of machinery for the installation of the boardwalk. Earth disturbance will be temporary and will become stabilized immediately after installation. Some herbaceous and shrub vegetation within the wetland will be disturbed but preferred habitat within the nearby areas will be left undisturbed. The Commission finds that disturbed conditions are temporary and do not pose any long-term adverse impacts to wildlife, vegetative community, and or fish habitat. The applicant states that the boardwalk will help decrease the long-term impacts of pedestrian disturbance throughout the wetland by concentrating future foot traffic to a single accessible pathway.

10. 6.2 WATER QUALITY

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

Discussion:

The nearest perennial water course is Poplar Plains Brook, located within the property. The surface water quality classification for Poplar Plains Brook (State Waterbody ID: CT7200-26_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 (7200-26) for Poplar Plains Brook has a combined condition index (CCI) score of 0.32. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Poplar Plain Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones. Earthplace is a steward of Partrick wetlands and the watercourse and endeavors to maintain the existing naturalized riparian zones of the watercourse, which improves the local water quality of Poplar Plains Brook.

Based on the limited and temporary nature of the ground disturbance, The Commission does not feel the surface water quality of Poplar Plains Brook will be impacted from the proposed excavation activity across the subject property. Post-installation site conditions will be restored as close to existing conditions as practically possible.

11. 6.3 EROSION AND SEDIMENT

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

Discussion:

The applicant does not provide an erosion and sediment control plan. In the project narrative, the applicant states that soil disturbance will be temporary and minimal. Erosion and sedimentation will be limited to improving the ground surface for the boardwalk's wooden sills. Any digging for the sills will be immediately backfilled after each sill is installed. The Commission does not require the utilization of any silt fencing, haybales or straw wattles as the installation of these controls may cause more disturbance from foot traffic and soil destabilization than the project itself proposes.

12. 6.4 NATURAL HABITAT STANDARDS

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

Discussion:

Conservation Staff performed a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDB) 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 a state threatened species; egret (*Ardea alba*), and year-round habitat for a state species of special concern, the eastern box turtle (*Terrapene carolina carolina*). The Commission finds work will in areas that are not representative of either species' habitat. The NDDB review states preferred nesting habitat for great egret occur within tree canopy, 20' to 40' above ground surface, while box turtles preferred habitat is found in well-drained forest bottomlands within a mix of forest and early successional fields. The Commission does not anticipate any impacts to state listed species. At present, the Commission does not require additional review or consultation for listed species or critical habitat(s).

The Commission recommended the work should be done outside of the period of March to June, when the wetlands are inundated with rain and snowmelt, to allow wetland fauna to breed. The Commission finds that scheduled work period will be from November to January. The Commission finds that the work may encounter amphibians and semi-aquatic turtles at any point of the year. Construction could take place in the winter which would reduce impacts on nesting or foraging wildlife. The Commission recommends any amphibians or turtles found within the immediate work area or staging areas be allowed to move to adjacent habitat prior to proceeding with work. The Commission finds the proposed height of the boardwalk will allow for reptile and amphibian passage underneath the planks.

The Commission finds there will be minimal loss of wetland vegetation within the footprint of the boardwalk. The Commission finds enough of the vegetation will be left undisturbed to maintain the function and value of the forested wetland. The Commission does not recommend any restoration planting or seeding, as it is not practical to implement such efforts. Successional growth of wetland plants will likely occur naturally over time along either side of the boardwalk. The Commission does not anticipate long-term adverse impacts to the natural habitat and vegetative community from the temporary minimal disturbance proposed with this project.

13. 6.5 DISCHARGE AND RUNOFF

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

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

Discussion:

The Town Engineer has determined the project to have no adverse impact on flooding, draining, erosion, or the natural carrying and water-storage capacity of the waterway. Consequently, the project will not be before the Flood and Erosion Control Board. There will be no grading and the boardwalk construction does not propose to introduce impervious surface, so the Commission does not anticipate the project will diminish the capacity of wetland or watercourse to transmit or absorb flood waters.

14. 6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:

The Commission finds the current application will a benefit to recreational and public use of Partrick Wetlands.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW, WPL/E-11783-23
18 Partrick Road
Assessor's Map: B13 Tax Lot: 047
Public Hearing: September 13, 2023

Project Description: To construct a75-foot boardwalk connecting two upland areas across a seasonal wet area. Work is within the upland review area and the wetland.

Owner of Record: Earthplace Inc.
Applicant: Anthony T. McDowell

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-11783-23** 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:
Standard Wooden Planked Wetland Boardwalk, (Plan & Section View), sheet 1 of 1, prepared for Earthplace, submitted September 6, 2023

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: Ryll **Second: Lewi**
Ayes: Ryll, Lewi, Carey, Murphy, Bancroft
Nays: 0 **Abstentions: 0** **Vote: 5:0:0**

2. **3 Lakeview Road:** Application #IWW,WPL/E-11767-23 by Brian Carey of LandTech on behalf of Rob Kovac of Sherwood Homes LLC to construct a small raised porch along the northeastern corner of the residence and install a pad mounted generator along the southeastern corner of the residence. Work is within the upland review area setback.

Brian Carey presented the application for a small deck and pad mounted generator. He stated that the deck to an egress from a set of double doors that they would prefer to have rather than a platform. He has reviewed the staff report and agrees with the staff's recommendations.

Mr. Lewi noted the generator is already installed, so this is a legalization.

Mr. B. Carey agreed.

Mr. Hally reviewed the staff report noting that no materials should be deposited into the conservation easement and the deck should be made permeable. Engineering comments call for stone to be placed under the deck. Mr. Hally incorporated the contents of the file for Permit IWW,WPL/E-10782-19 into the record.

Mr. Kelly read Page 3 of 6 of the staff report into the record regarding the previous Commission's decision regarding the size of the house on this lot.

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

Motion to close the public hearing.

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

Mr. Carey noted that Mr. Bancroft and he were on the Commission when the house was approved. The Commission reviewed three different proposals. He stated he is in favor of the deck because it is off the ground and will not impede the free flow of water.

**Town of Westport
Conservation Commission
Findings
Application # IWW WPL/E – 11767-23
3 Lakeview Road
Public Hearing September 13, 2023**

1. **Receipt Date:** **July 19, 2023**
2. **Application Classification:** **Plenary**
3. **Application Request:** Applicant is proposing to construct a new raised deck on northwest side of the residence, along with a generator on the southwest side. The deck construction is proposed within the upland review area of wetlands associated with Pussy Willow Brook. The proposed residence is located outside the Waterway Protection Line (WPL).
4. **Plans Reviewed:**
 - a. "Site Improvements for a Proposed Single Family Residence Site Plan Sherwood Homes LLC. 3 Lakeview Road, Westport, CT", Scale 1" = 10', Sheets C-1 & C-2, Dated April 10, 2018 last revised to July 5, 2023, Prepared by Landtech
 - b. "Wetland Impact Assessment Proposed Single Family Residence 3 Lakeview Road Westport, CT prepared for James Franco", Dated October 11, 2018, Prepared by Landtech.
 - c. "Wetland Boundary Review, 3 Lakeview Road Westport, CT", Dated June 18, 2018, prepared by JMM Wetland Consultants.
5. **Permits/Applications filed:**
 - a. IWW/M 10595-18: amend wetland map D07
 - b. IWW, WPL 10594-18: for a new single family residence (withdrawn)
 - c. IWW, WPL/E 10782-19: for a new single family residence.
6. **IWW and WPLO Regulated Areas:**

The WPL is established 15' from the wetland line onsite or 15' from the 25-year flood line associated with Pussy Willow Brook, whichever is greater, as shown on the Site Plan.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include:
50' upland review area for a generator,
30' upland review area for a deck,

The proposed generator and concrete pad (3' x 5') will be located ~35' from the wetlands. The proposed deck (11' x 11') will be installed at ~20' from the wetlands, at the closest point.

Wetlands Description:

Map Amendment #IWW/M 10595-18 describes the wetland soils onsite as:

Ridgebury, Leicester and Whitman: These soils are poorly drained and very poorly drained loamy soils formed in glacial till. They are nearly level to gently sloping soils in depressions in uplands. They also occur in drainageways in uplands, in toeslope positions of hills, drumlins, ground moraines and in till plains.

The Non-wetland soils were identified as **Charlton- Chatfield complex (73)** and **Udorthents-Urban land complex (306)**. These soils consist of moderately deep and very deep, well drained soils formed in loamy melt-out till. They are nearly level to very steep soils on moraines, hills and ridges. Udorthents are moderately to well drained soils that have been disturbed by cutting or filling.

The Map Amendment included consensus from three soil scientists (Chris Allan of Landtech, Aleksandra Moch, and Jim McManus of JMM Wetland Consulting) for the current flagging as depicted on the plans. A ~112 sq. ft. "pocket wetland" was previously eliminated due to permitted development onsite. Now the site is regulated for "riparian wetland" associated with and Pussy Willow Brook. This watercourse crosses from the north of the property to the south.

7. **Property Description and Relative Facts:**
 - a. The existing house was built in 2022. It is served by public sanitary sewer.
 - b. Property is situated in Flood Zone A as shown on F.I.R.M. Panel 09001C0413 Map revised to July 8, 2013. Only the eastern portions of the site, not accessible due to the crossing of Pussy Willow Brook, lie above the boundary.
 - c. The property **is not** within the Aquifer Protection Overlay Zone.
 - d. Property **is not** within the Coastal Area Management Zone.
 - e. The Waterway Protection Line is established 15' from the 25 yr flood boundary.
 - f. The surveyed wetland area is **~14,890 sq. ft.**
 - Lot Area: **0.604 acres (26,310 sq. ft.)**

- Base Lot Area: **14,357 sq. ft**
- Existing Total Coverage: **13.19 % 1,894 sq. ft.)**
- Proposed Total Coverage: **13.6% (2,187 sq. ft.) ***
- Proposed Building Coverage: 8.8% (1,262 sq. ft.) *

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

Discussion:

The existing site construction consists of a residence, driveway, and Conservation Easement. The Conservation Easement was proposed to be the limit of disturbance for the construction of the residence. The Commission previously reviewed the site at the May 15, June 19, and July 22, 2019 hearings and November 18, 2020 work sessions. They determined in Permit #IWW, WPL/E 10782-19 (*Construct a single-family residence, patio, driveway and stormwater improvements on a vacant lot. Work is proposed within the wetlands and the 50' IWW upland review area for residences and 30 ft. upland review area for patios and driveways. The proposed impacts include constructing a residence on a pocket wetland in addition to the upland review area for Pussy Willow Brook*) that the proposed construction was the maximum sized structure that they were comfortable approving at the time to ensure the wetlands were not impacted.

From the Findings:

The Commission finds that the applicant has submitted four (4) design proposals for the development of this parcel. The current proposal for the house footprint is 1,247 sq. ft. for a 4-bedroom residence. This design/configuration represents the minimum house size prudent and practical for the applicant to construct on this property. The Commission gave careful consideration to the previous house designs considered for the parcel (footprints of 1,629 sq. ft. and 1,487 sq. ft.).

It should be noted that the original developer of the residence came with several house designs for the initial development onsite. The Commission ultimately turned these down in favor of this design. The Commission made a determination that a smaller house footprint increases the size of the buffer provided for the riparian wetland system of Pussy Willow Brook and increases the associated Conservation Easement area. The original design of the proposed house did not incorporate a deck or patio in the rear of the house to convey a smaller footprint to the Commission. This type of feature was left out of the application to increase the probability of approval.

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

Discussion:

The proposed construction of the deck size and openings between deck boards will allow for the stormwater runoff from the area into the soils below. The Engineering Department reviewed the application for conformance with the Town's Drainage Standards. In a memo from the Town's Engineering Department dated on August 30, 2023, Ted Gill stated that if the applicant wanted to enclose the area beneath the proposed deck, flood openings must be provided for the enclosed space below the Base Flood Elevation. In addition, the applicant is required to remove 6" of soil below the deck and replaced with crushed stone to account for increased runoff. Beside the aforementioned changes, the plan substantially complies with Town standards.

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.

Discussion:

The applicant proposes a deck construction 20' from the wetland line at its closest point. The deck is proposed to be installed over sonotube footing. The Commission finds that minimal excavation of soils should be required to install the footings. No materials shall be deposited or disturbed within the Conservation Easement onsite. Any excess material should be taken offsite.

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.
- g) *Planting plan included with application as mitigation for the proposed activities*

Discussion:

The Wetland Impact Assessment prepared by Landtech concluded that the riparian wetland had the primary functions of groundwater recharge/discharge in the northwestern corner as well as acting as a temporary flood storage area. It also provided some degree of sediment/toxicants/pathogen removal to improve water quality. The fish habitat was constrained within the boundary of the brook. Nutrient removal was limited within the riparian wetland.

A planting plan was installed as part of the approval for the construction of the single-family residence onsite. The primary purpose of these plantings is to add to the stability of the soils onsite and aide in the improvement of water quality for stormwater runoff treatment from the developed areas of the site. The site also includes a Conservation Easement which is marked in the field. The Commission finds the deck should not impose anymore than the existing house would on the natural habitat of the watercourse or adjacent riparian wetland.

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

Discussion:

The proposed activities are within the FEMA 100-year flood plain. The direct wetland impact should be minimal from stormwater runoff. The decking would allow for stormwater to pass through the gaps between decking boards. The stairs surrounding the deck should allow for the flow of water through the structure.

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.

Discussion:

Current application will not have a significant impact on recreational and public uses.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW, WPL/E-11767-23
3 Lakeview Road
Assessor's Map: C09 Tax Lot: 123
Public Hearing: September 13, 2023**

Project Description: To construct a small raised porch along the northeastern corner of the residence and install a pad mounted generator along the southeastern corner of the residence. Work is within the upland review area setback.

**Owner of Record: Rob Kovac of Sherwood Homes LLC
Applicant: Brian Carey of LandTech**

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **IWW, WPL/E-11767-23** 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. "Site Improvements for a Proposed Single Family Residence Site Plan Sherwood Homes LLC. 3 Lakeview Road, Westport, CT", Scale 1" =10', Sheets C-1 & C-2, Dated April 10, 2018 last revised to July 5, 2023, Prepared by Landtech
 - b. "Wetland Impact Assessment Proposed Single Family Residence 3 Lakeview Road Westport, CT prepared for James Franco", Dated October 11, 2018, Prepared by Landtech.
 - c. "Wetland Boundary Review, 3 Lakeview Road Westport, CT", Dated June 18, 2018, prepared by JMM Wetland Consultants.
17. No materials shall be deposited or disturbed within the Conservation Easement onsite. Any excess material shall be taken offsite.
18. The deck shall be less than 175 feet in total coverage with a permeable design. The design shall be deed-restricted.
19. The plan shall depict an alternative plan for egress from the rear yard.
20. Six inches of soil shall be removed below the deck and replaced with crushed stone.
21. Flood openings shall be provided for the enclosed space below the Base Flood Elevation.

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

Motion: Murphy **Second: Lewi**
Ayes: Murphy, Lewi, Ryll, Carey, Bancroft
Nays: 0 **Abstentions: 0** **Vote: 5:0:0**

3. **8 Spriteview Avenue:** Application #WPL-11770-23 by Yulee Aronson, PE on behalf of Van Dam LLC to elevate the residence to meet FEMA regulations, first and second floor egress stairs, new elevator, extend roof over front stair over elevator shaft, interior renovations, and mechanicals. Work is within the WPLO area of the Saugatuck River.

Yulee Aronson, PE. presented the application to elevate the residence with new egress stairs and an elevator. He reviewed the staff report. He addressed the question regarding dewatering and a tracking pad. He stated they do not propose a new foundation but they will have a dewatering bag available in case the foundation must be re-dug.

The Commission and Mr. Aronson discussed the mechanicals will be located in existing attic. There will be only the existing one car garage. The house will be raised 8 feet.

Mr. Hally indicated that Mr. Aronson addressed the concerns in the staff report.

Mr. Aronson described the lift process.

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

Motion to close the public hearing.

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

Town of Westport
Conservation Commission
Findings
Application #WPL-11770-23
8 Spriteview Avenue
Assessor's Map: B02 Tax Lot: 182
Public Hearing: September 13, 2023

1. **Application Request:** Applicant is requesting to elevate the existing residential structure to meet FEMA requirements, construct first and second floor egress stairs and elevator, extend roof over front stair over

elevator shaft with associated work to interior renovations and mechanicals. The proposed work is occurring entirely within the WPLO (elevation 9') area of the Saugatuck River.

2. Plans Reviewed:

- a. **Proposed Improvement Plan**, prepared for Yulee Aronson, 8 Spriteview Avenue, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated: April 21 2023, last revised to August 31 2023, 2023, Scale: 1" = 20'.
- b. **Plot Plan**, prepared for Yulee Aronson, 8 Spriteview Avenue, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated: April 21 2023, Scale: 1" = 20'.
- c. **Architectural Renderings**, submitted August 31, 2023, prepared by Yulee Aronson, Scale: As Noted.
 - i. **Proposed Site Plan**
 - ii. **Proposed Foundation Plan**
 - iii. **Proposed First Floor Plan**
 - iv. **Attic Plan**
 - v. **Proposed East Elevation**
 - vi. **Proposed North Elevation**
 - vii. **Proposed West Elevation**
 - viii. **Proposed South Elevation**

3. Past Permits: None

4. Property Description:

- **Location of 25-year flood boundary:** 9 ft. contour interval. The entire property is within the Waterway Protection Line Ordinance (WPLO) boundary.
 - **Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
 - **Existing Residence:** The existing residence was constructed in 1955.
 - **Proposed First Floor Elevation of Residence:** 18.25 ft.
 - **Average Site Grade Elevation:** 7.6 ft.
 - **Proposed Elevator Mechanicals Elevation: Attic Level (~32 ft.)**
 - **Gross Lot Size:** 0.12 acres (5,000 sq. ft.)
 - **Existing Site Coverage:** 48.80% (2,440 sq. ft.)
 - **Proposed Site Coverage:** 52.12% (2,606 sq. ft.)
 - **Existing Building Coverage:** 38.30% (1,915 sq. ft.)
 - **Proposed Building Coverage:** 41.62% (2,081 sq. ft.)
 - **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: Coastal Flood Hazard Area. 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 serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
- 7. Proposed Storm Water Treatment:** The applicant proposes no additional drainage for the new development on the property, as the increase in impervious footprint is minimal.
- 8. Discussion:** The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

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

The Commission finds the entire property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property is situated ~325' south of the Saugatuck River. Immediately west of the property is a tidal canal and tidal wetlands, which is influenced by the Saugatuck River. The mean high water line of the abutting tidal marsh is established at elevation 3.3' (NAVD88) to 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 western property boundary.

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 west, towards the canal.

The application proposes to raise existing residential structure to bring the house into FEMA compliance, with a proposed first floor elevation of 18.25'. Additionally, the applicant proposes to construct first and second floor egress stairs, as well as install an elevator and associated interior renovations. Building coverage will increase with the creation of a new gable roof over the stairs and elevator shaft. The foundation plan demonstrates the basement level will include a garage, the slab for the elevator pit, and the stairwell. The basement level will have eight smart vents, the tops of which will be established at a minimum of 12" above the finished grade. The house footprint will increase slightly. The building coverage will increase from ~38% to ~42%. However, the Commission finds the site plan demonstrates no expansion of site coverage towards the tidal canal and tidal wetlands.

The proposed residential addition will be built to conform to FEMA standards with the first habitable floor (el. 18.25') raised above the 100-year base flood elevation (el. 13'). The Town's Engineering Department found this design to be compliant. The Flood and Erosion Control Board approved the application on September 6, 2023 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 Commission finds the project proposes a minimal increase in coverage. Existing site coverage is ~49%. The proposed site coverage is ~52.12%, which exceeds the 10-25% cover that is expected to impact water quality. The Town Engineering Department did not require water quality calculations or additional site drainage features for the 166 sq. ft. of proposed increase in site coverage.

Page one of the architectural renderings specifies the utilization of a single row of silt fence along either side of the house and well in the rear of the house, where proposed limit of disturbance is closest to the natural resources. The application does not propose any change in grades to accommodate the improvements to the residential structure. The project description specifies the potential utilization of a filter bag for dewatering during excavation activities, if necessary. The Commission finds the applicant will dewater into a filter bag at the front of the property. The dewatering bag will drain into the nearest catch basin. The project does not propose soil stockpiling, as soil displacement will be kept to a minimum.

The Commission finds there will be minimal risk of adverse impacts to water quality from erosion and sedimentation if the silt fence and potential dewatering system are installed and maintained correctly.

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. The Conservation Commission does not require additional review or consultation for listed species or critical habitat(s).

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 site plan and project narrative specify the utilization of silt fencing at the limit of disturbance. The Commission finds this the proposed S&E controls adequate for mitigating potential impacts to the natural habitat.

**Town of Westport
Conservation Commission
Conditions of Approval
Application #WPL-11770-23
8 Spriteview Avenue
Assessor's Map: B02 Tax Lot: 182
Public Hearing: September 13, 2023**

Project Description: to elevate the residence to meet FEMA regulations, first and second floor egress stairs, new elevator, extend roof over front stair over elevator shaft, interior renovations, and mechanicals. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Van Dam, LLC
Applicant: Yulee Aronson, PE

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-11770-23** 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 **September 6, 2023**.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. **Proposed Improvement Plan**, prepared for Yulee Aronson, 8 Spriteview Avenue, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated: April 21 2023, last revised to August 31 2023, 2023, Scale: 1" = 20'.
17. **Plot Plan**, prepared for Yulee Aronson, 8 Spriteview Avenue, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated: April 21 2023, Scale: 1" = 20'.
18. **Architectural Renderings**, submitted August 31, 2023, prepared by Yulee Aronson, Scale: As Noted.
 1. **Proposed Site Plan**
 2. **Proposed Foundation Plan**

the shading. He suggested that Oaks replace the Sugar Maples due to the susceptibility to disease in the Sugar Maple.

Joan Miller, 68 Riverside, discussed the traffic concerns due to its proximity to the elementary school and where are the contractors going to park.

Rodney Larsen, 75 Riverside Avenue, read summary of letter from Friends of Eloise A Ray Park.

Lucien Vita, property owner, stated that they will be taking very good care of the park adjacent to the property. They will install a temporary fence between the property and the park. He will be working closely with Bill Kenny to protect the environment. With the design, they are trying to not have an adverse impact on the park or river. He stated that he is not opposed to planting oaks rather than the sugar maples. He addressed the neighbors comments.

Mr. Kelly read the email from Louis Mall into the record.

Mr. Carey stated he was leaning toward continuing the hearing in order to have the planting plan and NDDB report addressed.

Mr. Ryll agreed. He also expressed concern with the removal of the large Norway Maple and its root system and integrity of the slope.

Mr. Nesteriak stated this is why the construction sequence is extremely important. They will build the retaining wall first, then remove the Norway maple and regrade and stabilize slope.

Mr. Kelly submitted comments e-mailed by Gloria Gouveia.

Mr. Nesteriak reviewed the comments and stated they have addressed all comments by Ms. Gouveia.

It was consensus of the Commission to continue the hearing to allow for the submission of a detailed, robust planting plan and to address the concerns in the NDDB.

Motion to continue the hearing to October 18, 2023.

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

5. **155 Riverside Avenue:** Application #WPL-11785-23 by McChord Engineering Associates, Inc. on behalf of Jose E Andrade Estate for the demolition of the existing residence and majority of the hardscape and construction of a new residence and associated hardscape and associated site improvements. Portions of the work are within the WPLO area of the Saugatuck River.

Tom Nelson of McChord Engineering presented the application on behalf of the property owner. He oriented the Commission to the property. It was noted almost the entire property is developed and the majority of the property is within the flood zone. They are proposing to build a new single family residence, patio, walkways and a driveway expansion. The proposed patio and driveway expansion will be permeable. There is drainage proposed with this project including raingardens along the seawall. The existing seawall and dock will remain. There will no stockpiled material onsite. Minimal site grading is proposed. He stated he agrees with the proposed conditions in the staff report.

Kate Throckmorton, LA, reviewed the planting plan. The plan calls for all native planting using a combination of trees, shrubs, and grasses.

Mr. Hally noted that the proposed conditions should note that the parking area, not shared driveway, should be permeable. He stated that the Commission cannot condition a shared condition of the driveway. The planting plan is robust for the site. He indicated that the proposal is an improvement from what is currently onsite.

Mr. Kelly stated he supports Ms. Throckmorton's planting plan. There will be minimal site changes as the house will be over the existing footprint.

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

Motion to close the public hearing.

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

**Town of Westport
Conservation Commission
Findings
Application #WPL-11785-23
155 Riverside Avenue
Assessor's Map: C08 Tax Lot: 047
Public Hearing: September 13, 2023**

1. **Application Request:** The applicant is proposing the demolition of an existing residence and hardscape, and the construction of a new single-family residence with spa, terrace, walkways, raingardens, and associated site improvements. The proposed work is occurring substantially within the WPLO area of the Saugatuck River.
2. **Plans Reviewed:**
 - a. **Site Development Plan**, 155 Riverside Avenue, Westport, Connecticut, prepared for Estate of Jose E. Andrade, Westport, CT, prepared by McChord Engineering Associates, Inc., dated August 17, 2023, Scale: 1" = 10'.
 - b. **Existing Conditions Plan**, Prepared for Andrade, 155 Riverside Avenue, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated April 20, 2023, last revised to August 7, 2023, Scale: 1" = 10'.
 - c. **CAM Planting Plan**, Proposed Addition, 155 Riverside Drive, Westport, Connecticut, prepared by Environmental Land Solutions, LLC, dated August 17, 2023, Scale: 1" = 10'.
 - d. **Engineering Summary** (report), Proposed Site Development 155 Riverside Avenue, Westport, Connecticut, prepared for Estate of Jose E. Andrade, Westport, CT, prepared by McChord Engineering Associates, Inc., dated August 17, 2023, Scale: 1" = 10'.
 - e. **Architectural Renderings**, dated August 17, 2023, Scale As Noted.
 - i. **Basement Level Floor Plan** Sheet A-100
 - ii. **Level 01 Floor Plan** Sheet A-101
 - iii. **Level 02 Floor Plan** Sheet A-102
 - iv. **Level 02.5 Floor Plan** Sheet A-103
 - v. **Roof Plan** Sheet A-104
 - vi. **Exterior Elevations** Sheet A-200
 - vii. **Exterior Elevations** Sheet A-201
 - viii. **Building Sections** Sheet A-210
 - f. **Past Permits:** None
 - g. **Property Description:**

Location of 25-year flood boundary: 9 ft. contour interval. The WPL is established 15 linear feet (LF) from the 9 ft. contour interval.
Property is situated in Flood Zones AE (el. 10') as shown on F.I.R.M. Panel 09001C0413G (Map revised to July 8, 2013).
Proposed First Floor Elevation: 15.0 ft.
Proposed Garage Elevation: 6.4 ft
Proposed Crawl Space Elevation: 10.5 ft.
Proposed Equipment Pad Elevation: 11.0 ft.
Proposed Top of Retaining Wall Elevation: 11.0 ft.
Existing Average Site Grade Elevation: 8.4 ft.
Proposed Average Site Grade Elevation: 9.5 ft.
Lot Area: 0.09 acres (5,540 sq. ft.)
Base Lot Area: 5,456 sq. ft.
Existing Site Coverage: 34.82% (1,900 sq. ft.)
Proposed Site Coverage: 34.48% (1,881 sq. ft.)
Existing Building Coverage: 21.90% (1,195 sq. ft.)
Proposed Building Coverage: 22.86% (1,247 sq. ft.)
Sewer Line: The property is serviced by municipal sewer.
Zoning: Property is located in Residential Zone A
 - h. **Aquifer:** The property is outside of the Aquifer Protection Overlay Zone. The property is underlain by Saugatuck River Aquifer which is a coarse-grained stratified drift aquifer.

i. Coastal Area Management:

The subject property is located within the Coastal Area Management (CAM) zone. The coastal resources are identified as: **Estuarine Embayments, Nearshore Waters, Shellfish Area and Coastal Flood Hazard Area**. Estuarine Embayments are protected coastal bodies of water with an open connection to the sea in which saline sea water is measurably diluted by fresh water including tidal rivers, bays, lagoons and coves. Estuarine embayments facilitate high biological productivity, provide significant habitat for shellfish, finfish and waterfowl, serve as spawning and feeding grounds for a wide variety of fish species and various aquatic fauna. 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.

j. Proposed Storm Water Treatment:

The applicant proposes to treat the first 1" of runoff with a stormwater management system. Roof leaders from the western portion of the house will convey roof runoff to an underground stormwater detention system consisting of one row of 12' concrete leaching gallery, to the west of the proposed house. The roof leader on the northeast corner of the house will discharge to the rear lawn at grade, where it will sheet flow towards the permeable paver portion of driveway. The asphalt portion of the driveway will drain towards the permeable paver portion of the driveway and the water will be stored within a 14"- deep crushed stone reservoir beneath the driveway. General site runoff from the remainder of the site will drain towards two rain gardens features along the seawall at the eastern end of the property.

k. Discussion:

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

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

The eastern portion of the property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property abuts the Saugatuck River. The site survey indicates the presence of tidal wetlands. Though, during a site visit by Staff, they noted the water line was devoid of any submerged or emergent aquatic vegetation, and it is best characterized as muddy intertidal and man-made seawall. The mean high water line of the abutting tidal marsh is established at elevation 3.3' (NAVD88) to the east 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 eastern property boundary.

Based on the existing spot elevations shown on the site plan, the existing topography of the site slopes downward from the western portion of the site at the roadway towards the eastern end of the of the property where it meets the river. The elevations indicate the site drains east towards the waterway. Though the average grade elevation will increase slightly, the slope is proposed to remain relatively the same. With the proposed plan, stormwater will continue to flow across the site and be collected by the multiple pervious areas.

The proposed location of the new house is substantively within the same footprint of the existing house. The house will be connected to municipal sewer service. The application proposes to clear the site of existing structures and hardscaping and construct a new house and garage with a first habitable floor elevation of 15.0' and basement elevation of 10.5' and a garage floor elevation of 6.4'. The equipment pads will be surrounded by a new retaining wall. The top of wall and equipment pads will be located at elev. 11'. A crawl space will be constructed at the basement level. A stone terrace (elev 8.5') will be constructed in the place of the existing deck. There will be a spa constructed within the terrace footprint. The terrace will be bordered by a landscape bed of native plantings. The small amount of existing lawn area towards the rear of the property will be turned into walkways and planted raingardens. The driveway will mostly remain as it is currently configured, but the most eastern and downgradient portion of the driveway will be constructed as pervious. A stormwater detention gallery will be installed at the front of the house. The building coverage will increase minimally, from 21.90% to ~23%, but associated improvements will not expand any further towards the wetland. The plan proposes to pull back the limit of impervious coverage from the natural resources.

The proposed residence will be built to conform to FEMA standards with the first habitable floor (el. 15.0') constructed above the 100-year base flood elevation (el. 10'). The carport is proposed at elevation ~6.4'. The architectural rendering, "Basement Level Floor Plan", demonstrates there will be two 2' flood vent openings in the garage wall and a flood vent opening into the garage door. The Flood and Erosion Control Board meeting approved the application on September 6, 2023 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 proposed site coverage is 35%, which is greater than the 10-25% cover that is expected to impact water quality. Coverage calculations are provided in the "Engineering Summary" report. 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 immediately downgradient of each of the proposed raingardens, beyond the limit of disturbance at the eastern end of the property. The silt fence extends along a portion of the southern boundary. The Commission requires the silt fence be extended along the entire limit of disturbance where installation is practical. A detail for typical silt fence installation is provided on the site plan. The application proposes minimal grading across the site. The average grade will change from an elevation of 8.4' to 9.5', and site contours will remain the same. The applicant does not provide an estimate of total cut and fill to account for the grade change shown on the plans.

The Commission requires the commission require a phasing sequence of demolition, construction and planting be submitted due to potential impacts of disturbance from intense activity within the limited space on the site.

The Commission finds that the applicant provides a planting plan of the proposed rain gardens, adjacent to the top of the adjacent to the top of the seawall, 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. Stormwater from the rear of the house will be discharged to grade to lawn where it will drain towards the pervious driveway and northern raingarden. Stormwater runoff from the terrace will be intercepted and diffused by the connected planted landscape bed, prior to draining towards the rain gardens.

The stormwater collected within the raingarden areas will slowly infiltrate and drain into the Saugatuck river through an existing 18" RCP located beneath the shared driveway. Staff considers this an improvement to the existing drainage, which is assumed to have no biofiltration prior to discharge into the surface water of the tidal river.

Stormwater calculations are provided in the "Engineering Summary" report. The "Permeable Paver Driveway Detail" detail provided on the site plan demonstrates that the driveway will be constructed of permeable pavers and open joints filled with crushed stone. The stormwater detention area at the front (west) of the proposed house will consist of a single row of concrete leaching gallery. The permeable walkway will consist of a 2" layer of pea stone over a 4" layer of gravel. The subbase will be constructed with a 6" layer of ASTM No. 57 clean crushed stone over an 8" layer of ASTM No. 2 clean crushed stone. The drainage calculations demonstrate the proposed stormwater detention has a retention volume of 142 cu. ft. The rain gardens have a combined stormwater storage capacity of 131 cu. ft which is greater than the 83 cu. ft. required by Town drainage standards for the first 1" of runoff from the new development. The drainage report demonstrates that the stormwater runoff volume from the driveway 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 finds that 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 features 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 not encountered at deep test pits #DT1 at the eastern end of the property and #DT2 at the western end of the property. Both of which were advanced to 60" below ground surface. Mean high water for the adjacent tidal river is located at elev. 3.3'. Given that the average existing grade is elev. 8.4', The Commission finds that any excavations exceeding ~62" have the potential of being inundated at periods of high tide. The Commission finds that the site plan does not specify the use any dewatering methods or locations should the project encounter groundwater during excavation activities for the house. Architectural plans indicate that excavations for the basement level will not advance further than

the mean high-water level. Therefore, The Commission finds there is not a need for a site-specific dewatering plan.

The Commission requires the Commission requires a deed restriction to be filed on the land record stating that the proposed permeable paver driveway and permeable gravel walkway will remain pervious in perpetuity. The Commission finds the terrace is pitched toward a landscape bed, and runoff from the terrace surface will be collected within the planted bed, as depicted in the planting plan. The Commission finds the terrace surface does not require additional drainage.

The Commission finds stormwater quality across the property has the potential to improve with the inclusion of the stormwater detention units, pervious walkway and driveway portion, and the rain garden planting along the eastern 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 (NDDB) 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 habitat for the following and the following state species of special concern; mudwort (*Limosella australis*), and blueback herring (*Alosa aestivalis*). Since the project does not propose intertidal work or work within the water column of the Saugatuck River, the project does not propose impacts to Connecticut listed species. At present, the Commission does not require additional review or consultation for listed species or critical habitat(s).

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 Saugatuck River and tidal wetland.

The proposed limit of development extends to ~4' from the existing seawall. The natural habitat resource along the seawall is the river intertidal zone. The Commission finds the total extent of the proposed development is occurring with the footprint of the existing development. The existing vegetation along the existing seawall can be characterized as a mix of landscape plantings and successional growth of nuisance vegetation. The "CAM Planting Plan" demonstrates that the existing vegetation and lawn along the top of the seawall will be replaced by rain gardens. The applicant proposes a planting plan of native plants within the rain gardens.

The planting plan demonstrates that within the rain gardens the planting will consist of trees, shrubs, and perennial herbaceous plants. Within the raingardens and the planted area adjacent to the driveway, the proposed trees include two serviceberry and nine arborvitae. The proposed shrubs include one red chokeberry, eight spicebush, twelve hydrangea and eight winterberry. The proposed perennials include six black cohosh, and 24 switchgrass. The Commission finds the plan should help stabilize the rain garden detentions as well as absorb and diffuse the flow of storm water towards the seawall. The landscape proposes the removal of existing landscape trees shrubs and herbaceous plants along the top of the seawall as well as removing entirety of the lawn in the rear of the property. The Commission finds replacing the existing landscape vegetation in the rear of the property with native vegetation is a significant improvement, as the proposed plants should serve as habitat and forage for birds and pollinating insects. The planted raingardens and other stormwater management features should result in a moderate improvement to water quality coming off the property and entering the tidal river, benefitting the intertidal shellfish and benthic community.

**Town of Westport
Conservation Commission
Conditions of Approval
Application #WPL-11785-23
155 Riverside Avenue
Assessor's Map: B02 Tax Lot: 182
Public Hearing: September 13, 2023**

Project Description: demolition of the existing residence and majority of the hardscape and construction of a new residence and associated hardscape and associated site improvements. Portions of the work are within the WPLO area of the Saugatuck River.

Owner of Record: Jose E Andrade Estate
Applicant: McChord Engineering Associates, Inc

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-11785-23** 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 **September 6, 2023**.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. **Site Development Plan**, 155 Riverside Avenue, Westport, Connecticut, prepared for Estate of Jose E. Andrade, Westport, CT, prepared by McChord Engineering Associates, Inc., dated August 17, 2023, Scale: 1" = 10'.
 - b. **Existing Conditions Plan**, Prepared for Andrade, 155 Riverside Avenue, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated April 20, 2023, last revised to August 7, 2023, Scale: 1" = 10'.
 - c. **CAM Planting Plan**, Proposed Addition, 155 Riverside Drive, Westport, Connecticut, prepared by Environmental Land Solutions, LLC, dated August 17, 2023, Scale: 1" = 10'.
 - d. **Engineering Summary** (report), Proposed Site Development 155 Riverside Avenue, Westport, Connecticut, prepared for Estate of Jose E. Andrade, Westport, CT, prepared by McChord Engineering Associates, Inc., dated August 17, 2023, Scale: 1" = 10'.
 - e. **Architectural Renderings**, dated August 17, 2023, Scale As Noted.
 - a. **Basement Level Floor Plan** Sheet A-100
 - b. **Level 01 Floor Plan** Sheet A-101
 - c. **Level 02 Floor Plan** Sheet A-102
 - d. **Level 02.5 Floor Plan** Sheet A-103
 - e. **Roof Plan** Sheet A-104
 - f. **Exterior Elevations** Sheet A-200
 - g. **Exterior Elevations** Sheet A-201
 - h. **Building Sections** Sheet A-210
17. The non-shared portion of the driveway and walkways shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.

**Town of Westport
Conservation Commission
Findings
Application #IWW-WPL-11781-23
50 Roseville Road
Assessor's Map: F09 Tax Lot: 116
Public Hearing: September 13, 2023**

1. **Receipt Date:** August 17, 2023
2. **Application Classification:** Plenary
3. **Application Request:** The applicant is requesting to construct a new single-family residence with attached garage, permeable driveway, septic system and associated site improvements. addition, driveway, and retaining wall with associated site improvements. Portions of the work will occur within upland review area setbacks of onsite wetlands and the WPLO boundary.
4. **Plans Reviewed:**
 - a. **Improvement Location Survey**, prepared for Stanley and Natalia Pinkus, 50 Roseville Road, Westport, Connecticut, prepared by Land Surveying Services, LLC, dated July 22, 2022, last revised June 14, 2022, Scale: 1" = 20'.
 - b. **Site Development Plan**, 50 Roseville Road, Westport, Connecticut, prepared for Stanley and Natalia Pinkus, prepared by Kousidis Engineering, LLC, dated August 09, 2023, Scale: 1' = 20', Sheet 1 of 2.
 - c. **Sediment and Erosion Control Plan**, 50 Roseville Road, Westport, Connecticut, prepared for Stanley and Natalia Pinkus, prepared by Kousidis Engineering, LLC, dated August 09, 2023, Scale: 1' = 20', Sheet 2 of 2.
 - d. **Conservation Restriction Area and Adjacent Wetland, Impact Analysis of the Proposed Site Improvements, at 50 Roseville Road**(report), Westport, CT, prepared by Aleksandra Moch, dated June 4, 2023, revised August, 9 2023.
 - e. **Conservation Restriction Area Restoration Plan**, at 50 Roseville Road, Westport, CT, prepared by Aleksandra Moch, dated August, 9 2023.
 - f. **Drainage Analysis (report)**, located at 50 Roseville Road, Westport, Connecticut, prepared for Stanley Pinkus, dated August 09, 2023
 - g. **Architectural Renderings**, 50 Roseville Road, Westport, Connecticut 06880, prepared by Colangelo Associates Architects, dated August 10, 2023, Scale: As Noted.

1. Site Plan, Building Height, Area Plans	Sheet A100
2. Level 1	Sheet A101
3. Lower Level	Sheet A102
4. Level 2	Sheet A103
5. Elevations	Sheet A104
5. **IWW and WPLO Regulated Areas:**

The Waterway Protection Line Boundary is established 15' from the boundary of an offsite wetland, flagged by Aleksandra Moch in March of 2022. Construction of the driveway retaining wall and the installation of the driveway drainage system is expected to occur within the WPLO boundary on the property.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for this property include:
50' upland review area for a house,
50' upland review area for septic system,
30' upland review area for a driveway and retaining wall and walkways.
20' upland review area for installation of stormwater retention units, fuel storage tank, grading and alterations within the non-disturbance buffer.

The proposed house is not within the 50 ft. upland review area. The proposed septic system is not within the 50 ft. upland review area. The proposed driveway and associated retaining wall are within the 30 ft. upland review area. The proposed walkway is not within the 30 ft. upland review area. The underground propane storage tank is not within the 20 ft. upland review area installation of the stormwater management system and associated grading and alterations are within 20 ft. upland review area.
6. **Previous Permits issued:**
 - **#IWW/M-11676-23:** map amendment - to move wetland boundary off of the subject property
 - **IWW-WPL- 4173-90:** Reduction of wall height and length and adjustment of grades (52 Roseville Road reference previous IWW- 3065-89 + WPL-3067-89)
 - **IWW- 3065-89 + WPL-3067-89:** Road crossing over wetlands single family residence with related appurtenances on each of two (2) lots.
 - **IWW-2553-88:** subdivide 48 Roseville Road (denied)
 - **IWW/M-2622-88:** map amendment 48 Roseville Road
 - **IWW/M-2374-88:** map amendment -withdrawn - 48 Roseville Road

Wetlands Description: “Site Investigation, 50 Roseville Road, Westport Connecticut”, prepared by JMM Wetland Consulting Services, LLC, dated January 12, 2023.

Wetland Soils:

Mr. McManus’ report established that no wetland soils were located on the site but noted “regulated wetlands were observed within 100-feet of the northwestern property line.”

Non-Wetland Soils:

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

Sutton fine sandy loam (50) - This soil unit consists of gently sloping, moderately well drained soil found in slight depressions and on the sides of hills and ridges. This Sutton soil has seasonal high water table at a depth of about 20 inches from late fall until mid-spring. Many areas of this soil type are used for community development, with limitations caused by the high water table.

Udorthent, smoothed (308) – This component occurs on leveled land and fill landforms.

7. Property Description and Facts Relative to the Application:

- a. The property is undeveloped.
 - b. The property is not serviced by public sanitary sewer. The applicant proposes a septic system.
 - c. The property is 0.806 ac. (35,095 sq. ft.) in size; located in Residential Zone A.
 - d. The parcel is located within the Muddy Brook Watershed. The Muddy Brook watercourse is located offsite, ~3,000’ to the east.
 - e. This property **is not** located within a FEMA-designated flood zone.
 - f. The property **is not** within the Aquifer Protection Overlay Zone.
 - g. Property does not exist within the Coastal Area Management Zone.
 - h. The Waterway Protection Line is established 15’ from the wetland boundary, as depicted on the Site Development Plan.
 - i. The Flood & Erosion Control Board approved this project at the September 6, 2023 meeting.
 - j. A Conservation Restriction Area is indicated on eastern portion of the property in the area of steep slope up to elevation 100’.
- Base Lot Area: 17,076 sq. ft.
 - Proposed Building Coverage: **11.71%** (2,000 sq. ft.)
 - Proposed Driveway Coverage: 1,700 sq. ft.
 - Proposed Total Coverage: **21.67%** (3,700 sq. ft.)
 - Driveway Retention Invert Elevation: **131.58’**
 - Existing Average Site Grade: **129.5’**
 - Proposed Average Site Grade: **129.6’**
 - Proposed Driveway Elevation: **136’**
 - Proposed Top of Wall Elevation: **134’-140’**

8. Conformance to Section 6.1 General Standards of the Inland Wetlands and Watercourses Regulations

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

Discussion:

The permeable driveway will be located ~10’ from the nearest wetland boundary. The retaining wall along the driveway will be located ~9’ from the nearest wetland boundary. The proposed limit of grading and installation of stormwater retention units for the driveway will be located ~10’ from the nearest wetland boundary. The proposed house and septic system are located ~100ft from the wetland boundary, well outside the upland review area. The construction of the driveway represents the largest amount of development within upland review area of wetlands included in proposed plan. Excavation to accommodate the driveway drainage and grading to accommodate the slope of the driveway represent the most intensive earthwork adjacent to wetlands on site. The average site grade will increase ~0.1’ in elevation.

The plan proposes to remove mature trees and other upland vegetation across the site. A compensatory planting of upland trees and shrubs is proposed within the Conservation Easement on steep slopes on the eastern portion of the site. In the current application, the driveway coverage is proposed to be 1,700 sq. ft. The portion of the driveway closest to the wetland boundary will be constructed as pervious surface with driveway drainage system to capture stormwater runoff before it discharges into the adjacent wetland. Total site coverage will be established at 3,700 sq. ft. (21.67%). All drainage features are sized to accommodate the proposed 6,971 sq. ft. of impervious development on site. The stormwater features include permeable driveway, retention galleries, and a level spreader. Earth work will consist of excavation, filling, grading, and stockpiling. Retaining walls will be used to fortify new grades created within existing slopes to accommodate the driveway, house, and septic system.

The project does not propose any direct impacts to wetlands or watercourses. The Commission finds that the applicant makes an effort to minimize disturbance adjacent to wetlands. The development will occur within small area that avoids the sensitive areas of wetlands to the southwest and a Conservation Easement of steep slopes to the west. The wetland to the south of the proposed driveway is associated with a freshwater pond. Though the pond could be considered candidate habitat for fish aquatic fauna species, the site disturbance does not pose an obvious threat of loss of fish, wildlife, or vegetation. The Commission finds the proposed improvements and sediment and erosion controls have been designed to prevent a significant risk of pollution or disturbance to the wetlands. The Commission finds that overall runoff across the site of the property to be reduced with introduction stormwater retention features. The Commission finds this projected reduction and redirection of stormwater runoff as an overall benefit to water quality and conservation of natural habitat. Due to the site's limited access, existence of slopes, and required grading, the applicant shall provide a construction sequence.

9. Conformance to Section 6.2 Water Quality of the Inland Wetlands and Watercourses Regulations

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

Discussion:

The impact analysis report prepared by Aleksandra Moch identifies an offsite, unnamed intermittent located northeast of the property. The intermittent watercourse drains towards a confluence with Muddy Brook, ~3,000' to the east of the property. The surface water quality classification for Muddy Brook (State Waterbody ID: CT7000-16_01) (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish other aquatic life and wildlife and recreation. The Commission references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin for Muddy Brook (Local Watershed Basin ID: 7000-16) has a combined condition index (CCI) score of 0.19. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Muddy Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

Stormwater calculations are provided in the "Drainage Analysis" report. The "Permeable Driveway Detail" provided on the site plan demonstrates that the driveway will be constructed with a 6" subbase of pea gravel and clean crushed stone. The report demonstrates the stormwater management system has a retention volume of 665 cu. ft. which is greater than the 581 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 driveway and retention units as a benefit, and these features should enhance the stormwater runoff capture and energy attenuation.

The site development plan shows the septic system is placed in the central portion of the site away from the Conservation Easement and the nearest wetland boundary. By locating the stormwater retention units under the driveway, the septic system was able to be located where it would have the least potential impacts to surface water quality. Test pit data provided on the site development plan demonstrates the ground water was not encountered in most of the excavations. Groundwater was only encountered in the area of the proposed driveway when test pits were able to be advanced to depths greater than 62" below ground surface. With the

proper installation of the septic system, The Commission finds that the proposed work will not impact ground water quality.

10. Conformance to Section 6.3 Erosion and Sediment of the Inland Wetlands and Watercourses Regulations

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

Discussion:

Much of the potential for adverse impacts from erosion and sedimentation will be due to the temporary conditions created during the excavation, filling and grading associated with constructing the addition and installing the eastern stormwater retention area. The project proposes extensive grading in the areas of the proposed driveway and the septic system. The project proposes an estimated 948 cubic yards (cu. yd.) of total of excavation and fill across the site, which is less than the 1,625 cu. yd. allowed by Town standards for exaction and fill. The project will require soil stockpiling, which will occur outside of wetland setbacks in the northern corner of the site, west of the proposed house.

The proposed erosion and sedimentation controls include:

- a) a double row of perimeter silt fencing backed by a row of haybales immediately downgradient from the proposed limit of site disturbance,
- b) a double row of perimeter silt fencing backed by a row of haybales around the proposed soil stockpiling area,
- c) a mud tracking pad at the construction entrance, and
- d) an erosion control blanket on the proposed slopes around the septic system.

Details for the silt fence, the soil stockpile, the tracking pad and the erosion control blanket are shown on the "Erosion Control Plan". The plan does not specify a location or method for any potential dewatering plan. The Commission finds in the section above that groundwater was only encountered in test pits within the footprint of the proposed driveway at a depth greater than 60", so groundwater is not anticipated to be encountered during excavation activities.

The Commission finds these S&E control measures should be adequate if monitored and maintained throughout construction.

11. Conformance to Section 6.4 Natural Habitat Standards of the Inland Wetland and Watercourses Regulations

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

Discussion:

A preliminary 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. The Commission finds there will be no impacts to state listed species or critical habitat as a result of the proposed project.

The impact analysis report states describes a compensatory planting within the Conservation Easement to account for the mature trees and vegetation lost within the upland review area for the driveway. It is not practical to establish a robust buffer planting in the narrow margin between the limit of development the property boundary adjacent to the wetland. The mature trees lost to the development of the driveway and the rest of the property include birches, sumacs, maples, cherries and ashes. The plan proposes to plant five white oaks, five sugar maples, five American hollies, and five red cedars, as well as six Carolina rose, eight common ninebark, and eight common elderberry. The Commission finds the plantings will have limited potential to benefit wetland areas. Though, the plantings should help more diversify the native vegetative community and establish more canopy cover in a slope area that has some dead or dying mature trees. Furthermore, the plan proposes to remove any invasive vegetation within the Conservation Easement. The planting will contribute to long-term stabilization of

the soil on the steep slopes. The Commission requires a performance bond for the planting, to be held for one growing season to ensure the long-term vitality of the plants.

The Commission finds the construction of the new development and associated site features will not have greater than minimal adverse impacts of altering habitat conditions or existing indigenous flora and fauna. The construction of the house, the septic and retaining walls will occur exclusively outside of the wetland and upland review areas. The biggest risk of impact to the natural habitat is sedimentation from excavation and filling activities, and the extensive E&S control plan will help mitigate any potential impacts.

The Commission finds that there will be no adverse impacts to the local ecosystem and biological productivity of the wetland and watercourse. Since there are no proposed developments within the wetland or watercourse, and surface water inputs will be limited to stormwater system overflow, there will be no adverse impacts to aquatic wildlife, fish migration or life cycle.

12. Conformance to Section 6.5 Discharge and Runoff of the Inland Wetland and Watercourses Regulations

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

Discussion:

Overall grading shown on the site plan will aim to create more gradual slopes around the proposed development. The final grades should improve the sites overall capacity to transmit storm water. Much of the stormwater runoff will be captured and retained or redirected away from sensitive areas. Stormwater runoff from the driveway surface and the southwest portion of the roof catchment area will be conveyed to the retention units proposed beneath the permeable driveway. Stormwater runoff from the northern portion of the roof catchment will discharge at grade towards the northern property boundary. The northeast roof leader will convey roof runoff to a gravel level spreader ~40 feet upgradient from the Conservation easement. The Commission finds the drainage features will prevent excess volume and energy of stormwater into the offsite wetland and watercourse by capturing much of the volume and allowing it to infiltrate into the groundwater.

The application was reviewed by the Flood & Erosion Control Board on September 6, 2023. Edward Gill, of Town Engineering Department, stated at that meeting that the drainage calculations would need to be reviewed prior to the issuance of the Zoning Permit. Mr. Gill also stated he was in favor of the Boards's approval.

The Commission finds the proposed planting of trees and shrubs within the conservation easement will help dissipate stormwater energy moving across the steep slope to the adjacent property and the intermittent watercourse. The plantings will help trap suspended sediment and facilitate biofiltration of pollutants.

The Commission finds that more gradual site grades and additional stormwater retention volume will be an overall benefit to stormwater discharge and runoff. 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.

13. Conformance to Section 6.6 Recreational and Public Uses of the Inland Wetland and Watercourses Regulations

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

Discussion:

The proposed application will not have a significant impact on recreational and public uses.

14. Waterway Protection Line Ordinance (WPLO)

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 WPLO boundary is located 15' from the wetland boundary. Work within the WPLO is limited to construction of the driveway, driveway retaining wall, and driveway drainage system and grading to accommodate the driveway construction. 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 temporary stormwater quality impacts due to potential sediment releases from disturbed soil adjacent to the wetland boundary.

A double layer of silt fence backed by haybales is shown on the site plan within the WPL, ~3' downgradient from the proposed location of the permeable driveway. The Commission finds these S&E control measures should be adequate in preventing sediment release into the resource. The Commission finds the ecosystem of the wetland and watercourse should not be adversely impacted by the installation of the stormwater galleries. The stormwater galleries should be considered a benefit to enhancing water quality of runoff going into the wetland.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW-WPL-11781-23
50 Roseville Road
Assessor's Map: F09 Tax Lot: 116
Public Hearing: September 13, 2023

Project Description: To construct a single-family residence with attached garage, new permeable driveway, new septic system and associated site improvements. Portions of the work are within the upland review area and the WPLO area of a tributary to Muddy Brook.

Owner of Record: Stanley and Natalia Pinkus
Applicant: Jim Kousidis of Kousidis Engineering, LLC

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **IWW, WPL-11781-23** with the following conditions:

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

STANDARD CONDITIONS OF APPROVAL

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

11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to Flood & Erosion Control Board September 6, 2023 conditions of approval.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a. **Improvement Location Survey**, prepared for Stanley and Natalia Pinkus, 50 Roseville Road, Westport, Connecticut, prepared by Land Surveying Services, LLC, dated July 22, 2022, last revised June 14, 2022, Scale: 1" = 20'.
 - b. **Site Development Plan**, 50 Roseville Road, Westport, Connecticut, prepared for Stanley and Natalia Pinkus, prepared by Kousidis Engineering, LLC, dated August 09, 2023, Scale: 1' = 20', Sheet 1 of 2.
 - c. **Sediment and Erosion Control Plan**, 50 Roseville Road, Westport, Connecticut, prepared for Stanley and Natalia Pinkus, prepared by Kousidis Engineering, LLC, dated August 09, 2023, Scale: 1' = 20', Sheet 2 of 2.
 - d. **Conservation Restriction Area and Adjacent Wetland**, Impact Analysis of the Proposed Site Improvements, at 50 Roseville Road(report), Westport, CT, prepared by Aleksandra Moch, dated June 4, 2023, revised August, 9 2023.
 - e. **Conservation Restriction Area Restoration Plan**, at 50 Roseville Road, Westport, CT, prepared by Aleksandra Moch, dated August, 9 2023.
 - f. **Drainage Analysis (report)**, located at 50 Roseville Road, Westport, Connecticut, prepared for Stanley Pinkus, dated August 09, 2023
 - g. **Architectural Renderings**, 50 Roseville Road, Westport, Connecticut 06880, prepared by Colangelo Associates Architects, dated August 10, 2023, Scale: As Noted.
 - i. Site Plan, Building Height, Area Plans
 - ii. Level 1
 - iii. Lower Level
 - iv. Level 2
 - v. Elevations
18. The portion of driveway that is proposed to be permeable shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
19. The design engineer shall witness and certify the construction of all site drainage proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
20. An invasive vegetation management and monitoring plan shall be submitted for Conservation Department approval prior to the issuance of a zoning permit. The plan shall specify the removal of plants to be limited to the use of hand tools and mechanical tools. Heavy equipment is not authorized within the Conservation Restricted Area.
21. The applicant shall submit a performance bond for the Conservation Easement buffer planting plan and invasive management plan to be held one full growing season to ensure vitality of the plants. A portion of the bond shall be held for three years to ensure the success of the invasive plant removal. The bond shall be paid prior to the issuance of a Zoning Permit.
22. An "as-built" survey shall be submitted prior to the issuance of a 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: Carey Second: Lewi
Ayes: Carey, Lewi, Bancroft, Ryll, Murphy
Nays: 0 Abstentions: 0 Vote: 5:0:0

7. **3 Tupelo Road:** Application #IWW,WPL-11782-23 by Aleksandra Moch on behalf of Emily & Lewis Liebert to construct an in-ground swimming pool with associated stormwater management system. Work is within the upland review area setbacks and the WPLO area of Deadman's Brook.

Mr. Kelly reviewed additional information that has been submitted into the record since the packets were sent to the Commissioners:

- Deed from 1958
- Land Record Map 3375
- Complaint from Dee & Brian Chapman, 211 Sturges Highway, received September 13, 2023
- Complaint from Samuel Bell, 21 Tupelo Road, dated September 13, 2023
- Engineering Comments dated September 13, 2023
- Resumes for Colin Kelly and Andrew Hally

Aleksandra Moch presented the application for a new swimming pool. She oriented the Commission with a PowerPoint presentation. She highlighted plans for drainage and sediment and erosion controls. She reviewed the proposed restoration plantings.

Mr. Carey stated it was his opinion that the pool is too big for this site. It is too close to the wetlands.

Mr. Bancroft asked about the depth of the pool.

Wayne DeMarzo, PE stated the pool will be 8-feet deep.

Mr. Bancroft stated this is a very deep pool.

Lewis Liebert, property owner, stated they are trying to squeeze everything into the pool rather than expanding the size. They have a sun shelf and spa within the pool. They are giving up a patio. The 8-foot depth of the pool was suggested for safety and liability issues.

Mr. Kelly stated the Commission comments deem an impact to the wetland and review area setbacks. Therefore, the Commission must look at feasible and prudent alternatives. The first plan the applicant submitted was for a 20' X 45' pool but it was located over the existing drainage system. The second plan was for a 20' X 40' pool perpendicular to the house that was outside the drainage system. The Commission is looking at the third alternative.

Mr. DeMarzo indicated that the changes in drainage if the pool were made smaller would be negligible.

Mr. Kelly read comments dated September 13, 2023 from Edward Gill of the Engineering Department.

Mr. Hally addressed the planting plan, the drainage system location and material stockpiling.

Mr. Carey asked for public comment.

Dee Chapman, 211 Sturges Highway, asked how much fill is being brought onto the site.

Mr. DeMarzo stated it would be a net zero as the pool excavation materials would be used for grading.

Ms. Chapman noted she was an RTM member. She discussed the drainage that comes onto her property from 3 Tupelo Road. She expressed opposition to the proposal.

Mr. Kelly stated there were no new emails. He read a letter from Samuel Bell, Jr., 21 Tupelo Road.

Mr. Kelly indicated that he has heard from the Commission that there are impacts in this project based on the compensatory storage and its proximity to the wetland, the depth to groundwater, intrusion of the pool and drainage into the upland review area and the size of the pool.

Mr. Carey gave the applicants and owner an opportunity to decide whether they wanted to relook at their proposal and have the Commission continue the application or if the Commission should close the application and make a decision based on the information in front of them.

Ms. Moch asked for a continuance.

Motion to continue the application to the October 18, 2023 Public Hearing.

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

Work Session:

1. Receipt of applications

Mr. Kelly stated there is one application to formally receive:

11 Mortar Rock Road: Application #IWW/M-11797-23 to amend wetland map #D7.

Mr. Kelly noted that to date staff has accepted the following applications:

15 Riverview Road: Application #WPL-11800-23 for a dock;

4 Marsh Court: Application #WPL-11801-23 for a dock;

60 Cranbury Road: Application #IWW,WPL-11804-23 to remove the existing pool, install a new pool, patio and drainage. This application was submitted September 13, 2023; therefore, it will have to be received October 18, 2023.

The completed application for **Parker Harding Plaza** will be submitted in the morning.

Mr. Kelly noted there are up to 3 more applications that could be submitted at the September 14, 2023 deadline.

Mr. Kelly indicated that he would be contacting Mr. Carey to discuss the October agenda.

Motion to receive 11 Mortar Rock Road.

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

2. Approval of July 19, 2023 minutes.

The July 19, 2023 minutes were approved as submitted.

Motion: Bancroft **Second:** Ryll
Ayes: Bancroft, Ryll
Nays: None **Abstentions:** Carey, Lewi, Murphy **Vote:** 2:0:3

3. Compliance Report – Tabled

4. **6 Lost Lodge Road:** Request for Administrative Approval for an at grade patio.

Mr. Kelly noted the Commission received the request to legalize an at grade patio in their packets. It is constructed of pea stone gravel with stepping stones. The owners are requesting to be allowed to receive an Administrative Approval for the activity.

Motion to allow staff to issue an Administrative Approval.

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

5. **197 Hillspoint Road:** Request for bond release as required by Permit #WPL-7926-06 for plantings.

Mr. Kelly reviewed a request for bond release for planting. He stated Mr. Hally visited the site and the plantings are in good condition. Staff recommends release of the bond.

Motion to release the bond.

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

6. **20 Island Way:** Request for bond release as required by Permits #WPL-11312-21 for plantings.

Mr. Kelly reviewed a request for bond release being held for plantings. He stated Mr. Hally visited the site and the plantings are in good condition. Staff recommends release of the bond.

Motion to release the bond.

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

7. Review of WestCog report.

Mr. Kelly noted the WestCog report was included in the Commissioner's packets. It may be referenced in future discussions.

8. Other business - None

The September 13, 2023 Public Hearing of the Westport Conservation Commission adjourned at 11:40 p.m.

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