



CONSERVATION DEPARTMENT  
TOWN HALL – 110 MYRTLE AVENUE  
WESTPORT, CT 06880  
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**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
NOVEMBER 15, 2023**

The November 15, 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  
Patrick Ryll

**Staff Members:**

Colin Kelly, Conservation Director  
Nathan Hartshorne, Conservation Compliance Officer  
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 November 15, 2023 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Colin Kelly  
Conservation Director



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

**6. Past Permits: None**

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

- The existing house was built in 1964. It is served by an onsite septic system.
- The property is 1.022 acres (44,543 sq. ft.) in size; located in Residential Zone AA.
- The parcel is located within the West Branch of the Saugatuck River Watershed. The West Branch of the Saugatuck watercourse is located on the north-northeast property line.
- This property **does contain** a flood zone.
- The property **is** within the Aquifer Protection Overlay Zone.
- Property **does not** exist within the Coastal Areas Management Zone.
- The Waterway Protection Line (WPL) is established 15' from the 25 Year Flood Line.
- The historical wetland boundary, as shown on the Town's GIS, area is **~10,670 sq. ft.**
- The surveyed wetland areas total is **9,167 sq. ft.** as determined by the **Plot Plan** prepared for Andrew Elliot & Samantha Elliot, 8 Twin Bridge Acres Road, Westport, CT, prepared by Leonard Surveyors, LLC, dated June 19, 2023, Scale: 1" = 20'.

**8. Discussion:**

The Commission finds that the applicant submitted a soils report by Aleksandra Moch, Soil & Wetland Scientist dated May 18, 2023. This documents Ms. Moch's investigation of the soils on the property on May 18, 2023. This report characterizes a perennial, unnamed, tributary and the West Branch of the Saugatuck watercourses and the associated wetlands. These features are located along the southern and north northeast property lines.

The soil scientist's sketch map identifies the flag locations that mark the location of the wetland boundaries from flag WF#1 to flag WF#17, as shown on the "Plot Plan prepared for Andrew Elliot & Samantha Elliot, 8 Twin Bridge Acres Road, Westport, CT, prepared by Leonard Surveyors, LLC, dated June 19, 2023, Scale: 1" = 20'. **The new wetland area is 9,167 sq. ft.**

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary findings. Ms. Jaehnig conducted an on-site investigation on November 8, 2023. Ms. Jaehnig submitted a letter, dated November 9, 2023, stating a general agreement with the findings from Ms. Moch's report.

With the finding of the concurring soils scientists, The Commission recommends adoption of the new wetland line.

**Resolution**  
**Application #IWW/M-11827-23**  
**8 Twin Bridge Acres Road**  
**Assessor's Map: B16 Tax Lot: 008**  
**Public Hearing: November 15, 2023**

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M-11827-23** by Aleksandra Moch on behalf of Andre & Samantha Eliot to amend the wetland boundary on Map: #B16 Lot: #008 on the property located at 8 Twin Bridge Acres Road with the following conditions:

**1.) Conformance to the plans titled:**

**Plot Plan** prepared for Andrew Elliot & Samantha Elliot, 8 Twin Bridge Acres Road, Westport, CT, prepared by Leonard Surveyors, LLC, dated June 19, 2023, Scale: 1" = 20'.

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

**Motion: Ryll                      Second: Davis**  
**Ayes: Ryll, Davis, Lewi, Carey, Bancroft**  
**Nays: 0                              Abstentions: 0                      Votes: 5:0:0**

2. **7 Short Street:** Application #IWW,WPL/E-11823-23 by William Kenny Associates LLC on behalf of Michael T Francia & Katherine A (Halso) Francia to demolish the existing residence and construct a new two-story elevated residence with attached garage, a new driveway, an in-ground pool, and associated site improvements and plantings. Portions of the work are within the WPLO area of the Saugatuck River.

Bill Kenny, wetland and soil scientist and landscape architect, presented the application on behalf of the property owners. The proposal is to demolish the existing house and construct a new FEMA compliant residence with a pool and new drainage. He reviewed the history of Lee's Canal. He noted the site is relatively flat and is about .25 acres. He highlighted the existing plantings along the canal. The property is connected to city sewer and water. The property is completely within the FEMA flood zone. The mechanicals will be moved to above base flood elevation. He reviewed the proposed drainage and noted they have received approval from the Flood and Erosion Control Board. Mr. Kenny discussed the proposed buffer planting plan and invasive management along Lee's Canal.

Mr. Bancroft noted the pool depth will be 6 feet and groundwater is at 36".

Mr. Kenny clarified that there is mottling at 36" and groundwater is at 4 feet.

Mr. Bancroft asked where the trench drain around the pool will discharge.

Mr. Kenny indicated it will connect to the cul-tec system.

Mr. Carey noted there is a sewer easement that goes through the property. The driveway appears over the easement.

Mr. Kenny stated that the driveway is just to the side of the sewer easement.

Mr. Davis noted the existing house appears to have a basement.

Mr. Kenny stated they will have to bring in clean fill. It will have to be certified by the structural engineer.

Mr. Kelly asked about the demarcation proposed for the planted buffer.

Mr. Kenny stated this has not been discussed.

Mr. Kelly stated he supports demarcating the area but noted it is in a floodplain and must allow for the free flow of water.

Mr. Kenny agreed.

Mr. Kelly noted the planting buffer is the primary enhancement with this project. He asked if there were any issues with providing a bond to be held for one full growing season.

Mr. Kenny agreed.

Mr. Kelly noted that the pool does not have Health Department approval. Conservation will need that prior to a Zoning permit. Also, he would like to see a separate dewatering plan.

Mr. Kenny agreed.



**6. Previous Permits issued:**

**AA,WPL/E-11149-20:** Addition

**7. Wetlands Description: Soil Investigation Report,** 7 Short Street Westport, CT, by Otto Theall, Soil & Wetland Science, LLC., dated September 30, 2020.

**Wetland Soils:**

**Walpole fine sandy loam (13)** - This nearly level, poorly drained soil is found in low areas on plains and terraces. This soil unit has a seasonal high water table at a depth of about 6 inches from fall to spring. Wetland soils contain Lee's Canal.

**Non-Wetland Soils:**

**Ninigret-Urban land complex (221)** - This component occurs on valley outwash plain and terrace landforms. The parent material consists of eolian deposits over glaciofluvial deposits. The drainage class is moderately well drained.

**8. Property Description and Facts Relative to the Application:**

- a. The property has an existing residence that was built in 1923.
- b. The property is serviced by public sanitary sewer.
- c. The property is **0.247 ac. (10,750 sq. ft.)** in size; located in Residential **Zone B**.
- d. The parcel is located within the Saugatuck Watershed. Lee's Canal, a man-made tributary to the Saugatuck River is found along the western border.
- e. The property is located within the FEMA 100-year flood Zone AE, Base Flood Elevation (BFE) is **11.9'**, as shown of FIRM No. 09001C0413G, dated 7/8/13.
- f. The property is within the Aquifer Protection Overlay Zone.
- g. The Southern portion of the property does exist within the Coastal Area Management Zone.
- h. The Waterway Protection Line Boundary is established 15' from elevation 10.3. The boundary is not shown on the "Data Accumulation Plan" as the entire site lies within its limits.
- i. The Flood & Erosion Control Board approved this project at the November 1, 2023 meeting.
- j. Relevant information:
- k. Base Lot Area: 10,241 sq. ft.
- l. Proposed Building Coverage: **14.5%** (1,487 sq. ft.)
- m. Existing Building Coverage: 14.04% (1,438 sq. ft.)
- n. Proposed Total Coverage: **26.0%** (2,662 sq. ft.)
- o. Existing Total Coverage: 15.43% (1,581 sq. ft.)
- p. Proposed House: **1,487 sq. ft.** ; Proposed First Floor Elevation: 18.3'
- q. Proposed Driveway: **783 sq. ft.**
- r. Proposed Swimming Pool: **392 sq. ft.**
- s. Existing Average Site Grade: **9.4'**
- t. Proposed Driveway Elevation: **9.5'**

**9. 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 Commission finds that the wetlands on site contain Lee's Canal along the western property line. The wetland area is marked, generally near the top of the bank for the watercourse. The "Wetland and Watercourse Impact Assessment" provides historical information regarding the canal and the conditions found today. The existing residence is located ~21' from the wetland line, and the new residence will be located ~21' from the nearest wetland boundary. The proposed grading change is minimal onsite. The installation of stormwater retention units for the driveway and residence will be located greater than 50' from the nearest wetland boundary. The existing driveway is located ~26' from the wetland line leading to a garage structure. A conventional driveway is proposed to split and access two garage bays beneath the elevated residence. The proposed house is nearly bisected by the 50' review area setback line. A 14'x28'

inground pool is located to the northeast of the proposed residence, with pool equipment proposed within the residence.

The "Wetland & Buffer Habitat Enhancement Planting Plan" proposes to remove a fireplace and flagstone pile in addition to the removal of invasive vines, shrubs, and saplings along the wetland area. The area is proposed to be planted with native non-invasive trees, shrubs, and groundcover vegetation to create a buffer. The plantings will be temporarily fenced to protect from deer browse, and a proposed demarcation of a line of boulders or split-rail fence (or similar) is proposed to demarcate the transition from buffer to manicured lawn. The Commission finds that a detail shall be submitted for the demarcation feature prior to issuance of a Zoning Permit.

Total site coverage will be 2,662 sq. ft. (26.0%). All drainage features are sized to accommodate the proposed impervious development on site. The stormwater features include two retention galleries and high level overflow drain located in the rear yard. Earth work will consist of excavation for foundation and pool, minor fill around the drainage system, minor grading, and stockpiling.

The proposed project does not propose any direct impacts to wetlands or watercourses other than the installation required for the buffer establishment. The Commission finds that the applicant makes an effort to enhance the area adjacent to wetlands. The development will occur generally within the existing development onsite and makes minimal change to the existing grade. The Commission finds that the proposed improvements and sediment and erosion controls have been designed to prevent a significant risk of pollution or disturbance to the wetlands and adjacent canal. Additionally, The Commission finds that the overall runoff across the site of the property to be reduced with the introduction of stormwater retention features. The Commission views this projected reduction and redirection of stormwater runoff as an overall benefit to water quality and conservation of natural habitat.

**10. 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 "Wetland and Watercourse Impact Assessment" prepared by William Kenny Associates, identifies Lee's Canal and its past history with the historic mill located upstream. The current canal functions more as a wetland than a watercourse, with no apparent flow. The canal discharge location at the Saugatuck River is ~2,500' to the south-southeast of property, near Kings Highway North. The surface water quality classification for Lee's Canal and Saugatuck River (State Waterbody ID: CT72000-00\_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 a suitable habitat for fish, other aquatic life and wildlife, and recreation. The USFWS Classification is R5UBH, (Riverine Unknown, Perennial, Unconsolidated Bottom, Permanently Flooded). The Commission referenced UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin for Saugatuck River (Local Watershed Basin ID: 7200-00-4-R3) has a combined condition index (CCI) score of 0.18. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Saugatuck River 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 Computations" report. The report demonstrates the stormwater management system has a retention volume of 410 cu. ft. which is greater than the 106.1 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, driveway and pool will be

collected and retained by the Drainage system. 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 retention units are a benefit, and these features should enhance the stormwater runoff capture and energy attenuation. The applicant also provided a "Wetland & Buffer Habitat Enhancement Planting Plan" with proposed native non-invasive trees, shrubs, and groundcover vegetation to create a buffer. This buffer shall treat the overland sheet flow of stormwater that drains from the site that is not captured by the roof leaders, driveway, or pool. The Commission finds that a bond shall be necessary to ensure that the proposed plantings and demarcation feature are installed and viable for at least a full growing season or one year onsite. This would ensure the maturity of the plantings and increase project success. The Commission finds that the proposed work will not impact water quality with proper construction oversight and sediment and erosion controls.

**11. 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 work associated with the construction of the residence, pool, and driveway. A Silt fence is proposed along southwestern and southeastern property lines. A construction entrance/ anti-tracking pad is proposed. The project proposes minimal grading changes from the existing site conditions and is relatively level. The project proposes an estimated 26.4 cu. yd. of total of fill across the site, which is less than the 497 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 northeastern corner of the site and will be surrounded by silt fence. Details for the silt fence, the soil stockpile, and the anti-tracking pad are shown on the "Detail Sheet".

The Commission finds that the that mottling is indicated ~3' below grade in the area of the proposed pool. Therefore, a pool dug below this level is likely to encounter groundwater. The Commission finds that building plans shall be submitted for the pool, indicating overall depth no deeper than six (6) feet. Additionally, the Commission finds that a dewatering plan shall be provided for review and approval, addressing groundwater management during excavation activities, prior to the issuance of a Zoning Permit.

The Commission finds that these Sediment & Erosion control measures should be adequate, if monitored and maintained throughout construction.

**12. 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 that there will be no impacts to state listed species or critical habitat as a result of the proposed project.



The “Wetland and Watercourse Impact Assessment” report states “Wetland & Buffer Habitat Enhancement Planting Plan” will improve the habitat quality in the wetland and buffer. The Commission finds that the removal of the invasive species and debris from the area will also enhance the wetland. The Commission agrees with the methodology of hand-removal of invasive vines and shrubs, spot application of herbicides to cut stems, and planting of native species. The biggest risk of impact to the natural habitat is sedimentation from excavation and filling activities, and the sediment and erosion controls provided will help mitigate any potential temporary impacts. Additionally, the proposed split rail fence or boulders will provide a clear demarcation of the naturalized buffer area and help with long-term protection. It will distinguish the protected buffer from the areas to be maintained as yard.

The plan proposes to plant two trees consisting of the sourwood tree (*Oxydendrum arboretum*) and flowering dogwood tree (*Cornus florida*); and twenty-three shrubs consisting of sweet pepperbush (*Clethra alnifolia*), gray dogwood (*Cornus racemose*), inkberry (*Ilex glabra*), doghobble (*Leucothoe fontanesiana*), fragrant sumac (*Rhus aromatica*), and arrowwood (*Viburnum dentatum*).

The plantings will contribute to long-term stabilization of the soil on the embankment of the canal and provide beneficial habitat for wildlife. As stated above, the Commission shall require a bond to ensure that the proposed plantings and demarcation feature are installed and viable for at least a full growing season.

### **13. 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:**

The stormwater management systems are designed to receive water from the house, driveway and pool. The site development plan depicts roof leaders, pool, and the driveway catch basin directed into Cultec Stormwater units. The application was reviewed by the Flood & Erosion Control Board on November 1, 2023. Edward Gill, of Town Engineering Department, stated at that meeting that the drainage systems comply with the Town of Westport Standards. He will review minor plan revisions prior to the issuance of a Zoning Permit.

The proposed final grades shown around the residence, pool, driveway and stormwater system generally match the existing surrounding grades. The Commission finds that there will not be a significant change in the way the site transmits or absorbs flood waters or the way the property conveys overall stormwater runoff to the wetlands and canal. The overflow yard drain from the stormwater gallery is located ~30' from the canal and property boundary. This presents a metered discharge for stormwater conveyance during extremely heavy storms. The Commission notes this is not a significant factor for potential impacts from discharge.

The Commission finds that the on-site wetland and canal would benefit from the proposed buffer planting. The planting would help diffuse energy from the site's stormwater runoff, which would help minimize impacts to the adjacent perennial watercourse. The plantings will also help to trap suspended sediment and facilitate biofiltration of pollutants.

### **14. 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.

**15. 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 established 15 additional linear feet from elevation 10.3'. The entire parcel lies within the WPLO. 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 silt fence is shown on the site plan, down gradient from the site activity. The Commission finds that the S&E control measures should be adequate in preventing sediment release into the resource.

The existing site coverage is 15.43% (1,581 sq. ft.) and the proposed site coverage is 26.0% (2,662 sq. ft.). The potential for most projects 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. Overall site coverage is proposed to increase by over 10%. Proposed site coverage is 26%, which is above the 10-25% cover that is expected to impact water quality. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. Saugatuck River watersheds are densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

Test pit data demonstrates that ground water was encountered at a depth of 72" and 48" with mottling at 48" and 36" in Test Hole #1 and #2, respectively. The Commission finds that the pool installation activities are likely to encounter groundwater during the excavation phase. The Commission finds that the applicant shall provide a procedure for dewatering the pool excavation prior to the issuance of a Zoning Permit. This plan should propose an adequate sediment removal system to control the discharge of sediments from dewatering pumps and to contain it on site. This will avoid sedimentation or silting of the adjacent waterway.

The applicant does not provide a pool cross-section detail with the site plan. The pool depth is also not indicated on the site plan. The applicant does not provide the Aspetuck Health District approval for the pool. The pool equipment pad is shown to be installed at elev. 12.9' and located within the garage. The Commission finds that the applicant shall provide a pool construction detail and Aspetuck Health District approval prior to the issuance of a Zoning Permit.

The Commission finds that the new residence, pool, and driveway will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance and Inland Wetland and Watercourse Regulations if conditions are followed, and the applicant adheres to proper construction management.

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application #IWW-WPL-11823-23  
7 Short Street  
Assessor's Map: C12 Tax Lot: 039  
Public Hearing: November 15, 2023**

**Project Description:** To demolish the existing residence and construct a new two-story elevated residence with attached garage, a new driveway, an in-ground pool, and associated site improvements and plantings. The work is within the WPLO area of the Saugatuck River.

**Owner of Record: Michael T. Francia & Katherine A. (Halso) Francia**

**Applicant: William Kenny Associates LLC.**

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **IWW, WPL-11823-23** with the following conditions:

Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.

**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 November 1, 2023 conditions of approval.
17. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
  - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
  - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100-year flood elevation. Pool equipment should be located at or above the 100-year flood elevation.
  - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.



3. **11 Mortar Rock Road:** Application #IWW,WPL/E-11824-23 by Jim Kousidis on behalf of Neal T & Rachel L Herman for a proposed one-car garage addition and new driveway expansion with associated site improvements. Portions of the work are within the upland review area setbacks.

Avind Baur, Project Engineer, presented the application on behalf of the property owners for a proposed one car garage addition and driveway expansion. He noted this is a half-acre property. It is serviced by sewer and water. There was an existing shed that has been removed in area of the proposed garage addition. They are proposing drainage that will capture 25-year storm for the improvements. They are adding winterberry plants within the wetland buffer as an enhancement.

Mr. Bancroft asked about the plantings.

Mr. Baur stated they will be all wintergreens in 3-gallon pots. The plantings will expand to about 5 feet wide.

Mr. Kelly asked if they were willing to oversee and certify the installation of the drainage.

Mr. Baur agreed.

Mr. Kelly noted that in the map amendment application, it was noted that this property is at the top of a micro watershed. The plantings are a good enhancement to the stream. He asked if they would submit a bond for the plantings.

Mr. Baur agreed.

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

Motion to close.

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

**Findings**  
**Application # IWW, WPL/E-11824-23**  
**11 Mortar Rock Road**  
**Assessor's Map: D07 Tax Lot: 008**  
**Public Hearing: November 15, 2023**

1. **Receipt Date:** **October 18, 2023**
2. **Application Classification:** **Plenary**
3. **Application Request:** The application is for a proposed one-car garage addition and new driveway expansion with associated site improvements. Portions of the work are within the upland review area setbacks.
4. **IWW and WPLO Regulated Areas:**
  - a. IWW setbacks determined for this property include the following:
  - b. 50' review area setback from wetland for the proposed addition. The garage addition is within the setback.
  - c. 30' review area setback from wetland for the driveway. The proposed driveway is not within the setback.
  - d. 20' review area setback for the proposed stormwater management system. The proposed stormwater detention basin is not within the setback.
  - e. 20' review area setback for proposed site cut, fill and grading. The limit of earth disturbance for the installation of the stormwater system is not within the setback.

The Waterway Protection Line Ordinance dictates that the WPL boundary be located 15' from the wetland boundary. No work is proposed within the WPL.

5. **Plans reviewed:**

- a. **Site Development Plan**, 11 Mortar Rock Road, Westport, CT, prepared for Neal T & Rachel L Herman, prepared by Kousidis Engineering LLC, dated October 10, 2023, Scale: 1" = 10'.
  - b. **Architectural Plans**, Herman Res., 11 Mortar Rock Road, Westport, received October 10, 2023, Scale: As Noted, unsigned and hand-drawn.
    - a. **Proposed Garage Addition**
    - b. **Section and Elevation**
    - c. **Floor Plan**
  - c. **Drainage Analysis**, located at 11 Mortar Rock Road, Westport, Connecticut, prepared for Neal T & Rachel L Herman, prepared by Kousidis Engineering LLC, dated October 10, 2023
6. **Previous Permits on file:**  
#IWW/M-11797-23: Amend wetland boundary map #D07
7. **Wetlands Description:** On October 18, 2023, the Conservation Commission approved the amended wetland map #D07 based on the findings in the wetland delineation report, prepared by Jay Fain, Soil Scientist, dated September 7, 2023. The report describes the following soil types occurring on the property:
- Wetland Soils:**  
**Ridgebury, Leicester, and Whitman soils, extremely stony (3):**  
This soil unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. The soils have a seasonal high water table at or near the surface from fall to spring. The high water table, ponding, and the stones and boulders on the surface limit these soils for community development. Excavations are commonly filled with water.
- Non-Wetland Soils:**  
**Urban Land (307):**  
Urban land is land mostly covered by streets, parking lots, buildings, and other structures of urban areas.
8. **Property Description and Facts Relative to the Application:**
- a. The existing house was built in 1967. It is served by public sanitary sewer.
  - b. The property is 0.498 acres (21,712 sq. ft.) in size; located in Residential Zone A.
  - c. The parcel is located within the Pussy Willow Brook Watershed.
  - d. This property is not within a flood zone.
  - e. The property is not within the Aquifer Protection Overlay Zone.
  - f. Property does not exist within the Coastal Areas Management Zone.
  - g. The Waterway Protection Line (WPL) is established 15' from the wetland boundary. The WPL is shown on the "Site Development Plan".
  - h. The surveyed wetland areas total **835 sq. ft.** as determined by the Zoning Location & Topographic Survey", prepared for Neal T. & Rachel Herman, #11 Mortar Marion Road, Westport, CT, dated September 14, 2021 last revised October 3, 2023.
  - i. Relevant information:
  - j. Base Lot Area: **19,562 sq. ft.**
  - k. Proposed Building Coverage: **12.0%** (2,567 sq. ft.)
  - l. Existing Building Coverage: 10.5% (2,242 sq. ft.)
  - m. Proposed Total Coverage: **19.6%** (4,119 sq. ft.)
  - n. Existing Total Coverage: 16.0% (3,434 sq. ft.)
  - o. Proposed Garage Addition: **325 sq. ft.**; Proposed Slab Elevation: 66.7'
  - p. Proposed Driveway Addition: **458 sq. ft.**
9. **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 Commission find that the northeast portion of the existing house lies within the 50' IWW upland review area. The wetland boundary was delineated by Soil Scientist Jay Fain in September, 2023 and verified by Mary Jaehnig on behalf of the Town of Westport. The Commission approved an amendment to Wetland Map D07 in October 2023. The wetland area to the northeast side of the residence is the local

origin point of an unnamed watercourse that crosses from west to east across properties #11, #15, and #17 Mortar Rock Road and continues on.

The northeastern portion of the proposed garage addition will be within the 50' review area from wetlands. The garage addition will be located ~40' from the wetland line at its closest point. The addition will be constructed in the general area of a previous shed. The shed was noted to have been built in 1993, by the tax assessor records, and is visible on the proposed plan. The proposed garage addition will necessitate the expansion of the existing driveway. The total coverage onsite changes from **16.0% (3,434 sq. ft.) to 19.6% (4,119 sq. ft.)**.

The stormwater management system for the garage addition is proposed outside of the 20' review area from wetlands and located adjacent to the southeast corner of the structure. The system consists of two (2) concrete galleries. The existing residence built in 1967 lies ~46' from the flagged wetland at its closest point along the eastern corner. A buffer of native plants, consisting of fourteen (14) winterberry shrubs (*Ilex verticillata*), is proposed along the wetlands area onsite. The Commission finds that the feature should fortify an area that currently exists as maintained lawn and landscape shrubs. All other site conditions will remain as it stands.

**10. 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 proposed garage addition will require drainage to meet the Town's Drainage Standards to offset stormwater from the new coverage. This drainage will be directed to two (2) concrete galleries adjacent to the driveway and addition. The applicant provides the "Drainage Analysis" stormwater management report that demonstrates stormwater system is sized appropriately to detain stormwater runoff from the new coverage for the 25-year storm. In a memo to the Conservation Commission, dated October 30, 2023, the Westport Engineering Department stated the drainage design meets the Town's drainage standards.

The Commission finds that the applicant attempts to enhance the treatment of sheet flow stormwater entering wetlands by providing fourteen (14) winterberry shrubs to act as a planted wetland buffer. This would improve water quality within wetland and watercourse through the biofiltration of sheetflow stormwater that passes through the area. As the water encounters the soil and the roots of the vegetation, suspended sediment and dissolved nutrients are trapped. The Commission finds that the plantings will help naturalize areas that are currently maintained as lawn or landscaping.

**11. 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:** Sedimentation and erosion controls are shown on the "Site Development Plan". Silt fencing and a soil stockpile are indicated on the plan. The proposed single row of silt fencing is within the maintained rear lawn, along the limit of proposed disturbance. A detail of a typical silt fence is provided on

the plan, as well as Sediment & Erosion Control notes. 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 foundation.

The Commission finds that the proposed Sediment & Erosion control measures should be adequate if maintained throughout construction.

**12. 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:** The applicant has provided fourteen (14) winterberry shrubs (*Ilex verticillata*) to function as a wetland buffer planting. The buffer plantings provide enhancement for stormwater treatment, as noted above, but will also improve habitat onsite. The existing wetland area onsite is a mix of landscaping, maintained lawn, and sparse natural vegetation. The Commission finds that the proposed plantings will be an additive measure to aid in the naturalization of wetlands. Winterberries provide refuge for wildlife and provide forage for resident and migrating bird species, while also attracting butterflies. The limited number of plantings will have potential to provide shading, shelter, or nesting habitat.

The Commission finds that there will be no adverse impacts to the local ecosystem and biological productivity of the wetland. Habitat should be slightly improved by the proposed buffer plantings. The Commission requires a performance bond to cover the cost of the proposed buffer plantings. The bond should be held for one full growing season to ensure vitality of plants.

**13. 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:** The existing residence roof leaders either discharge at grade or into unknown subsurface systems. The existing driveway includes a slot drain; however, it is not clear where that stormwater is directed. The Commission finds that information was not available regarding the existing drainage onsite, field inspections did not find a system, and there are no clear signs of a discharge point onsite. The Commission finds that, given the unknowns with existing drainage, the site engineer shall be available to oversee installation of proposed drainage and shall certify that it is installed as designed. Also, any other drainage encountered during excavation activities onsite will be noted by the site engineer and restored or repaired to existing conditions. The Commission finds that any changes to the drainage shall require Conservation Staff and Engineering Department review and approval.

The project proposes to install drainage in the form of two concrete galleries. The system is designed to capture stormwater from 793 sq. ft., which represents the area of the proposed addition and driveway. The water is conveyed from roof leaders and catch basin to an underground drainage pipe and into the detention basin. The system is designed to manage the first inch of stormwater runoff and sized to meet the zero increase in runoff for the 25-year storm. The basin is sized to store 172 cu. ft. of water, which exceeds the 66 cu. ft. that is required by Town stormwater standards. The Town Engineering Department has confirmed the proposed drainage plan meets the Town drainage standards.



The Commission finds that the proposed plantings in the buffer will aid in restoring the lawned and landscaped areas adjacent to the buffer and wetlands. The buffers will help slow down stormwater flow velocities coming off the lawn. The Commission acknowledges that the proposed wetland buffer plantings and the stormwater management system will provide an overall benefit in reducing potential impacts from stormwater runoff and discharge into the wetlands.

**14. 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.

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application #IWW-WPL/E-11824-23  
11 Mortar Rock Road  
Assessor's Map: D07 Tax Lot: 008  
Public Hearing: November 15, 2023**

**Project Description:** For a proposed one-car garage addition and new driveway expansion with associated site improvements. Portions of the work are within the upland review area setbacks.

**Owner of Record: Neal T. & Rachel L. Herman  
Applicant: Jim Kousidis, 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-11824-23** with the following conditions:

Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.

**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 Development Plan**, 11 Mortar Rock Road, Westport, CT, prepared for Neal T & Rachel L Herman, prepared by Kousidis Engineering LLC, dated October 10, 2023, Scale: 1" = 10'.
  - b. **Architectural Plans**, Herman Res., 11 Mortar Rock Road, Westport, received October 10, 2023, Scale: As Noted, unsigned and hand-drawn
    1. **Proposed Garage Addition**
    2. **Section and Elevation**
    3. **Floor Plan**
  - c. **Drainage Analysis**, located at 11 Mortar Rock Road, Westport, Connecticut, prepared for Neal T & Rachel L Herman, prepared by Kousidis Engineering LLC, dated October 10, 2023
17. The applicant shall submit a performance bond for the proposed plants, to be held one full growing season. The bond shall be submitted prior to the issuance of a Zoning Permit.
18. Plants to be installed as noted on the "Site Development Plan" prior to the issuance of Conservation Certificate of Compliance. Any changes to the drainage plan or existing drainage shall require Conservation Staff and Engineering Department review and approval.
19. The final "as-built" survey shall depict all known surface drainage and stormwater features.
20. The site engineer shall oversee the drainage installation and certify that it is installed correctly prior to the issuance of a Conservation Certificate of Compliance.

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

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

Mr. Hartshorne joined the meeting at 8 p.m.

#### Legal/Enforcement Actions:

1. **33 Hickory Drive:** Review and Discussion of Staff's issuance of Permit #AA,WPL/E-11208-21 by Elizabeth Development LLC on behalf of The 33 Hickory Land Trust for a two story addition, a 3-foot wide walk, refurbish the existing deck and remove the shed. The Permit was amended to remove the deck in the rear

and add a covered front porch on January 10, 2023 and further amended to revise the drainage on April 19, 2023.

Nicole Knowles, Project Coordinator with BridgeWell Capital, joined the meeting via phone and Luciano Nacimiento, General Contractor was present at the meeting.

Mr. Kelly reviewed the approvals the applicant has received for the project and the plans reviewed.

Nicole Knowles, Project Manager, stated she has a full Building Permit from Zoning and Building. They encountered mold and rot when they got into the work. This was a bank owned property and left to deteriorate.

Mr. Kelly asked why they did not come back to Conservation with plan changes.

Mr. Carey stated there is not a building there now. An addition signifies that you are adding to something.

Mr. Kelly stated that if staff had seen the plans, it would have been brought in front of the Commission for approval. He reviewed the options the Commission has for moving forward:

- Issue a Notice of Violation;
- Issue a Notice of Violation and a Citation;
- Revocation of the existing permit and require the project to come back to the Commission;
- Issue a Cease and Correct Order; or a
- Court Injunction.

Mr. Kelly reviewed the January 21, 2023 amendment to the permit.

Mr. Carey asked if the Commission could amend the permit if the foundation as-built shows that the proposal is within the originally approved footprint.

Mr. Kelly stated he would leave the decision to the Commission.

Mr. Carey stated he would be in favor of issuing a Notice of Violation and Citation. The applicant would have to provide a foundation as-built as required in the original permit to confirm that the structure has not expanded beyond the approved footprint. The applicant would have to provide staff with updated plans to amend the existing footprint and provide an updated buffer restoration plan.

The Commission and staff discussed their options including the difference between revoking the permit and issuing a Notice of Violation and Citation. Both allow the Commission to give conditions of coming into compliance with the permit. Under a Notice of Violation, the Commission may set a date for compliance with meeting the conditions.

The Commission resolved to direct staff to issue a Notice of Violation & Citation. In order to come into compliance, the applicant will provide staff with an enhanced buffer planting plan, a foundation as-built, updated plans and a permit amendment. They also noted that if any additional drainage is required, it must be in the front or the southern side the house.

<b>Motion:</b>	<b>Carey</b>	<b>Second:</b>	<b>Ryll</b>
<b>Ayes:</b>	<b>Carey, Ryll, Bancroft, Davis</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>Lewi</b>
		<b>Vote:</b>	<b>4:0:1</b>

### Work Session:

#### 1. Receipt of applications

Mr. Kelly stated there were no applications to be officially received. He noted there are two WPLO applications to be heard at the December 13, 2023 hearing for **9 Murvon Road** and **5 Sea Spray Road**.



The November 15, 2023 Public Hearing of the Westport Conservation Commission adjourned at 9:14 p.m.

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

- |                             |                  |
|-----------------------------|------------------|
| <b>a. Foundation Plan</b>   | <b>Sheet A-1</b> |
| <b>b. First Floor Plan</b>  | <b>Sheet A-2</b> |
| <b>c. Second Floor Plan</b> | <b>Sheet A-3</b> |
| <b>d. Attic Plan</b>        | <b>Sheet A-4</b> |
| <b>e. Elevations</b>        | <b>Sheet A-5</b> |

**Elevations**

**Sheet A-6**