



CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
FEBRUARY 14, 2024**

The February 14, 2024 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
Josh Lewi, Vice Chair
Rory Murphy, Secretary
Diana McDowell

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 February 14, 2024 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Colin Kelly
Conservation Director

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

Mr. Kelly stated there was one item to add to the agenda:

27A Sturges Commons is a request for a modification to the requirements of the Cease & Correct Order. He suggested adding this item under the Compliance Report.

Motion to amend the agenda to include 27A Sturges Commons.

Motion:	Carey	Second:	Murphy
Ayes:	Carey, Murphy, Lewi, McDowell		
Nays:	None	Abstentions:	None
			Vote: 4:0:0

Public Hearing: 7:00 p.m.

All members visited the sites in preparation for the meeting.

- 1. Old Road Bridge over Sasco Creek at Fairfield Line:** Application #IWW,WPL-11868-23 by Keith S Wilberg, PE, Deputy Town Engineer on behalf of the Town of Westport, to remove the existing two lane bridge over Sasco Creek and replace it with a new bridge in approximate place and kind. Work is within the upland review area and the WPLO area of Sasco Brook.

Keith Wilberg, PE, Deputy Town Engineer, presented the application on behalf of the Town of Westport. The bridge spans the Westport and Fairfield lines. Currently, the project is going through the permitting process in both communities. He noted that Sasco Creek and Sasco Brook are the same stream but designated differently based on the study done. This bridge is being designed under a State pilot program that does not cost the Town's any funds for the design work and the project is designed in conjunction with the State DEEP/DEEP.

Scott Young, PE with CHA Consulting presented the design of the proposed bridge. He oriented the Commission to the area. There will be 230 s.f. of temporary impact and 210 s.f. of permanent impacts to the wetlands. He discussed the construction phasing. There will always be a 14-foot opening in the stream during all phases of the construction. He reviewed the planting plan, which includes conservation seed mix and wetland seed mix along with in addition to trees, shrubs and herbaceous plantings. The Fairfield Conservation Commission asked for 20 1 gallon pots of swamp milkweed to be added. He noted the State has asked that they remove the existing water main that is sitting atop the streambed because it is being moved.

Mr. Carey stated he would like to see trees more substantial than 1" caliper. It would be more appropriate to install 3" caliper trees.

Mr. Hall noted that moving the abutments is a huge upgrade ecologically. He asked whether the created slopes would be stabilized with hay or matting.

John Wengell, PE stated that all slopes greater than 3:1 would have erosion control matting.

Mr. Hally indicated that he would like to see double rows of sediment and erosion controls.

Mr. Young stated the State requires double rows of sediment and erosion controls or silt fence backed by stacked hay bales.

Mr. Kelly asked about project oversight.

Mr. Wilberg stated they will hire an independent contractor to provide weekly reports.

Mr. Kelly asked for clarification of the stream bed material.

Mr. Young stated that it is the intent to leave the stream bed material in its natural state. Where they are widening the stream bed, they will be using material that is as close to the existing material and keeping the area as natural as possible.

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

Motion to close.

Motion: Carey **Second:** **Murphy**
Ayes: Carey, Murphy, Lewi, McDowell
Nays: None **Abstentions:** None **Vote:** 4:0:0

**Conservation Commission
Town of Westport
FINDINGS
Application #IWW-WPL-11868-23
Old Road Bridge
Bridge over Sasco Creek (BRG. #04971)
Abutting Land Parcels I10, 031 & I10, 032
Public Hearing: February 14, 2024**

- 1. Application Classification: Plenary**
- 2. Application Request:** The applicant has requested to remove the existing two-lane bridge over Sasco Creek and replace with new bridge in approximate place and kind. The work will occur over a perennial watercourse. The project area is within inland wetland and watercourse review area and within the Waterway Protection Line of Sasco Creek. The project proposes potential direct impacts to the watercourse and associated wetlands.
- 3. Plans Reviewed:**
 - a. Wetlands & Soils Report,** CTDOT Core ID: 16DOT0055AA, State Project: 158-218PE- Westport, CT, Rehabilitation of Bridge No. 04971, Old Road No. 2 over Sasco Creek, prepared for CHA & CTDOT, prepared by Soil and Environmental Services, Inc., dated January 18, 2021.
 - b. Environmental Permit Plans,** State Project No. 0158-0218, Replacement of Bridge No. 04971, Old Road No.2 over Sasco Creek in the Towns of Westport & Fairfield, prepared for CTDOT, prepared by Fuss & O'Neill, dated December 6, 2023, Scale: As Noted.
 - i. Title Sheet** **Sheet PMT-01**
 - ii. General Site Plan** **Sheet PMT-02**
 - iii. Wetland Watercourse Impact Plan** **Sheet PMT-03**
 - iv. 100-Year Flood Impact Plan** **Sheet PMT-04**
 - v. Staging and Water Handling** **Sheet PMT-05**
 - vi. Staging and Water Handling Notes** **Sheet PMT-06**
 - vii. Elevation and Section Plan** **Sheet PMT-07**
 - viii. Permit Planting Plan** **Sheet PMT-08**
- 4. Background Information:**
 - a.** The pre-existing bridge is situated on the Westport-Fairfield town line. The bridge spans Sasco Creek and was built in 1965. The bridge is a single span bridge.
 - b.** The existing bridge was rated structurally deficient by CTDOT in 2018. The bridge is too narrow for standard traffic flow. The bridge footings are undermined by the effects of scour.
 - c.** The bridge location is approximately 30 ft. northeast of the intersection of Old Road and Grist Mill Lane.
 - d.** The average daily traffic at the bridge is estimated to be 1915 vehicles per day with minor truck traffic.
 - e.** It is located in the Sasco Creek watershed (sub-regional drainage basin (#7109)). Sasco Creek is a perennial watercourse that runs north to south beneath the bridge. The creek empties into Long Island Sound approximately 1.7 river miles downstream of the project area.
 - f.** The project area is located within the Floodway and FEMA flood zone AE.
 - g.** The site is not within the Aquifer Protection Overlay Zone.
 - h.** This site does **not** exist within the Coastal Areas Management Zone.
 - i.** Wetlands & Soils Report Soil and Environmental Services, Inc. Soil and Environmental Services, Inc.
 - **Wetland soils** identified within the work area are Rippowam and Fluvaquents, “These soils are formed in alluvial sediments along stream channels. They display variable soil textures and weak soil profile due to frequent stream overflow and sediment deposits. On-site soils were a strong brown gravelly

sand. Waterborne debris, sediment deposits and scoured areas were observed in the soils along the channel and adjacent floodplains of the Sasco Creek watercourse.”

- The non-wetland soils were identified as Agawam and Haven soils
- j. Flood & Erosion Control Board reviewed this application pursuant to the WPLO on February 7, 2024.
- k. The Conservation Director for the Town of Fairfield, received notice of the application on January 2, 2024.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

5. 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 bridge is a single span steel grid structure supported by abutments with footings within the watercourse. The bridge roadway is too narrow and is displaying structural deficiencies as well as scouring of the streambed around the footings. The proposed bridge will consist of one clear span precast rigid frame supported by concrete abutments, wingwalls, and footings. The bridge is designed to address various deficiencies as identified in the proposal and increase the span to 38 ft. from the existing 24 ft. span. The Commission finds this design proposal is less environmentally intrusive than the existing bridge, which has both abutments established within the bankfull width (BFW) of the flow of water. The design demonstrating a span greater than 1.2 times the BFW ($1.2 \times 30 \text{ ft} = 36 \text{ ft}$) is consistent with the 2008 CT DEEP Stream Crossing Guidelines. Removal of the restrictions from this structure and widening the span beyond the streambank is a benefit to establishing natural flow patterns and flow rates through this portion of the river.

A total area of 210 sq. ft. (20 sq. ft. wetland, 190 sq. ft. watercourse) is proposed for permanent impacts as part of this proposal. A total area of 230 sq. ft. (10 sq. ft. wetland, 210 sq. ft. watercourse) of area will have temporary impacts during site construction activities. Although a portion of the stream margins will be disturbed during removal of the existing abutments, much of the river substrate will remain undisturbed. The streambed will be restored by using as much of the existing material as is practicable. Though wetland and watercourse will be temporarily and permanently disturbed in some areas, The Commission finds the restoration and the installed design of the drainage plan will create conditions that are more ecologically beneficial than existing conditions.

The “Project Description” submitted with the application references CT DEEP fisheries community data from 2016 that demonstrates the creek is host to a mix of warmwater and coldwater fish species. As Sasco Creek is inventoried in CT ECO mapping as an impaired waterway, water quality protective measures should maintain close to existing water quality in-regards to suspended sediment, thermal increases, and dissolved oxygen. Unconfined in-stream work will only be permitted from July 1 to September 30. The “Project Description” specifies that that water will flow through the project area throughout the entire timeline of the project. Measures like cofferdams and dewatering areas of disturbance within the creek channel will ensure that site activity will minimize negative impacts aquatic fauna or their physical environment.

Two soil stockpile areas, one on each side of the creek, will be within the right-of-way roadway approaches. The “Staging and Water Handling Plan” demonstrates there are two temporary dewatering basins that have been identified to handle the discharge from the confined work areas.

Most of the work for the bridge will be conducted from the existing roadway. Temporary cofferdams are proposed to contain areas of demolition, excavation, and construction. A row of silt fencing will be installed around the work site. Some trees and herbaceous vegetation will be disturbed in areas adjacent to the roadway for access and active work.

6. 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 “Staging and Water Handling Notes” indicates the contractor shall follow the sequence for construction of the bridge. Active work areas will be confined by utilizing cofferdams. The confined work areas will prevent siltation by excluding the release of silt-laden water into the surface water of the creek. The Commission finds this to be the best method available to preserve surface water quality. The areas will be dewatered by mechanical pump and discharged into dewatering basins. A dewatering basin is depicted on each side of the creek. The Commission finds this is a critical portion of the construction activity.

The “Project Description” states that the existing roadway drainage system will be enhanced to accommodate the proposed new roadway profile. The Commission finds the new design with new catch basins, sumps, and outfall will more effectively prevent roadway runoff from causing long-term adverse impacts of erosion, scour and sedimentation within the creek.

The “The Permit Planting Plan” demonstrates that eight trees in total will be removed within the work area. Trees and understory within the riparian corridor help enhance the wetland and water resources by providing additional stormwater runoff filtration prior to discharge into the water. Diffusing stormwater runoff velocities facilitates capture and absorption of suspended sediment and non-point pollutants such as oils, fertilizers, or herbicides. The “The Permit Planting Plan” specifies a restoration planting consisting of native trees and shrubs within the riparian corridor in addition to the target restoration of slopes with conservation seed mix and restoration of wetland areas with wetland grasses. Conservation The Commission finds this planting plan adequately restores the riparian corridor’s natural function of water quality enhancement.

7. 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 “Staging and Water Handling Plan” depicts the use of sandbags and liners to create temporary cofferdams to confine the work areas. The streamflow will not be disrupted, diverted, or significantly altered. The work areas will be dewatered prior to commencement of demolition or excavation. Mechanical pumps will continuously convey silt-laden water from the work areas into dewatering basins located within the road right of way on each side of the watercourse. The “General Site Plan indicates a perimeter row of E&S control around the work area on either side of the road. The variety is not specified. The Commission requires the utilization of silt fence backed by staked haybales. Additionally, the plan package shows staging areas, soil stockpiling and slope stabilization. Soil stabilization of any disturbed soil, wetland or substrate should take place as soon as possible, with utilization of erosion control matting if applicable.

The “Project Description’ specifies there will be a full-time inspector on site acting as the agent for the Towns of Fairfield and Westport to ensure the contractors are adhering to the outlined methods and controls. The Commission finds the Commission should require the inspector to conduct weekly inspections and after storm events greater than 1 inch and submit written reports to the Conservation Department on a weekly basis. The Commission requires the applicant, the general contractor, site monitor, and Conservation Staff meet onsite at the start of the project to review Sediment and Erosion controls and discuss the need for extra measures.

8. 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:

The "Project Description" states there is no CT DEEP Natural Diversity Database mapping within the project area. The referenced CT DEEP fish community data demonstrates that American eel, blacknose dace, redbreast sunfish, white sucker, and largemouth bass, and brown trout were surveyed within a sampling reach of Sasco Creek in 2016. Data from this sampling station, and a sampling station upstream indicate that American eel is the most abundant species and that the reach that is within the project area is suitable for the passage of diadromous fish species, species that spend part of their life cycles migrating between salt and fresh water. Fish data indicates that the habitat is suitable for both warmwater and coldwater species.

FISH COMMUNITY of SASCO CREEK at Station # 15357		Longitude: 73.3011777778, Latitude: 41.1456722222
Species	Count	
American Eel	86	
Bluegill Sunfish	2	
Blacknose Dace	43	
Largemouth Bass	6	
Redbreast Sunfish	48	
Brown Trout - Wild	1	
White Sucker	13	

*Source: CT ECO- CT ` Fish Community Data - Inland Waters
 (<https://cteco.uconn.edu/projects/fish/viewer/index.html>)

The project does not propose unconfined work within the creek, but the applicant recognizes the standard seasonal restriction on unconfined in-stream work from July 1 to September 30 timeframe. The project does not propose to obstruct fish passage. All areas should be restored to pre-construction conditions upon completion. This should ensure that plant and aquatic life will not be significantly affected in the long term.

As the area and amount of disturbance of the wetland and watercourse is limited, it is not anticipated to significantly affect aquatic habitat. Confined stream work will allow for the continual flow necessary for resident and migratory fish and other aquatic fauna. The minimal amount of streambed disturbance is necessary to facilitate removal of the existing abutments, and the disturbed bottom substrate will be restored as close to natural conditions as is practicable. The proposed clear span bridge addresses the current negative impacts of scour, erosion, and increased stream velocities, all of which adversely affect the aquatic habitat. The clear span will allow for riparian margins under the bridge where there currently are no such margins. The proposed plan limits the amount of work within the wetlands and watercourse areas including temporary and permanent disturbance. The contractor will be directed to conduct activities from within the travel-way as much as possible in order to complete tasks. The Commission requires the applicant to submit to the Conservation Department the CT DEEP Fisheries Division final sign-off for stream restoration activities, prior to the issuance of a CCC.

9. 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 Flood and Erosion Board approved this project at their meeting on February 7, 2024.

The project proposes to significantly increase the span of the bridge from 24' to 38'. The new clear span bridge will relocate the bridge abutments out of the river channel and establish footings beyond the 36-ft bank full width. This will help reduce the amount of backwatering during flood events because the increased water volume will be less constricted during periods of excessive discharge and runoff. The Commission finds this proposal will not cause adverse impacts to the capacity of any wetland or watercourse to transmit or absorb flood waters, will not increase flooding, and will not adversely affect the velocity of flood waters into and out of the wetlands.

10. 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 bridge currently provides public use for a secondary thoroughfare in town and neighbors to the east, in the Town of Fairfield. The proposed development will not affect public use beyond the detours required while under construction. Recreational use is minimal.

11. CRITERIA TO BE CONSIDERED BY THE COMMISSION

In carrying out the purposes and policies of the IWW regulations for the Town of Westport Section 5.0 and Sections 22a-36 to 22a-45(a,) inclusive, of the Connecticut General Statutes, including matters relating to regulating, permitting and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to:

- (a) The environmental impact of the proposed regulated activity on wetlands or watercourses;
- (b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- (c) The relationship between the **short-term** and **long-term impacts** of the proposed regulated activity on wetland or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- (d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity **would foreclose a future ability to protect**, enhance or restore such resource and any mitigation measures which may be considered as a condition of issuing a permit for such activity
- (e) The character and degree of injury to, or interference with, safety, health or reasonable use of property which is caused or threatened by the proposed regulated activity
- (f) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and **future activities** associated with, or reasonably related to, the proposed regulated activity **which are made inevitable** by the proposed regulated activity and which may have an impact on wetlands or watercourses; and
- (g) The degree to which the proposed activity is consistent with all applicable goals and policies set forth in Section 1.3 and 1.4 of these Regulations and Section 22a-36 of the Connecticut General Statutes, as amended.

12. Waterway Protection Line Ordinance

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

The Waterway Protection Line boundary is established 15' from the top of bank of the watercourse corridor. The Flood & Erosion Control Board approved this application on February 7, 2024 with standard conditions.

The Commission finds that there will be a net positive of ten (10) cubic yards of fill across the site when the project is completed. This should not have any appreciable effect on how the site is able to transmit or absorb flood water. The Commission supports the Town's efforts to upgrade deteriorating infrastructure for the safety of its citizens. The new bridge's design and placement increases the amount of floodwater able to pass for a 100-year storm, which in turn, reduces the amount of water backed up during major storm events. Any erosion of soil and pollutants entering the watercourse should be minimized provided the erosion controls are properly installed and maintained throughout construction. The Commission finds that long-term slope stabilization will occur with the planned plantings along the abutments and will benefit resources by limiting erosion and providing biofiltration of pollutants from any runoff. The Commission finds the bridge replacement project will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

**Conservation Commission
Conditions of Approval
Application #IWW-WPL-11868-23
Old Road Bridge
Bridge over Sasco Creek (BRG. #04971)
Abutting Land Parcels I10, 031 & I10, 032
Public Hearing: February 14, 2024**

Project Description: To remove the existing two-lane bridge over Sasco Creek and replace with new bridge in approximate place and kind within inland wetland and watercourse review area and within the Waterway Protection Line of Sasco Creek.

Owner of Record: Town of Westport
Applicant: Keith S. Wilberg, PE, LS, DPW Town Engineer

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-11868-23** 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. **Wetlands & Soils Report**, CTDOT Core ID: 16DOT0055AA, State Project: 158-218PE- Westport, CT, Rehabilitation of Bridge No. 04971, Old Road No. 2 over Sasco Brook, prepared for CHA & CTDOT, prepared by Soil and Environmental Services, Inc., dated January 18, 2021.
 - b. **Environmental Permit Plans**, State Project No. 0158-0218, Replacement of Bridge No. 04971, Old Road No.2 over Sasco Brook in the Towns of Westport & Fairfield, prepared for CTDOT, prepared by Fuss & O'Neill, dated December 6, 2023, Scale: As Noted.
 - i. **Title Sheet** **Sheet PMT-01**
 - ii. **General Site Plan** **Sheet PMT-02**
 - iii. **Wetland Watercourse Impact Plan** **Sheet PMT-03**
 - iv. **100-Year Flood Impact Plan** **Sheet PMT-04**
 - v. **Staging and Water Handling** **Sheet PMT-05**
 - vi. **Staging and Water Handling Notes** **Sheet PMT-06**
 - vii. **Elevation and Section Plan** **Sheet PMT-07**
 - viii. **Permit Planting Plan** **Sheet PMT-08**
17. The proposed site inspector shall be utilized for the duration of this project's construction and completion. Said inspector shall ensure compliance with the sediment and erosion control plans. Said monitor shall conduct weekly inspections and after storm events greater than 1 inch with written reports submitted to the Conservation Department on a weekly basis.
18. The applicant, the general contractor, site monitor, and Conservation Staff shall meet onsite at the start of the project to review Sediment and Erosion controls and discuss the need for extra measures. Conservation Department to be contacted 48 hours prior to construction commencement.
19. All planting within 20' from the wetland area shall be done by hand. Mulching within this area shall be done with organic leaf mulch. Plantings must be installed prior to the issuance of a CCC. The planting plan shall be revised to increase the size of the specified trees to 3" caliper.
20. Submittal of the CT DEEP Fisheries Division final sign-off for stream restoration activities is required prior to the issuance of a CCC.

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: McDowell

Ayes: 4

Nays: 0

Abstentions: 0

Vote: 4:0:0

2. **9 Lakeview Road:** Application #IWW,WPL-11871-24 by Brian Carey of LandTech on behalf of Paul and Catherine Havas to demolish the existing structure and to construct a new FEMA compliant single family residence. Work is within the upland review area and the WPLO area of Pussy Willow Brook.

Brian Carey PWS of LandTech presented the application on behalf of the property owners. He noted that some of the Commission members may be familiar with the property due to an unresolved violation. He stated that in course of working on resolving the issues of the violation, it was concluded that building a new FEMA compliant home with the proposed first floor elevation at 16, approximately 2 feet above the base flood elevation. He reviewed the proposed plan and the drainage plans. The planting plan that was approved as part of Cease & Correct Order is still being proposed. Based on review of the aerial photos, the wetlands have historically been grassed.

Mr. Carey asked if the screen porch has a basement.

Mr. B. Carey stated it will be built on piers.

Mr. Murphy asked about the location of the temporary stockpile area.

Mr. B. Carey stated it can be moved elsewhere on the property. There will not be a large amount of cut and fill. The stockpile area should not be located in the flood zone.

Mr. Hally stated the plantings that were approved by the staff to satisfy the violation. He asked what mitigation is being given for the proposed house.

Mr. B. Carey stated there is no work within the wetlands. The wetlands area has been maintained as lawn for many years and want to maintain what is currently there.

Mr. Hally stated the Commission has the ability to ask for additional plantings. He noted the new house proposal is maximized on the lot. He asked the Commission for their thoughts and reviewed their options.

Mr. B. Carey stated he would be amenable to adding plants to the plan.

Mr. Carey stated additional plantings would be appropriate.

Mr. Hally asked for comments on the drainage in the driveway.

Mr. B. Carey noted that permeable pavement in residential projects is difficult. Maintenance is required and if the property owners are not diligent the permeable pavement does not work. They are proposing to capture all the runoff from the drive and direct it into the drainage system.

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

Motion to close.

Motion:	Murphy	Second:	Carey
Ayes:	Murphy, Carey, Lewi, McDowell		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

**Conservation Commission
Town of Westport
FINDINGS
9 Lakeview Road
Application # IWW, WPL-11871-24
Assessor's Map: D07 Tax Lot: 154
Public Hearing: February 14, 2024**

1. **Application Classification:** **Plenary**

2. **Application Request:** To demolish the existing residential structure and construct a new FEMA-compliant single-family residence. The proposed activity is within the upland review area of wetlands and the WPLO area of Pussy Willow Brook.
3. **Plans reviewed:**
 - a. **Site Development Plan**, Site Improvements for a Single Family Residence, 9 Lakeview Road, Westport, CT, prepared for Paul & Catherine Havas, prepared by LandTech, dated November 1, 2023 and last revised to February 6, 2024, Scale: 1" = 10'.
 - b. **Notes and Details**, Site Improvements for a Single Family Residence, 9 Lakeview Road, Westport, CT, prepared for Paul & Catherine Havas, prepared by LandTech, dated November 1, 2023 and last revised to February 6, 2024, Scale: 1" = 10'.
 - c. **Restoration Planting Plan**, prepared for Paul & Catherine Havas, prepared by William Kenny Associates, dated March 28, 2023, approved by Staff May 5, 2023.
 - d. **Architectural Plans**, Havas Residence, Westport, CT, Front Royal II Plan, #33509A prepared by TM Vavra + Associates, P.C., dated March 16, 2016, last revised to January 10, 2024.
 - i. Basement/ Foundation Plan Sheet 1
 - ii. First Floor Plan Sheet 2.1
 - iii. Second Floor Plan Sheet 2.2
 - iv. Optional Attic Plan Sheet 2.3
 - v. Elevations Sheet 3
 - vi. Sections Sheet 4.1
 - vii. Sections Sheet 4.2
 - viii. Roof Framing Plan/ Ceiling Joist Layout Sheet 5
 - ix. First Floor Electrical Plan Sheet 6.1
 - x. Second Floor and Opt Attic Electrical Plans Sheet 6.2

4. **IWW and WPLO Regulated Areas:**

The property is regulated by the Inland Wetland and Watercourse Regulations (IWW). The wetlands soils found on the property are associated with a forested wetland. The wetlands are associated with an offsite watercourse located on the abutting property to the northeast. The watercourse is Pussy Willow Brook, located offsite ~15' to the east.

The IWW setbacks determined for this property include a:

- 50' upland review area for a house and generator,
- 30' upland review area for a deck,
- 30' upland review area for walkway and a driveway
- 20' upland review area for demolition, drainage installation, excavation, filling and grading.

The proposed house and generator are within the 50' upland review area. The proposed deck is within the 30' upland review area. The proposed driveway and walkway are outside of the 30' upland review area. Some amount of grading is within the 20' upland review area.

The Waterway Protection Line Ordinance dictates that the WPL boundary be established 15 linear feet from the 25-year flood line. The eastern portion of the property falls within the WPL boundary. Most of the work on the property is occurring within the WPL.

5. **Background Information:**

- The existing house was built in 1955. It is served by public sewer.
- The property is 0.53 acres (23,014 sq. ft.) in size; located in Residential Zone A.
- The parcel is shown as located within the Pussy Willow Brook Watershed. Pussy Willow Brook is located ~15' to the northeast. The wetland onsite is associated with Pussy Willow Brook located immediately adjacent to the northeast corner of the property. The stream is not indicated on the site plan or the wetland sketch.
- Property is situated in Flood Zone A as shown on F.I.R.M. Panel 09001C0413G Map revised to June 18, 2010.
- The property is **not** within the Aquifer Protection Overlay Zone.
- Property is **partially** within the Coastal Area Management Zone.
- The Waterway Protection Line is established 15' from the 25-year flood line.

6. Property Description:

Gross Lot Area: **0.53 acres (23,014 sq. ft.)**
Wetlands/Watercourse: **9,193 sq. ft.**
Base Lot Area: **15,660 sq. ft.**
Existing Site Coverage: **22.5% (3,520 sq. ft.)**
Proposed Site Coverage: **25.9% (4,054 sq. ft.)**
Existing Building Coverage: **16.8% (2,631 sq. ft.)**
Proposed Building Coverage: **21.9% (3,433 sq. ft.)**
Proposed First Floor Elevation: **16.1 ft.**
Proposed Garage Floor Elevation: **13.4 ft.**
Proposed Elevation of Generator on Platform: **16.1 ft.**
Proposed Elevation of AC Units on Platform: **16.1 ft.**
Existing Average Site Grade Elevation: **12 ft.**
Proposed Average Site Grade Elevation: **13.5 ft.**

7. Wetlands Description:

Soils were characterized in **“Wetland and Watercourse Delineation, 9 Lakeview Road, Westport, Connecticut”**, prepared by William Kenny Associates, dated April 13, 2022. The report’s findings are described herein.

Wetland soils found on the property

Aquents (1): Consists of soils found on 0 to 3 percent slopes in disturbed areas that generally have less than two (2) feet of fill over naturally occurring poorly or very poorly drained soils, or are located where the naturally occurring wetland soils are no longer identifiable, or the original soil materials have been excavated to the ground water table within twenty (20) inches of the soil surface, have an aquatic moisture regime and can be expected to support hydrophytic vegetation.

Ridgebury (3): This soil unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. Stones and boulders cover 5% to 35% of the surface. This unit consists of three soil types mapped together because they have no major differences in use and management. The soils have a seasonal high water table at or near the surface from fall to spring. The permeability of Ridgebury and Whitman soils is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. The permeability of the Leicester soils is moderate or moderately rapid throughout. Available water capacity is moderate in all three soils. Runoff is slow on all three, and water is ponded on the surface of some areas of the Whitman soils. The high water table, ponding, and the stones and boulders on the surface limit these soils for community development. Excavations are commonly filled with water. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

Non-wetland soils found on the property

Udorthents, smoothed (308): 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. The permeability of the soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. Many areas of this soil type are used for community development, with limitations caused by the high water table. Quickly establishing plant cover, mulching, and using siltation basins and diversions help to control erosion and sedimentation during construction.

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 onsite resource consists of a forested wetland which is associated with an offsite wetlands and a

perennial watercourse, Pussy Willow Brook. The on-site wetlands are part of the greater riparian corridor of the brook.

An existing house and associated features will be demolished. A new FEMA-compliant house will be constructed within the same general footprint of the house to be demolished. The house will be constructed with the ~ 18' from the feet from the nearest wetland boundary. The new rear deck will be located ~18" from the wetland. The limit of grading will be located ~14' from the wetland. The grading to move the elevation 12' contour will be within the 20' non-disturbance review area. The proposed soil stockpile is shown on top of the non-disturbance boundary.

There are no existing stormwater retention units. The development plan proposes three rows totaling 15 Cultec 150XLHD stormwater retention galleries. The plan demonstrates the retention units will be located under proposed lawn and walkways. The Commission finds this design as a major improvement to existing drainage conditions.

A violation was issued to the property owner in 2021 for performing regulated activities within a wetland without a permit. After a show-cause hearing was held by the Commission on January 10, 2023, the Commission approved the corrective action of a restoration planting. The restoration planting plan, prepared for Paul & Catherine Havas, prepared by William Kenny Associates, dated March 28, 2023, was approved by Conservation Staff on May 5, 2023. The plan proposes to restore the wetland area and fortify the upland vegetation adjacent to the watercourse corridor. The plan also proposes to install a stormwater runoff energy dissipator. The Commission finds the planting serves as an adequate buffer before the riparian corridor.

The Commission finds the "Restoration Planting Plan" shall be enhanced to include additional plants to the proposed design.

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:

Wetlands on the property The surface water quality classification for Pussy Willow Brook (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 (ID:

7000-18) for Pussy Willow Brook 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 Pussy Willow Brook's Recovery Status as "Mitigation", identifying that the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

There is no existing stormwater storage on the 22.5% (3,520 sq. ft.) and the proposed site coverage is 25.9% (4,054 sq. ft.). The application proposes a new area of stormwater storage. The drainage report states the proposed stormwater management system is designed to accommodate the runoff from these structures during a 25-year storm (the water quality volume) and be able to store the first 1" of rainfall from all the proposed development. Water collected within the driveway trench drain all roof leaders will be

conveyed to a retention area consisting of three (3) rows of five (5) Cultec 1S50XLHD stormwater galleries. The stormwater retention area is sized with a volume of 865.60 cu. ft., which is greater than the 423.33 cu.ft. required. The stormwater galleries can overflow and discharge downgradient across the lawn. A detail for the drainage units are provided on the site plan and details.

The Commission finds the highest risk of potential impacts to water quality would be temporary impacts due to potential sediment releases during demolition of the existing house and the excavation grading and filling associated with the development closest to the wetland boundary. The moderate amount of grading filling and stockpiling to the wetland boundary may cause destabilized areas to be inundated during storm events, facilitating erosion, accelerating sediment transport and expanding distribution of suspended sediment. With the stormwater system and a planting plan both installed, the Commission does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

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:

Excavating, grading and filling will create displaced soil across the site. The total proposed cut and fill for the site is 135 cubic yards, which is less than the 725 cubic yards that is allowable for the site. The site plan identifies an area for soil stockpiling, south of the proposed residence, ~20' from the wetland boundary. The Commission finds it is possible to locate the soil stockpile a little further away, wholly outside the 20' non-disturbance buffer. **The applicant has agreed to locate the proposed stockpile outside of the flood plain.**

The applicant has provided sediment and erosion controls on the site plan, which incorporates the use of a single row of silt-fencing all along the limit of disturbance, a single row of silt fence around the temporary stockpile area, and an anti-mud tracking pad at the proposed construction entrance within the footprint of the driveway. The row of silt fence will be installed ~15' from the wetland boundary, as close to the proposed limit of grading as is practicable.

The S&E plan provides details for the silt fence, soil stockpile, and construction entrance. Proper installation and continued maintenance of these features should be adequate to control sedimentation. The Commission does not anticipate that work will encounter groundwater during the excavation activities for the house and storm water detention units. Groundwater was encountered in test holes 101, 102, and 103 at 94", 78", and 73" below ground surface, respectively. The "General Erosion and Sediment Control Notes" listed on the site plan includes a note that specifies the use of a dirtbag dewatering system if needed. The dirtbag dewatering system is adequate for controlling silt-laden water so long as the system is frequently monitored and maintained.

The Commission finds the greatest risk of potential impacts from sedimentation is during the demolition of the existing structures and material stockpiling. Stormwater can transport loose sediments downgradient towards the wetlands. The silt fence and tracking pad should be adequate to controlling sedimentation in the wetlands and associated watercourses.

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.

Discussion:

CT ECO map viewer shows there are no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. Pussy Willow Brook is a perennial watercourse, which would imply the stream could provide habitat for fish and aquatic macroinvertebrates.

The Commission finds the greatest risk to the wetland and watercourse resource would be temporary impacts due to potential sediment release into the wetland during the demolition of the existing house and construction of the proposed house and associated grading. A release of sediment into the wetland could cause adverse impacts to amphibians and aquatic macroinvertebrate communities within the forested wetland.

The Commission finds that the proposed planting plan does not include a buffer planting component. Much of the wetland on the property is maintained as lawn. The approved planting plan from May 2023 provides a range of native trees, shrubs, and herbaceous perennials. The planting should help increase the biodiversity of the plant community as well as provide some habitat value for local fauna.

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 stormwater management system is sized to handle the first inch of runoff for water quality as well as meeting the Town of Westport Drainage Standards for a 25-year storm event. The Commission finds this proposed system will be an improvement over the existing site condition without drainage.

The site grading around the proposed house will generally follow the existing site grades and therefore, it is not anticipated to have an impact to the adjacent or adjoining properties, as shown on the site plan. The grading is necessary to accommodate the construction of the house and the installation of the stormwater system. The stormwater retention of roof and driveway runoff should significantly reduce the amount of runoff volume and energy into the wetland. The proposed grading may minimally change how the site transmits flood water, but the density of vegetation within the restoration planting will provide some water quality treatment and energy dissipation through the riparian corridor during storm events. Building a FEMA-compliant structure instead of keeping the existing non-compliant structures provides a benefit to site discharge and runoff. Additionally, the approved planting should enhance the existing wetland and watercourse function.

The applicant provides 13 flood vents for the 2,536 sq. ft. of basement level area which meets the minimum amount required. The flood vents should benefit the sites capacity to transmit and absorb flood water.

The Commission finds that the design does not pose any significant reduction in flood capacity or accelerated velocities from changes in stormwater runoff. The Flood & Erosion Control Board reviewed and approved the application at its February 7, 2024, meeting with no special conditions.

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:

The proposed activities will not significantly impact recreational and public uses.

14. Waterway Protection Line Ordinance

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

The WPLO boundary is located 15' from the 25-year flood line. Most of the proposed site work is shown within the WPL. The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The project proposes an increase in coverage. Existing site coverage is 22.5%. The proposed site coverage is 25.9%, which is greater than the 10-25% cover that is expected to impact water quality. There is no existing site stormwater management system. The proposed stormwater retention units to the west of the residence are designed to receive drainage from the roof and the driveway. The Commission finds that the inclusion of a stormwater management system will be a benefit in mitigating impacts to stormwater and natural resources within the WPLO boundary.

The Commission finds the planting plan to restore vegetation within the lawned portion of wetland and along the wetland boundary would help protect against the adverse impacts of flooding, erosion and sedimentation on local water quality and the natural habitat resources.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW-WPL-11871-24
9 Lakeview Road
Assessor's Map: D07 Tax Lot: 154
Public Hearing: February 14, 2024**

Project Description: To demolish the existing residential structure and construct a new FEMA-compliant single-family residence within the upland review area of wetlands and the WPLO area of Pussy Willow Brook.

**Owner of Record: Paul & Catherine Havas
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-11871-24** 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**, Site Improvements for a Single Family Residence, 9 Lakeview Road, Westport, CT, prepared for Paul & Catherine Havas, prepared by LandTech, dated November 1, 2023 and last revised to February 6, 2024, Scale: 1" = 10'.
 - b. **Notes and Details**, Site Improvements for a Single Family Residence, 9 Lakeview Road, Westport, CT, prepared for Paul & Catherine Havas, prepared by LandTech, dated November 1, 2023 and last revised to February 6, 2024, Scale: 1" = 10'.
 - c. **Restoration Planting Plan**, prepared for Paul & Catherine Havas, prepared by William Kenny Associates, dated March 28, 2023, approved by Staff May 5, 2023.
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 - v. Elevations Sheet 3
 - vi. Sections Sheet 4.1
 - vii. Sections Sheet 4.2
 - viii. Roof Framing Plan/ Ceiling Joist Layout Sheet 5
 - ix. First Floor Electrical Plan Sheet 6.1
 - x. Second Floor and Opt Attic Electrical Plans Sheet 6.2
17. The site engineer shall oversee the installation of stormwater management system and all other drainage features certify that it is installed correctly prior to the issuance of a CCC. The portions of driveway and walkway surface within the WPL shall be constructed as pervious.
18. The "Restoration Planting Plan", dated March 28, 2023, approved May 5, 2023, shall be enhanced to include additional plants. The enhanced plan shall be submitted to Conservation staff prior to the issuance of a Zoning Permit.
19. All plantings proposed in the shall be installed by hand. The plantings shall be installed prior to the issuance of a Conservation Certificate of Compliance.

20. The applicant shall submit a planting bond to cover the cost of any proposed planting prior to the issuance of a Zoning Permit. The bond amount shall be held for one year to ensure vitality of the plants.

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: Lewi Second: Murphy
Ayes: Lewi, Murphy, Carey, McDowell
Nays: 0 Abstentions: 0 Vote: 4:0:0

3. **7 Sea Spray Road:** Application #WPL-11872-24 by Bryan Nesteriak of B&B Engineering & Peter Cadoux of Cadoux Architects on behalf of Giselle Wagner & Paul Myserson to demolish the existing residence and to construct a new FEMA compliant single family residence, driveway, covered deck, terrace, walkways, and steps. Work is within the WPLO area of the Saugatuck River.

Bryan Nesteriak, PE presented the application on behalf of the property owners. He oriented the Commission to the property. They are proposing a new FEMA compliant single family residence. The pool will remain as well as many of the perimeter plantings as possible. The drainage is being directed to an underground reservoir. They are proposing a landscaping plan along the tidal wetland. He noted the dewatering area on the plan and noted that there will be limited excavation. Mr. Nesteriak reviewed the staff report. He agreed with most of the proposed conditions but disagreed with the request for a larger buffer area. He indicated that they would be amenable to adding more plantings within the buffer but not expanding the planting area. He noted the rear yard is limited in size.

Peter Cadoux, AIA, noted that this property has more plantings than are on most properties on Saugatuck Shores. They are maintaining 38 mature trees and the site is relatively flat.

Mr. Lewi asked if the propane tanks are anchored.

Mr. Nesteriak stated yes.

Mr. Carey suggested the planting buffer could be flared out at the ends without taking too much from the rear yard.

Mr. Cadoux indicated this could be done.

Mr. Hally noted the driveway should remain pervious in perpetuity. He discussed the planting buffer and the need for it to be enhanced and enlarged. Ecologically, the buffer should be layered to provide nutrient pickup. The proposal is removing 7 trees. There are no trees replacing the lost trees.

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

Mr. Carey noted there is a buffer of 5 feet plus the area to the fence. He indicated flaring out the ends will add to the buffer and increase the plantings will address.

Mr. Carey asked for a straw poll of the Commission.

The members agreed with Mr. Carey's assessment. They added there would be room to add one more tree in the planting buffer.

Motion to close.

Motion: Carey Second: Lewi
Ayes: Carey, Lewi, McDowell, Murphy
Nays: None Abstentions: None Vote: 4:0:0

**Conservation Commission
Town of Westport
Findings
Application #WPL-11872-24
7 Sea Spray Road
Assessor's Map: C01 Tax Lot: 001
Public Hearing: February 14, 2024**

1. **Application Request:** The applicant is proposing to demolish the existing dwelling and associated development and construct a new residential dwelling, with a new driveway, covered patio, terrace, walkway, and steps within the WPLO (elevation 9') area of the Saugatuck River.
2. **Plans Reviewed:**
 - a. **Plot Plan**, prepared for 7 Sea Spray LLC, 7 Sea Spray Road, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated September 12, 2023, Scale: 1" = 20'.
 - b. **Proposed Site Development Plan** of 5 Sea Spray Road, Westport, Connecticut, prepared for SevenSeaSpray, LLC, prepared by B&B Engineering, dated December 12, 2023, last revised to January 26, 2024, Scale: 1" = 10', 2 Sheets.
 - c. **Architectural Renderings**, prepared for SevenSeasSpray, LLC, 7 Sea Spray Road, Westport, CT 06880, prepared by Peter Cadoux Architects P.C., dated December 15, 2023:
 - i. **Lower Level Flood Gate Plan** Sheet FL-1
 - ii. **Lower Level Plan** Sheet A-1
 - iii. **First Floor Plan** Sheet A-2
 - iv. **Proposed Second Floor Plan** Sheet A-3
 - v. **Proposed Elevations** Sheet A-4
 - vi. **Proposed Elevations** Sheet A-5
3. **Past Permits**
 - **WPL-9019-12- Generator**
4. **Property Description:** The existing house was constructed in 1974. Serviced by public sewer. Residential Zone A.

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. 13') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.

Existing First Floor Elevation: 9.8 ft.
Proposed First Floor Elevation: 18.5 ft.
Proposed Garage Elevation: 9.5 ft.
Proposed Air Conditioning Platform Elevation: 14.1 ft.
Proposed Generator Platform Elevation: 14.1 ft.
Proposed Pool Equipment Pad Elevation: 14.1 ft.
Existing Average Grade: Elev. 8.5 ft.
Proposed Average Site Grade: Elev. 8.5 ft.
Lot Area: 0.51 acres (22,314 sq. ft.)
Base Lot Area: 21,866 sq. ft.
Existing Site Coverage: 23.3% (5,095 sq. ft.)
Existing Building Coverage: 13.1% (2,865 sq. ft.)
Proposed Site Coverage: 24.97% (5,459 sq. ft.)
Proposed Building Coverage: 13% (2,836 sq. ft.)
Sewer Line: The property is serviced by municipal sewer.
Zoning: Property is located in Residential Zone A
5. **Aquifer:** Property 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:**

Coastal Area Management: Property located within CAM zone. The coastal resources are identified as: Near Shore Waters, Shellfish Area and Coastal Flood Hazard Area. Nearshore Waters are those waters and their substrates lying between mean high water and a depth approximately by the ten-meter contour. Shellfish Area areas support an important source of food, provide recreational shellfishing opportunities, provide economic opportunities for the shellfish industry, and provide employment through the shellfish industry. Coastal Flood Hazard Areas are defined as those land areas inundated during coastal storm events. A-zones are subject to

still-water flooding during “100-year” flood events. Coastal Hazard Areas 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 to treat the first 1” of runoff with crushed stone reservoirs beneath pervious driveway surfaces. The application proposes two areas of driveway stormwater reservoirs. Stormwater runoff from the roof leaders of the proposed residence will be conveyed to the reservoirs by underground PVC pipes. The driveway runoff will infiltrate into the reservoirs. General site runoff and drainage overflow will drain downgradient towards the Cross Way and Sea Spray Road Roadways. Runoff from the existing rear development will continue to drain towards the tidal wetland. The lawn will be improved with a buffer planting, which will assist in management general site runoff towards the wetland.

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 property lies within the WPLO boundary (elevation 9’) of the Saugatuck River. The property abuts the portion of the Saugatuck River that comprises the Cedar Point Yacht Club basin. The “Site Development Plan” demonstrates that the surveyed tidal wetland boundary extends onto the property at the eastern end. The wetland boundary extends landward of the existing fence line. The intertidal zone is beyond the property boundary to the east. The mean high-water line is established at elevation 3.3’ (NAVD88) to the east of the property. There is no Coastal Jurisdiction Line (elevation 5.3’) on the property.

Based on the existing spot elevations shown on the site plan, the topography is generally flat. The site gradually slopes from the center of the property to the western portion of the property towards the roadway. The project will perform grading around the house leveling out high and low elevations while maintaining the same average site grade of elevation 8.5 ft. Grading will not occur beyond the general envelope of the dwelling and associated improvements.

The project proposes to demolish the existing dwelling, rear deck, retaining walls, landings, walkways, and driveway. A new dwelling, new driveways, covered patio, underground propane tanks, generator pad, and landing extensions, and walkways will be constructed within the footprint of the existing footprint. The existing pool, and pool will remain. Overall site coverage is proposed to increase from 23.3% (5,095 sq. ft.) to 24.97% (5,459 sq. ft.). The surface of both driveways will be constructed of Unilock permeable concrete pavers and they will each have stormwater storage below. The proposed dwelling will be built to conform to FEMA standards with the first habitable floor (el. 18.5’) established above the 100-year base flood elevation (el. 13’). The new generator platform, air conditioning platform, and pool equipment platform will be established at elevation 14.1’. The Town’s Engineering Department found this design to be compliant. The Flood and Erosion Control Board approved the application on February 7, 2024 with no special conditions.

The proposed underground propane storage tanks will be located along the southern property boundary, east of the driveway. A tank detail provided on the site plans demonstrates that the two (2) 1000-gal. propane tanks will be anchored to a concrete counterweight with steel with straps and hold down rods, which is consistent with the FEMA guidance for installing underground tanks within a flood zone, “Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems”.

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 ~25%, which is within the 10-25% cover that is expected to impact water quality. Coverage calculations are provided on the site plan. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River Watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The site plan depicts one layer of perimeter silt fence beyond the limit of development with a secondary row of silt fence along the eastern portion closest to the natural resources. A detail for a single and double row of silt fence installation is provided with the construction details and notes. The plan depicts minor grading across the center portion of the property to accommodate the new development. The site plan specifies the utilization of a soil stockpile area at the front of the property. The plan also demonstrates a location for a dewatering settling basin along the southern portion of the property near the proposed location for the underground storage tanks. An anti-mud tracking pad will be installed at the southwest corner of the property.

Stormwater calculations are provided on the "Proposed Site Development Plan". The drainage calculations demonstrate that both driveway stormwater reservoirs have a combined storage volume of 712.1 cu. ft. which is greater than the 551.8 cu. ft. required by Town drainage standards for the first 1" of runoff from the new development. The site plan demonstrates that the stormwater runoff volume from the roof will be collected by roof leaders and driveway surface and stored within the driveway reservoirs. Calculations demonstrate that the applicant provides the required 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 the proposed additional drainage and stormwater storage as a benefit, and these features should improve the stormwater quality across the site from the existing conditions. The Commission requires the design engineer witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The site plan demonstrates that groundwater was encountered at Test Pits #1, which was advanced to 102" deep, where water was found. Soil stratification and a tidally influenced water table indicate that ground water could potentially be encountered at 2-3 ft below ground surface in the area of the excavation for the propane tanks. The site plan demonstrates a location and method for dewatering the excavation, specifying the installation of a gravel well point. Any silt-laden water will be mechanically pumped from the well point to a settling basin. The basin will be a shallow excavation lined with riprap, and its edges will be reinforced with staked haybales. The settling basin will be located ~35' from the tidal wetland boundary. The Commission finds this is an adequate method for dewatering an excavation.

The architectural drawings demonstrate that the lower level (elev. 9.5) will include garage areas for two cars, a storage room, entryways, a foyer, a covered patio, and a rubbish storage area. The "Lower Level Plan" demonstrates the lower level will be outfitted with nine (9) flood vents, which is the number required for the 2,200 sq. ft. area to be FEMA-compliant.

The Commission finds stormwater quality across the property has the potential to improve with the inclusion of the driveway drainage and roof runoff being conveyed to a stormwater detention area. The Commission finds the new system represents a significant upgrade to existing conditions. The drainage features should help mitigate any potential impacts to surface water quality within the Saugatuck River from on-site runoff. The Commission requires a deed restriction to be filed on the land record stating that the installed drainage system be certified by the site engineer prior to the issuance of Conservation Certificate of Compliance. The Commission finds that the new development may improve the way the site transmits flood waters by raising the first floor and installing the flood vents on the lower level.

Natural Habitat Considerations:

The Commission references 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 following state species of special concern; Northern diamondback terrapin (*Malaclemys terrapin terrapin*), yellow-crowned night-heron (*Nyctanassa violacea*), glossy ibis (*Plegadis falcinellus*), Atlantic seasnail (*Liparis atlanticus*), blueback herring (*Alosa aestivalis*) sand tiger shark (*Carcharias taurus*), radiated shanny (*Ulvaria subbifurcata*), and little blue heron (*Egretta caerulea*). The review listed two state threatened species: great egret (*Ardea alba*) and snowy egret (*Egretta thula*). Since there is no proposed work immediately adjacent to the water or within the water column, there is minimal potential impact to any listed aquatic species. The Commission finds the existing vegetation around the home does not represent coastal bird nesting habitat, and the commission expects there will no impacts to listed coastal birds. The proposed development will not extend beyond the general footprint of existing development. The Commission finds the proposed work will have minimal impact to adjacent intertidal areas. At present, the Commission does not require further consultation to evaluate impact to listed species.

The Commission anticipates there will be some landscape vegetation removal around the existing home to accommodate site work. The site plan indicates that ~8 trees will be removed to accommodate demolition, excavation, and construction. The planting provided on the site plan proposes to install a planted buffer 5'-wide by 100'-long about 3' upgradient from the tidal wetland boundary. The buffer will be planted with 44 native herbaceous perennials and 20 native shrubs. The Commission finds the buffer should be a width of 10-15' to effective function as a buffer to protect the downgradient resources. The Commission finds the density of plants should be increased. The number of plants, 64, is not enough to have a dense planting that has appreciable effect on enhancing water quality. The Commission finds the plan should include trees to replace the trees that will be lost from development. The Commission requires that the planting plated buffer shall be flared to 10' wide at each end with the including off additional plants and one tree, at minimum. The revised planting plan will be subject to staff review following the Commission's approval of the permit application. The Commission requires a planting performance bond be submitted and held for one growing season to ensure the vitality of the plants.

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 excavation and grading associated with the installation of the stormwater detention units is ~75' from the tidal wetland boundary and ~85' from the intertidal zone. The Commission finds that the risk of sediment release into the resources is mitigated by the utilization of the rows of silt fence. With the mitigating controls and designs, the potential for short term and long term adverse impacts from the proposed development to the natural habitat is minimal.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11872-24
7 Sea Spray Road
Assessor's Map: C01 Tax Lot: 001
Public Hearing: February 14, 2024

Project Description: To demolish the existing dwelling and associated development and construct a new residential dwelling, with a new driveway, covered patio, terrace, walkway, and steps within the WPLO (elevation 9') area of the Saugatuck River.

Owner of Record: SevenSeaSpray, LLC
Applicant: Bryan Nesteriak, B&B Engineering

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-11872-24** 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 **February 7, 2024**.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. **Plot Plan**, prepared for 7 Sea Spray LLC, 7 Sea Spray Road, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated September 12, 2023, Scale: 1" = 20'.
 - b. **Proposed Site Development Plan of 5 Sea Spray Road**, Westport, Connecticut, prepared for SevenSeaSpray, LLC, prepared by B&B Engineering, dated December 12, 2023, last revised to February 6, 2024, Scale: 1" = 10' 2 Sheets.
 - c. **Architectural Renderings**, prepared for SevenSeasSpray, LLC, 7 Sea Spray Road, Westport, CT 06880, prepared by Peter Cadoux Architects P.C., dated December 15, 2023:
 - i. **Lower Level Flood Gate Plan** Sheet FL-1
 - ii. **Lower Level Plan** Sheet A-1
 - iii. **First Floor Plan** Sheet A-2
 - iv. **Proposed Second Floor Plan** Sheet A-3
 - v. **Proposed Elevations** Sheet A-4
 - vi. **Proposed Elevations** Sheet A-5
17. The design engineer shall witness and certify the construction of the stormwater management system and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
18. The driveways shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
19. The applicant shall revise the planting plan to flare the planted buffer at each end to 10 feet wide, increase the number of plants, and include at least one tree. The revised plan shall be subject to Conservation Staff approval. The plan shall be submitted prior to the issuance of a Zoning Permit.
20. The applicant shall submit a performance bond for the planting plan to be held one full growing season to ensure vitality of the plants. The bond shall be paid prior to the issuance of a Zoning Permit.

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

Motion: Carey Second: Lewi
Ayes: Carey, Lewi, McDowell, Murphy
Nays: 0 Abstentions: 0

Vote: 4:0:0

4. **85 Compo Road North:** Application #IWW,WPL-11873-24 by JH Builders LLC to construct a new single family residence, driveway, drainage, and associated site improvements. Work is within the upland review area setbacks and partially within the WPLO area of Deadman’s Brook.

Paul Bombero, PE presented the application on behalf of the property owner. He reviewed the proposed plan and drainage. He oriented the Commission to the sewer easement that was installed by the Town. He noted the planting buffer along the wetlands.

Mr. Carey asked about the height of the retaining wall.

Mr. Bombero stated the retaining wall is only a 1 to 1.5 feet in order to minimize the grading towards the wetlands.

Mr. Carey asked about the buffer planting plan along the wetlands.

Mr. Bombero stated they would prefer to spread wetland seed mix. There is a lot of wooded area on the lot and only about 30 feet to the wetland from the development.

Mr. Hally stated there is a lot of fill and grading happening on this site. There is a need for space to allow the runoff to infiltrate. He indicated that he is not sure that the seed mix will provide room for absorption. The buffer should be tiered, have diverse plantings and be about 15 feet wide.

Mr. Kelly agreed with Mr. Hally that a mixture of woody and herbaceous vegetation is best within the buffer.

Mr. Carey asked for public comments.

Jad Harb, property owner, indicated that he agreed with the plantings but expressed concern with the sewer easement. He asked that the revised planting plan be handled administratively.

With no further comments, the hearing was closed.

Motion:	Carey	Second:	Murphy
Ayes:	Carey, Murphy, Lewi, McDowell		
Nays:	None	Abstentions:	None
		Vote:	4:0:0

**Conservation Commission
Town of Westport
Findings
Application # IWW, WPL-11873-24
85 Compo Road North
Assessor’s Map: D11 Tax Lot: 154
Public Hearing: February 14, 2024**

1. **Application Classification:** **Plenary**
2. **Application Request:** The applicant is requesting to construct a new single-family residence, driveway, drainage, stormwater management system, and associated site improvements. Work will occur within upland review area setbacks of onsite wetlands and the WPLO boundary.
3. **Plans Reviewed:**
 - a. **Improvement Location Survey**, 85 Compo Road North, Westport, Connecticut, prepared for JH Builders, LLC, prepared by Paul J. Bombero, Sr., L.S., dated October 4, 2023, last revised January 31, 2024, Scale: 1” = 30’.
 - b. **Proposed Site Plan** of Lot 33, 85 Compo Road North in Westport, Conn, prepared for JH Builders, LLC, prepared by H.K. Associates Professional Engineering, dated October 4, 2023, last revised January 31, 2024, Scale: 1’ = 20’.
 - c. **Proposed Residence for 85 Compo Road** (Architectural Renderings), Westport, Connecticut prepared by Pat Pulitano A.I.A. Architect, dated August 04, 2023, Scale: As Noted.

i.	Basement Floor Plan	Sheet A-1
ii.	First Floor Plan	Sheet A-2
iii.	Second Floor Plan	Sheet A-3
iv.	Attic Plan	Sheet A-4
v.	Roof Plan	Sheet A-5
vi.	Front Elevation	Sheet A-6
vii.	Right Elevation	Sheet A-7
viii.	Rear Elevation	Sheet A-8
ix.	Left Side Elevation & Wall Section	Sheet A-9

4. IWW and WPLO Regulated Areas:

The wetlands found on the property are associated with an offsite perennial stream, Dead Mans Brook. The Waterway Protection Line Boundary is established 15' from the 25-year flood line. Construction of the installation of the proposed wall and 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,

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 within the 50 ft. upland review area. The proposed wall is within the 30 ft. upland review area. The proposed driveway is not within the 30 ft. upland review area. The installation of the stormwater management system and associated grading and alterations are within 20 ft. upland review area.

5. Previous Permits issued:

WPLE-13-9615-H: Generator

IWW-WPL/E-11742-23: Main Line Extension

6. Wetlands Description: *There is no site-specific soil survey provided for this project. The Commission references USGS 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 southern wetland as 0.64 acre freshwater forested/shrub wetland habitat, classified as a **PFO1E**.

*“System **Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.*

*Class **Forested (FO)**: Characterized by woody vegetation that is 6 m tall or taller.*

*Subclass **Broad-Leaved Deciduous (1)**: Woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (*Fraxinus nigra*).*

*Water Regime **Seasonally Flooded/Saturated (E)**: Surface water is present for extended periods (generally for more than a month) during the growing season, but is absent by the end of the season in most years. When surface water is absent, the substrate typically remains saturated at or near the surface.”*

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.

Upland soils found on the property:

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.

7. Property Description and Facts Relative to the Application:

- a. The former house was built in 1950. The house was demolished in 2023.
- b. The property is ~0.37 acres (16,520) in size; located in Residential Zone A.
- c. The parcel is located within the Dead Man's Brook Watershed. The Dead Man's Brook watercourse is located offsite, ~30' to the south. The wetlands onsite are associated with the offsite watercourse.
- d. This property is within Flood Zone X, 0.2 % Annual Chance Flood Hazard, per FEMA FIRM Panels: 09001C0413G, Effective July 8, 2013.
- e. The property is 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 25- year flood line.
- h. The wetland boundary shown on the Town's GIS.
- i. Lot Area: **16,520 sq. ft.**
- j. Base Lot Area: **15,533 sq. ft.**
- k. Pre-Existing Total Coverage: **20.52%** (3,270 sq. ft.)
- l. Proposed Total Coverage: **22.07%** (3,517 sq. ft.)
- m. Proposed Building Coverage: **14.98%** (2,387 sq. ft.)
- n. Existing Average Site Grade: elevation **42.4 ft**
- o. Proposed Average Site Grade: elevation **43.6 ft**
- p. Elevation Top of Retaining Wall within WPL: **41 ft**
- q. Elevation of Basement Floor: **40.5 ft.**
- r. Elevation of First Habitable Floor: **50.35 ft.**

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 house will be located ~30' from the nearest wetland boundary. The new limit of driveway will be located ~53' from the nearest wetland boundary. The retaining wall at the front of the property will be located ~7' from the nearest wetland boundary. The proposed limit of grading will be located ~18' from the nearest wetland boundary. The installation of drainage retention units off the south corner of the house will be located ~25' from the nearest wetland boundary. The construction of the new residence represents the largest amount of

development within upland review area of wetlands included in proposed plan. Excavation, filling and grading to create a new elevation 42' contour represent the most intensive earthwork adjacent to wetlands on site. The average site grade will increase ~1.2' in elevation.

The new driveway footprint is located outside the upland review area. The new driveway coverage is proposed to be 8.11%, 1,293 sq. ft. of impervious surface. About half of the new residence is located within the upland review of onsite wetlands. The proposed house coverage is 14.98% (2,387 sq. ft.) Total site coverage will be 22.07% (3,517 sq. ft.). The proposed stormwater detention area located beneath the proposed driveway drainage features is sized to accommodate drainage from the new development on site. The stormwater features include a driveway trench drain, underground roof leaders and 120 lineal feet of underground concrete retention galleries. The proposed design of the house requires the installation of footing drains, a sump pump, and underground retention galleries to serve the discharge from the sump pump. Earth work will consist of excavation, filling, and grading to elevate the structure from the surrounding slopes while maintaining grades and slope direction. A retaining wall will be used to fortify new grades at the front of the property.

The project does not propose any direct impacts to wetlands or watercourses. Though the offsite watercourse is considered candidate habitat for fish and other aquatic fauna species, the site disturbance does not pose an obvious threat of loss of fish, wildlife, or vegetation, when the appropriate E&S controls are in place. The Commission finds that the project design demonstrates an effort to avoid temporary disturbance adjacent to wetlands. Additionally, the Commission finds the retention of stormwater runoff as an overall benefit to water quality by preventing long-term erosion, sedimentation, and pollution. The lot area is relatively small at just over a third of an acre. Proposed coverage numbers indicate that maximizing the size of the residence and driveway and lawn area is prioritized. While the project design does not proposed structures or grading immediately adjacent to wetlands, the project is lacking due consideration for offsetting development or protecting wetland vegetation or habitat with mitigation measures.

Due to the site's limited access, existence of slopes, and required grading, The Commission requires the applicant 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 nearest perennial water course is Dead Man's Brook, located off site ~30' to the south. The surface water quality classification for Dead Man's Brook (State Waterbody ID: CT7200-29_01 (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), located offsite to the west, is Class A water for Inland Surface Water Class. The Class A designation indicates that the surface water is suitable habitat for fish other aquatic life and wildlife and recreation.

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

Stormwater calculations are provided in the "Drainage Computations" report. The site plan demonstrates that site stormwater retention will consist of 120 lineal feet or 15 units of underground concrete stormwater galleys. The report demonstrates the stormwater management system has a retention volume of 1176 cu. ft. which is greater than the 306.7 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 finds the proposed stormwater retention units as a benefit. The units should enhance the stormwater runoff capture and energy attenuation.

Test pit data provided on the site development plan demonstrates that the ground water was encountered in Test Pits A and B at depths of 72" and 68", respectively. Mottling was noted at 46" below ground surface at Test Pit A and 56" at Test Pit B. The data indicates that the ground water table likely fluctuates seasonally from elevation 33' to elevation 35'. Excavations for the house foundation or detention units are not likely to advance past 36'. The Commission requires a contingency dewatering method and location if dewatering excavation is needed. This note should be added in the construction sequence.

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 moderate filling and grading across the site to elevate the area of the proposed house while maintaining slopes around the house. The project proposes an estimated 580 cubic yards (cu. yd.) of total of excavation and fill across the site, which is less than the 1,529 cu. yd. allowed by Town standards for exaction and fill. The site plan does not indicate that any soil stockpiling is needed.

The proposed erosion and sedimentation controls include:

- a) a row of perimeter silt fencing beyond the proposed limit of site disturbance and
- b) a mud tracking pad at the construction entrance

Details for the silt fence and the tracking pad are shown on the second sheet of the "Proposed Site Plan". The plan does not specify a location or method for any potential dewatering plan. The Commission requires there be a contingency dewatering plan if groundwater is encountered.

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:

The Commission references a preliminary review of current data maintained by the Natural Diversity Database (NDDDB) 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 development will occur within the general envelope of the pre-existing development. The Commission finds temporary indirect impacts of erosion and sedimentation present the biggest detriment to natural habitat and biodiversity of the riparian corridor. Maintenance of the proposed E&S controls should ensure that potential temporary impacts are eliminated. General site runoff and maintenance of lawn adjacent to the wetland represent the biggest long-term detriment to the riparian corridor. This could be mitigated by the inclusion of a planted buffer immediately upgradient from the wetland boundary.

The applicant does not propose a planting plan as part of the application. A buffer planting of native herbaceous perennials, shrubs and trees would contribute to biodiversity of the vegetative community and facilitate long-term maintenance of water quality. The Commission requires a buffer planting, 15'- wide, upgradient from the entire length of wetland boundary on the property. 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 any proposed planting plan can be approved administratively by Staff, after a potential Commission approval.

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:

The Commission finds the drainage features should reduce stormwater runoff 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 northern roof leader will convey roof runoff to the underground stormwater detention units. The driveway trench drain will collect runoff from the driveway. The center of the property will be elevated from the surrounding grade to accommodate the basement of the proposed residence. The final grades will present moderately steeper slopes to the west and the south of the property. The MS4 worksheet provided with the application indicates that site development and grading will create an additional pathway of general site stormwater discharge runoff, unimpeded towards the wetland. The wetland to the south of the proposed development is associated with a perennial watercourse. A densely vegetated riparian corridor could dissipate stormwater runoff energy and capture suspended sediment and pollutants before discharge into Dead Man's Brook.

The Commission finds the recommended 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 application was approved by the Flood & Erosion Control Board on February 7, 2024.

The Commission finds that the stormwater retention units will be an overall benefit to stormwater discharge and runoff. The Commission requires that the design engineer 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 25-year flood line. Work within the WPL is limited to construction of a retaining wall, installation of footing drain galleries, and general site. 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 layer of silt fence is depicted on the site plan within the WPL, downgradient from the limit of disturbance. The Commission finds these S&E control measures should be adequate in preventing sediment release into the resource. The Commission finds water quality and the natural resource of the wetland and watercourse should not be adversely impacted by the installation of the drainage detention units and construction of the retaining wall. The stormwater galleries should be considered a benefit to enhancing water quality of runoff going into the wetland. The grading will maintain site stormwater runoff flow direction. Runoff velocities will not be increased towards the natural resources. The site's capacity to transmit and absorb flood waters will not significantly change.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW-WPL-11873-24
85 Compo Road North
Public Hearing: February 14, 2024

Project Description: To construct a new single-family residence, driveway, drainage, stormwater management system, and associated site improvements within upland review area setbacks of onsite wetlands and within the WPLO boundary.

Owner of Record: JH Builders, LLC
Applicant: Jad Harb of JH Builders, 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-11873-24** 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. **Improvement Location Survey**, 85 Compo Road North, Westport, Connecticut, prepared for JH Builders, LLC, prepared by Paul J. Bombero, Sr., L.S., dated October 4, 2023, last revised January 31, 2024, Scale: 1" = 30'.
 - b. **Proposed Site Plan** of Lot 33, 85 Compo Road North in Westport, Conn, prepared for JH Builders, LLC, prepared by H.K. Associates Professional Engineering, dated October 4, 2023, last revised January 31, 2024, Scale: 1' = 20'.
 - c. **Proposed Residence for 85 Compo Road** (Architectural Renderings), Westport, Connecticut prepared by Pat Pulitano A.I.A. Architect, dated August 04, 2023, Scale: As Noted.
 - i. **Basement Floor Plan** Sheet A-1
 - ii. **First Floor Plan** Sheet A-2
 - iii. **Second Floor Plan** Sheet A-3
 - iv. **Attic Plan** Sheet A-4
 - v. **Roof Plan** Sheet A-5
 - vi. **Front Elevation** Sheet A-6
 - vii. **Right Elevation** Sheet A-7
 - viii. **Rear Elevation** Sheet A-8
 - ix. **Left Side Elevation & Wall Section** Sheet A-9
17. 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.
18. The applicant shall submit a construction sequence for Conservation Staff approval, prior to the issuance of a Zoning Permit. The sequence shall include a note for a contingency dewatering method and location.
19. The applicant shall submit a buffer planting plan that: 1.) establishes a 15' wide buffer along the entirety of the on-site wetland boundary and 2.) Includes native herbaceous perennials, shrubs and trees.

20. The applicant shall submit a performance bond for the planting plan to be held one full growing season to ensure vitality of the plants. The bond shall be paid prior to the issuance of a Zoning Permit. Woody vegetation shall not be planted within the sewer easement, which is demarcated with boulders on the property.

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: Carey**
Ayes: 4
Nays: 0 **Abstentions: 0** **Vote: 4:0:0**

5. **9 Tiffany Lane:** Application #IWW,WPL/E-11874-24 by Kate Throckmorton of Environmental Land Solutions on behalf of Selu Mihut for a proposed addition, deck, walk, and fence. Portion of the work are within the upland review area setbacks.

Kate Throckmorton, LA presented that application on behalf of the property owner. The proposal is for an addition, walk, deck and fence. She reviewed the proposed planting plan. They will be converting the wetland into a meadow with shrubs and trees incorporated. The wetland demarcation will be the fence and they can add boulders on inside at bends as an additional demarcation.

Tom Quinn, PE of Peak Engineers discussed drainage for the proposed work.

Mr. Hally stated agrees with the drainage. The abandonment of lawn is a major benefit. He stated he wanted to see the permanent demarcation of the wet meadow. He stated that having the meadow filed on the land records as a map will be a benefit for future homeowners.

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

Motion to close.

Motion: Carey **Second: Lewi**
Ayes: Carey, Lewi, McDowell, Murphy
Nays: None **Abstentions: None** **Vote: 4:0:0**

**Conservation Commission
 Findings
 Application # IWW, WPL/E-11874-24
 9 Tiffany Lane
 Assessor's Map: H08 Tax Lot: 069
 Public Hearing: February 14, 2024**

1. **Application Classification:** **Plenary**
2. **Application Request:** The application is to construct a residential addition, covered porch deck, walkway, fence with associated site improvements. Portions of the work are within the upland review area setbacks.
3. **IWW and WPLO Regulated Areas:**
 IWW setbacks determined for this property include the following:
 - 50' review area setback from wetland for the proposed additions. The house addition and entryway are within the setback.
 - 30' review area setback from wetland for the construction of the walkway. The proposed walkway is within the setback.
 - 25' review area setback for a fence. The proposed fence is within the setback.
 - 20' review area setback for the proposed stormwater management system and propane tank. The proposed stormwater detention units and the propane tank are located outside of the setback.

- 20' review area setback for proposed grading. The grading is located outside 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.

4. Plans reviewed:

- Plot Plan**, prepared for Selu Mihut Vladislav, Westport, CT, prepared by Leonard Surveyors, LLC dated July 23, 2003, last revised to March 13, 2023, Scale: 1" = 40'.
- Proposed Building Additions**, Grading and Drainage Plan, prepared for Selu Vladislav, 9 Tiffany Lane, Westport, CT 06880, prepared by Peak Engineers, LLC, dated January 15, 2024. Scale: 1" = 20'.
- Drainage Report**, for 9 Tiffany Lane, Selu Vladislav, residence, Map 5453-2, Lot 35-8, 2.083 Acres, prepared by Peak Engineers, LLC, dated by January 15, 2024.
- Environmental Report**, Conservation Commission Application, 9 Tiffany Lane, Westport, CT, prepared by Environmental Land Solutions, LLC, dated January 12, 2024.
- Wetland Planting Plan**, Mihut Residence, 9 Tiffany Lane Westport, Connecticut, prepared by Environmental Land Solutions, LLC, dated January 12, 2024, Scale: 1" = 20'.
- Architectural Plans**, Mihut Residence, 9 Tiffany Lane, Westport, dated January 27, 2023, revised April 3, 2023, Scale: As Noted.
 - Lower Level Floor Plan Sheet A1
 - First Floor Plan Sheet A2
 - Roof Plan Sheet A3
 - Front Elevation & Side Yard Elevation Sheet A4
 - Rear Elevation & Side Driveway Elevation Sheet A5
 - Building Section Sheet A6

5. Previous Permits on file:

#IWW/M-7133-03: Amend wetland boundary map #H08

- 6. Wetlands Description:** Soils Report, Otto Theall, Soil Scientist, dated November 10, 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. The slope ranges from 0 to 8 percent and the runoff class is very high. The Non-irrigated Land Capability Class is 8.

7. Property Description and Facts Relative to the Application:

- The existing house was built in 1965. It is served by an existing septic system.
- The property is 2.08 acres (90,604.8 sq. ft.) in size; located in Residential Zone AAA.
- The parcel is located within the Sasco Brook Watershed.
- This property is not within a flood zone.
- The property is not 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 wetland boundary. The WPL is shown on the "Site Development Plan".
- Relevant information:
 - Base Lot Area: **46,197 sq. ft.**
 - Existing Building Coverage: **5%** (2,350 sq. ft.)
 - Existing Total Coverage: **12.58%** (5,810 sq. ft.)
 - Proposed Impervious Coverage Increase: 906 sq. ft.

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

- disturbance and pollution are minimized;
- height, width, and length of structures are limited to the minimum dimension to accomplish the intended function;
- 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 onsite resource consists of a lawned wetland which is associated with an intermittent watercourse. The intermittent watercourse flows north to south across the eastern portion of the property. There is a 15' drainage easement associated with the intermittent watercourse on the property. The wetland and watercourse surround the existing residential structure on all sides. The residence has very limited space to expand its footprint without encroaching on Conservation review areas.

The applicant proposes to remove a deck and construct a residential addition in its place. The work is occurring within ~17' from the wetland boundary. The project proposes to build a new deck on the northern side of the property, ~15' from the nearest wetland boundary. The project proposes to construct a new walkway towards a new front entryway into the residence. This work is occurring 20'-30' from the nearest wetland boundary. Associated site improvements include a fence, underground propane tank, and a stormwater management system. To accommodate the underground stormwater retention units, grading is needed to expand the elevation 52' contour line south from the house. With all the proposed work, the footprint of the existing development is expanding minimally. The Commission finds that the proposed design represents an effort by the applicant to limit disturbance to the wetland and watercourse and the natural habitat therein. The intermittent stream is the feature closest to the development that could represent habitat for aquatic fauna, and there are no encroachments to the stream proposed.

There are no existing stormwater retention units. The development plan proposes three rows and 8 units each (24 total) of Cultec 100HD stormwater retention galleries. The plan demonstrates the retention units will be located within the yard right at the front of the existing house.

Almost all of the wetland area on site is currently being maintained as lawn. As a mitigation to offset the proposed development, the applicant is proposing to install a wetland planting within the northern portions of the wetland. Aside from a small portion of lawn immediately northwest of the residence, the lawned wetland on the property will be established as a no-mow zone and allowed to revert to a wet meadow. The northern edge of the wetland boundary will be demarcated by a line of boulders. The southern edge will be demarcated by the proposed fence line. The Commission requires that the limit of wetland meadow be permanently demarcated with a line of boulders. The permanent demarcation line shall be depicted on the final as-built survey.

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 onsite watercourse drains towards Sasco Brook (State Waterbody ID: 7109-00). The surface water quality classification for Sasco Brook (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(7109-00-3-R3) for Sasco brook 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 Sasco brook's Recovery Status as "Mitigation", identifying that the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

There is no existing site stormwater management. The application proposes a new stormwater storage management system with underground retention units in the front of the existing residence. The drainage report states the proposed stormwater management system is designed to accommodate the runoff from these structures during a 25-year storm (the water quality volume) and be able to store the first 1" of rainfall from all the proposed development. The stormwater retention area is composed of 24 Cultec 100 HD units. The stormwater retention area is sized with a volume of 540 cu. ft., which is greater than the 484 cu. ft. required. Details for the drainage units are provided on the "Grading and Drainage Plan".

The Commission finds that the highest risk of potential impacts to water quality would be temporary impacts due to potential sediment release during excavation and grading around the stormwater system. The Commission finds the moderate disturbance immediately adjacent to the wetland boundary poses significant risk of sedimentation without the proper E&S controls. The close proximity of excavation and grading to the wetland boundary and watercourse may cause destabilized areas to be inundated during storm events, facilitating erosion, accelerating sediment transport and expanding distribution of suspended sediment. The Commission requires that site workers frequently monitor the perimeter silt fence for signs of failure or sediment release during the site activity.

The Commission finds that full implementation of the wetland planting plan and restoration of lawn to meadow will provide biofiltration and groundwater infiltration of stormwater runoff from water not captured by the stormwater retention units. With the stormwater system and a planting plan both installed, the Commission does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

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:

Sedimentation and erosion controls are shown on the "Grading and Drainage Plan". Silt fencing and a soil stockpile are indicated on the plan. The proposed single row of silt fencing is within the maintained lawn downgradient from the limit of proposed disturbance. 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. An anti-mud tracking pad is shown at the construction entrance off of the existing driveway.

The Commission finds that these proposed Sediment & Erosion control measures should be an effective mitigating control if frequently inspected and maintained throughout site activity.

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:

CT ECO map viewer shows there are no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. The stream running north to south along the eastern side of the residence is an intermittent watercourse, which would imply the stream could provide habitat for fish and aquatic macroinvertebrates. The Commission finds that the greatest risk to the wetland and watercourse resource

would be temporary impacts due to potential sediment release into the wetland during the demolition, excavation, and construction phases. Maintenance of E&S controls in work areas close to habitat is paramount for preventing impacts to natural habitat.

The "Wetland Planting Plan" proposes to install 13 native trees and 16 native shrubs within the lawned wetland. The trees include shadblow, black gum, swamp white oak, and American holly. The shrubs include spicebush and Northern bayberry. The inclusion of this place should help reestablish some larger plants in the wetland, which could eventually provide some habitat or forage value. The other part of the plan is to abandon lawn within the wetland and let successional growth of herbaceous plants revert the lawn back into wet meadow. The Commission finds that this will have positive effects on the sites capacity to enhance stormwater runoff as well as provide low lying habitat for birds, small mammals, and pollinating insects.

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:

A grassed lawn does not represent a condition which optimizes absorption and infiltration of stormwater into the ground. The proposed stormwater management system will retain and slowly infiltrate stormwater into groundwater, thus decreasing the amount of stormwater runoff moving downgradient toward the wetland. The system is designed to collect drainage from 1,036 sq. ft. of roof area of the house and proposed additions. Roof leaders will direct the water to the stormwater retention galleries within the front yard. Overflow volume will discharge across the yard towards the wetlands. The proposed stormwater management system is sized to handle the first inch of runoff for water quality as well as meeting the Town of Westport Drainage Standards for a 25-year storm event. The Commission finds this proposed system will be an improvement over the existing site condition without drainage. Minor site grading is necessary to accommodate the installation of the drainage system. The proposed grading is too minimal to change how the property transmits and absorbs flood water.

13. Conformance to Section 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 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-11874-24
9 Tiffany Lane
Assessor's Map: H08 Tax Lot: 069
Public Hearing: February 14, 2024

Project Description: To construct a residential addition, covered porch, deck, walkway, fence with associated site improvements within the upland review area setbacks of wetlands.

Owner of Record: Selu Mihut Vladislav
Applicant: Kate Throckmorton of Environmental Land Solutions, 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-11874-24** 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. **Plot Plan**, prepared for Selu Mihut Vladislav, Westport, CT, prepared by Leonard Surveyors, LLC dated July 23, 2003, last revised to March 13, 2023, Scale: 1" = 40'.
 - b. **Proposed Building Additions**, Grading and Drainage Plan, prepared for Selu Vladislav, 9 Tiffany Lane, Westport, CT 06880, prepared by Peak Engineers, LLC, dated January 15, 2024. Scale: 1" = 20'.
 - c. **Drainage Report**, for 9 Tiffany Lane, Selu Vladislav, residence, Map 5453-2, Lot 35-8, 2.083 Acres, prepared by Peak Engineers, LLC, dated by January 15, 2024.
 - d. **Environmental Report**, Conservation Commission Application, 9 Tiffany Lane, Westport, CT, prepared by Environmental Land Solutions, LLC, dated January 12, 2024.
 - e. **Wetland Planting Plan**, Mihut Residence, 9 Tiffany Lane Westport, Connecticut, prepared by Environmental Land Solutions, LLC, dated January 12, 2024, Scale: 1" = 20'.

- f. **Architectural Plans**, Mihut Residence, 9 Tiffany Lane, Westport, dated January 27, 2023, revised April 3, 2023, Scale: As Noted.
- | | | |
|------|--|----------|
| i. | Lower Level Floor Plan | Sheet A1 |
| ii. | First Floor Plan | Sheet A2 |
| iii. | Roof Plan | Sheet A3 |
| iv. | Front Elevation & Side Yard Elevation | Sheet A4 |
| v. | Rear Elevation & Side Driveway Elevation | Sheet A5 |
| vi. | Building Section | Sheet A6 |

17. 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.
18. The entire limit of proposed wet-meadow shall be permanently demarcated by a line of boulders. The as-built survey shall depict the line of demarcation and note that the meadow area will not be maintained as lawn.
19. The applicant shall submit a performance bond for the wetland planting plan and meadow maintenance 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 natural succession of the wet meadow vegetation. The bond shall be paid prior to the issuance of a Zoning Permit.

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

Motion: Lewi **Second: Carey**
Ayes: 4
Nays: 0 **Abstentions: 0** **Vote: 4:0:0**

Work Session II:

1. Receipt of applications

Mr. Kelly stated there were two applications to officially receive:

- **28 Charcoal Hill Road:** Application #IWW/M-11887-24 to amend wetland boundary map #15; and
- **50 & 56 Sylvan Road North:** Application #IWW/M-11884-24 to amend wetland boundary map #B09.

Mr. Kelly noted there is one WPLO application for a legalization of a shed and grading. The submission deadline is February 15, 2024.

Motion to receive the above applications.

Motion: Lewi **Second: Murphy**
Ayes: Lewi, Murphy, Carey, McDowell
Nays: None **Abstentions: None** **Vote: 4:0:0**

2. Approval of January 17, 2024 minutes.

The January 17, 2024 minutes were approved as submitted.

Motion: Carey **Second: Murphy**
Ayes: Carey, Murphy, Lewi, McDowell
Nays: None **Abstentions: None** **Vote: 4:0:0**

3. Compliance Report update

Mr. Kelly noted the updated Compliance Report by Mr. Hartshorne is available online. Mr. Hartshorne is continuing to work through issues with the ongoing violations.

a. 27A Sturges – Request for modification of Cease & Correct Order

Mr. Kelly reviewed the request for modification of the requirements of the Cease & Correct Order as submitted by the property owners. He highlighted the letter from the property owners, Emily and Sharon Cooper, asking for the removal of the requirement for the Geological Engineer's report. They have, along with LandTech, put out an RFP to 5 different firms with only one proposal returning at a minimum expense of \$14,000. The letter acknowledged the need for establishing the slope's stability and asked to be allowed to plant it .

Mr. Murphy noted there was not a quorum of the members present at the hearing at this time. He indicated one of the sitting members recused himself from this application.

Mr. Carey indicated that there were other requirements to meet compliance including a planting plan and removal of the wall. He asked what was happening with that.

Staff and the Commission discussed this issue, which was very difficult to resolve during the Show Cause Hearing.

Since there was not a quorum of the members present at the Show Cause Hearing, this was for informational purposes only. No action was taken by the Commission until all members present at that meeting could be available to discuss.

4. 7 Blind Brook Road South: Request to legalize gravel patio and firepit within the wetlands.

Mr. Kelly stated that the property owners had reached out to close their permit in January. Mr. Hartshorne indicated that they would have to submit a letter to the Commission and copies of the final As-Built survey for discussion. The last contact was that they were not available at the moment to address and there has been no additional contact.

Mr. Kelly stated the agenda item was tabled until the requested information is submitted.

5. 24 Canal Road: Request for modifications to Permit #WPL-11721-23.

Mr. Hally reviewed the proposed modifications to Permit #WPL-11721-23. The property owners were denied at ZBA and are not going forward with the addition. They are now proposing only two decks. They are not raising the house. They are asking for the elimination of the conditions regarding the planting plan and drainage. Because this was a Commission decision, he had to bring this back to the Commission. Typically, the Town Engineer and he would be able to handle this type of request administratively.

Motion to amend the permit as proposed.

Motion:	Carey	Second:	Murphy
Ayes:	Carey, Murphy, Lewi, McDowell		
Nayes:	None	Abstentions:	None
			Vote: 4:0:0

6. 2 Timber Lane: Request for approval to remove trees within the wetlands.

Mr. Kelly reviewed a request by Matt Brody from Rayzor's Edge Tree Service to remove 14 trees within the wetlands. Mr. Brody indicated that he is TRAQ certified, which is a means of verifying and diagnosing the health of the trees. The Commission members visited the site during the field trip. The trees comprise a majority of the canopy on the site.

Mr. Lewi stated he would like to see a second opinion.

The Commission and staff discussed the tree removal and indicated they would like a full report on each tree. It was their general consensus that it was too many trees to be removed without having more information presented to them.

It was the sense of the Commission that the Homeowner shall provide an independent third party arborist opinion of the requested 14 identified trees. This report should be submitted to staff and the Chair of the Commission for review.

7. Other Business

a. Drainage review

Mr. Hally asked about setting up a meeting with Ted Gill for an informational meeting about drainage reviews with Mr. Lewi and Mr. Lewi at the end of the month. Ms. McDowell expressed interest as well.

This meeting would tentatively be scheduled for March 1, 2024.

b. Demolitions/deconstruction

Mr. Kelly stated that he is trying to provide information about deconstruction over demolitions with new construction projects as part of all projects. Deconstruction takes longer and more planning but keeps more out of the waste stream.

The February 14, 2024 Public Hearing of the Westport Conservation Commission adjourned at 9:50 p.m.

Motion:	Lewi	Second:	Murphy
Ayes:	Lewi, Murphy, Carey, McDowell		
Nays:	None	Abstentions:	None
			Vote: 4:0:0