



CONSERVATION COMMISSION  
TOWN HALL – 110 MYRTLE AVENUE  
WESTPORT, CT 06880  
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WESTPORT™

**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
APRIL 10, 2024**

The April 10, 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:**

Josh Lewi, Vice Chair  
Patrick Ryll, Sergeant at Arms  
Diana McDowell  
Robert Corroon, Alternate  
Paul Davis, Alternate

**Staff Members:**

Colin Kelly, Conservation Director  
Andrew Hally, Conservation Analyst  
Susan Voris, Admin. Asst. III  
Nathan Hartshorne, Conservation Compliance Officer

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

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Colin Kelly  
Conservation Director

**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 noted the following for the record:

45 Compo Beach Road has been withdrawn and filed with the Town Clerk on March 28, 2024.

Enforcement Activities were added to the agenda which includes two Show Cause Hearings and was filed with the Town Clerk on April 3, 2024.

No action was required by the Commission.

**Public Hearing: 7:00 p.m.**

All members visited the sites in preparation for the meeting.

1. **45 Compo Beach Road:** Application #WPL-11897-24 by Cindy Tyminsky of Moon Gardens LLC on behalf of 45 Compo Beach Road LLC to construct a new FEMA compliant single-family residence with detached garage and ADU above, pool, pervious patios, gravel driveway, drainage structures, and associated site improvements. The proposed activity is within the WPLO area of the Saugatuck River.

This application was withdrawn by the applicant on March 28, 2024.

2. **8 Beltas Farm Road:** Application #IWW,WPL/E-11898-24 by Eric D Bernheim, Esq. on behalf of Evan & Lorian Perkins to construct new single family residence, driveway, septic system, and associated site improvements with consideration for a future pool. Portions of the work are within the upland review area setbacks.

Eric Bernheim, Esq. presented the application on behalf of the property owners. This parcel is a part of the Belta subdivision, which the Commission approved with conditions.

Mark Lancor, PE of Dymar, noted that during the Belta subdivision the Commission required all properties with wetlands must return to the Commission. There is a 100-foot setback and conservation easement on the property. They will be meeting code with the septic system and some drainage will be captured. The grading was changed to remain within the 25-foot radius of the house. No grading around the pool or septic system.

Mr. Davis asked about the pool depth and groundwater.

Mr. Lancor stated that the groundwater will be below the pool. The pool is located on the slope. It should be 6 feet at the deep end.

Atty. Bernheim stated they are asking the Commission to approve the pool to be built at a future date.

Mr. Hally indicated he is in favor of the project as it complies with the conditions of the subdivision.

Mr. Lewi asked for public comments. There were none.

Motion to close the Public Hearing.

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

**Town of Westport  
Conservation Commission  
FINDINGS  
Application # IWW, WPL/E-11898-24  
8 Beltas Farm Lane  
(Lot #3 of the Bayberry Lane Subdivision)  
Assessor's Map: G13 Tax Lot: 060  
Public Hearing: April 10, 2024**

1. **Receipt Date:** **March 20, 2024**
2. **Application Classification:** **Plenary**
3. **Application Request:** The application is to construct a new single family residence, driveway, septic system and associated site improvements with consideration for a future pool. Portions of the work are within the upland review area setbacks. The work is subject to Conservation Commission review per conditions set forth in the Resolution of Approval for the subdivision permit from October 2020.
4. **Plans Reviewed:**
  - a. **Subdivision Map Showing Belta Farm Subdivision**, prepared for Estate of James S. & Dina M. Belta, 126 & 128 Bayberry Lane Westport, CT, prepared by DyMar Inc., dated March 25, 2020, last revised June 10, 2021, Scale: 1" = 60'.
  - b. **Proposed Subsurface Sewage Disposal System - Plot Plan (colorized)**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C1, received at the public hearing April 10, 2024.
  - c. **Proposed Septic Specifications, Groundwater and Test Holes Data, and Details**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C2.
  - d. **Proposed Sediment and Erosion Control Construction Plan and Drainage Estimates**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C3.
  - e. **Sediment and Erosion Control Construction Standards**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C4.
  - f. **Sediment and Erosion Control Construction Details**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C5.
  - g. **Paving, Storm Sewer & Utility Details**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C6.
  - h. **Architectural Renderings**, Perkins Residence, Belta Farm Road, Westport, CT
    - i. Basement Plan Sheet A100
    - ii. First Floor Plan Sheet A101
    - iii. Second Floor Plan Sheet A102
    - iv. Attic Plan Sheet A103
5. **Past Permits:**

<b>IWWM-10948-20</b>	<b>Wetland Map Amendment</b>
<b>IWW WPLE-11007-20</b>	<b>Subdivision</b>
6. **IWW and WPLO Regulated Areas**

The Waterway Protection Line is established 15' landward from the wetland boundary associated with the emergent wetlands along the eastern end of subject property.

There is an emergent wetland along the eastern property boundary. The wetland areas within the property total in 2,497 sq. ft., though the wetland boundaries extend to adjacent lots of the subdivision. The Commission finds

the topography indicates the site slopes to the east towards the wetland, which drains north into Muddy Brook. Muddy Brook is a perennial watercourse which is located ~850' offsite.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include:

100' upland review area for grading (condition of subdivision approval),  
50' upland review area for a single-family residence,  
50' upland review area for a generator/ pool equipment pad,  
50' upland review area for a septic system,  
35' upland review area for a pool,  
30' upland review area for patios,  
30' upland review area for a deck,  
30' upland review area for a driveway,  
and 30' upland review area for a retaining wall.

All of the proposed structures are located outside of their respective review area setbacks.

As part of the Resolution of Approval for the subdivision, dated October 14, 2020, the Conservation Commission resolved to include conditions of approval that specified certain regulated activities for each of the undeveloped lots would have to seek approval from the board prior to pursuing those activities. The conditions are listed as follows:

*18.) Individual permits must be secured for house construction on lots 3, 4, 5, 6 and 7. The installation of basements on lots 3, 4, 5, 6 and 7 shall be subject to review and approval by the Conservation Commission of detailed engineered plans for each individual lot in order to confirm that there will be no adverse impact to the wetlands due to a change in velocity or volume of discharge. In making this determination, the Commission will evaluate a design that considers the minimization of outlet volume and velocities consistent with the on-site soil types and proximity to the wetland.*

*19.) Any grading within 100' of the wetland line on lots 3, 4, 5, 6, and 7 will require a prior review and approval by the Conservation Commission.*

*20.) A Conservation Easement shall be established to protect the wetland and adjacent 50 ft. wide vegetative buffer on lots 3, 4, 5, 6, 7, and the Open Space parcel area. A map showing the Conservation Easement Area and corresponding Conservation Easement language shall be filed on the land records prior to the issuance of a Conservation Certificate of Compliance. Said language shall include that: "No cutting, clearing, grading, filling or structures shall be built within said easement area."*

*21.) The Conservation Easement shall be permanently delineated in the field with a post placed every fifty feet (50'). Said delineation shall be installed prior to issuance of a Conservation Certificate of Compliance for each individual house.*

*22.) A Wetland Buffer Management Plan shall be submitted prior to the issuance of a Zoning Permit for the first of the houses adjacent to the Regulated Area (lots 3,4,5,6 and 7). Said plan shall specify the long-term management of the wetland buffer and which minimizes the long-term use of pesticides and herbicides.*

The wetland boundary across all the of the 9-lot subdivision was established in February of 2020, based on a delineation performed by Chris Allan, Soil Scientist for LandTech, in January 2019. Mr. Allan identified that the wetlands across the entire subdivision were associated with Muddy Brook and its tributaries. The wetland evaluation report identified forested/ shrub wetlands and emergent wetlands associated with the brook. Lot 5 features a mix of forested/ shrub and emergent wetlands. Associated watercourse(s) are located off site.

7. The USFWS National Wetland Inventory identifies the on-site wetland as a 1.77 acre freshwater Emergent Wetland habitat, classified as a PEM1E.

*"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 Emergent (EM):** *Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.*

**Subclass Persistent (1):** *Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.*

**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."*

**Wetlands Description:**

*The wetlands soils on the property consist of mixture of glacial till, glaciofluvial deposits, and alluvial soils identified as Ridgebury, Leicester and Whitman soils, extremely stony (3), Timakwa and Natchaug Soils (17), and Rippowam fine sandy loam (103) respectively. The wetland boundary map was amended under Permit #IWW/M 10948-20; delineation by Chris Allan, Landtech, and reviewed by Jay Fain, Jay Fain & Assoc.*

**Ridgebury, Leicester and Whitman soils, extremely stony (3)** - This is an undifferentiated mapping unit consisting of poorly drained and very poorly drained soils developed on glacial till in depressions and drainage ways in uplands and valleys. Their use interpretations are very similar and they typically are so intermingled on the landscape that separation is not practical. The Ridgebury and Leicester series have a seasonal high water table at or near the surface from fall through spring. They differ in that the Leicester soil has a more friable compact layer or hardpan, while the Ridgebury soils have a dense to very dense compact layer. The Whitman soil has a high water table for much of the year and may be frequently ponded.

**Timakwa and Natchaug Soils (17)** - This component occurs on depression landforms. The parent material consists of woody organic material over sandy and gravelly glaciofluvial deposits. The slope ranges from 0 to 2 percent and the runoff class is negligible. The depth to a restrictive feature is greater than 60 inches. The drainage class is very poorly drained. The flooding frequency for this component is rare. The ponding hazard is frequent. The minimum depth to a seasonal water table, when present, is about 4 inches.

**Rippowam fine sandy loam (103)** - This component occurs on depression and flood plain landforms. The parent material consists of alluvium. The slope ranges from 0 to 3 percent and the runoff class is very low. The depth to a restrictive feature is greater than 60 inches. The drainage class is poorly drained. The flooding frequency for this component is frequent. The minimum depth to a seasonal water table, when present, is about 9 inches.

*The non-wetland soils are described as the following:*

**Woodbridge Fine Sandy Loam, (45a)** - This component occurs on upland drumlin and hill landforms. The parent material consists of lodgement till derived from schist, granite, and gneiss. The depth to a restrictive feature is 20 to 40 inches to densic material. The drainage class is moderately well drained.

The Woodbridge series of soils is nationally recognized as prime farmland soil by the U.S.D.A.

**Paxton and Montauk Fine Sandy Loams (84b)** - These soil components occur on upland hill and drumlin landforms. The parent material consists of lodgement till derived from granite, gneiss, and schist. The depth to a restrictive feature is 20 to 40 inches to densic material. The drainage class is well drained.

**Udorthents, smoothed (308)** - This component occurs on leveled land and fill landforms.

**8. Property Description and Relative Facts**

1. Lot #3 was created as a part of the 2020 Subdivision.
2. The property is 1.734 acres (75,522 sq. ft.) in size; located in Residential Zone AAA.

3. The parcel is located within the Muddy Brook Watershed. The Muddy Brook watercourse is located offsite, ~850' to the west.
4. The FEMA maps indicate that the property is beyond their study area for the 100-year floodplain of Muddy Brook. This property is within Flood Hazard Zone X: Area of Minimal Hazard per FEMA FIRM Panel 09001C0412F, Eff. Date 6/17/2010. However, a recent study done for the Town by GZA GeoEnvironmental Inc., established the 100-year floodplain elevation.
5. The Waterway Protection Line Ordinance boundary is established 15' from the wetland boundary.
6. Property does not exist within the Aquifer Protection Overlay Zone.
7. Property does not exist within the Coastal Areas Management Zone.
8. The flagged wetland area is 2,497 sq. ft. as determined by the Plot Plan prepared by DyMar, dated January 17, 2024.
9. The Conservation Easement area on the property is 8,868 sq. ft. as determined by the Plot Plan prepared by DyMar, dated January 17, 2024.

Existing Average Grade: elev. 176.51'  
Proposed Average Grade: elev. 179.1'  
Proposed Building Coverage: 6.29% (5,601 sq. ft.)  
Proposed Site Coverage: 7.67% (4,593 sq. ft.)

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

**9. 6.1 GENERAL STANDARDS**

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

**Discussion:**

The "Site Plan", prepared by DyMar Inc., dated January 17, 2024, depicts that the house will be developed ~230' from the wetland boundary. The proposed pool equipment pad is ~275' from the wetland boundary. The proposed driveway is ~235' from the wetland boundary. The proposed pool and patio are located ~215 and ~218' away from the wetland boundary. The proposed wall is ~300' from the wetland boundary. The proposed septic system is ~65' from the wetland boundary. The proposed limit of grading is ~205' from the wetland boundary. Extensive grading will occur across the rear of the property to accommodate the installation of the septic trenches and the construction of the pool patio. The plan identifies a 50'-wide conservation easement as a buffer extending from the limit of wetlands.

The project does not propose any direct impacts to wetlands or watercourses. Excavation and grading activity, loss of impervious surface, soil stockpiling, work related to the patio and pool will present moderate risk of impacts to the wetland. The on-site wetlands are forested and emergent wetlands that feature a forested riparian zone. The site disturbance does not pose an obvious threat of loss of fish, wildlife, or vegetation. The Commission finds the proposed improvements and sediment and erosion controls have been designed to prevent a significant risk of pollution or disturbance to the wetlands. With compliance to the 50' conservation easement/ non-disturbance buffer, The Commission finds the applicant demonstrates minimization of disturbance adjacent to the wetland while promoting conservation of the natural resources.

**10. 6.2 WATER QUALITY**

- a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
- b) water stagnation will neither be contributed nor caused;
- c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
- d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);

- e) all applicable state and local health codes shall be met;
- f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
- g) prevents pollution of surface water

**Discussion:**

The Commission determined the nearest perennial water course is Muddy Brook, located off site ~850' to the west. The surface water quality classification for Muddy Brook (State Waterbody ID: CT7000-16\_01) (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), located offsite to the west, is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish other aquatic life and wildlife and recreation.

The Commission references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin (700-16) for Muddy 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 Muddy Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

Based on the factor of distance from the site, the Commission finds that surface water quality of Muddy Brook will not be impacted from the proposed development across the subject property.

The applicant proposes the installation of a septic system consisting of 50 linear feet (LF) of septic trench, totaling a capacity volume of 1500 cubic feet (cu. ft.). The rows of trenches will be installed ~165' to the nearest wetland boundary. The septic will be installed a further distance from the wetland than the Commission's standard review area of 50'. Should the septic be installed as designed, The Commission finds the factor of distance from the wetland boundary minimizes any potential adverse impacts from septic leachate on the water quality of the wetlands and associated offsite watercourse.

Test hole data provided for TH#116 shown down-gradient from the proposed septic leaching trenches on the site plan demonstrates that groundwater was encountered at 105" below ground surface. The Commission does not anticipate that excavations for the pool, stormwater system or the septic system will encounter groundwater. The applicant does not specify any potential dewatering methods on the site plan package.

The proposed stormwater management system is located east of the pool patio, ~110 feet from the nearest wetland boundary. The 35 linear feet (LF) of Cultec 330 units will function as the primary area for stormwater storage onsite. There is another 50 linear feet of infiltration chamber that will store discharge from the house's footing drain. That retention area drains as required by the Town's Engineering Department the applicant provides drainage for the proposed development coverage of 0.13 acres. The galleries will collect roof runoff from the proposed house. The roof runoff is discharged through roof leaders and conveyed through an underground pipe towards the stormwater galleries. The drainage system overflow volume will discharge at a gravel level spreader down gradient of the development and the volume will sheet flow towards the wetlands.

The driveway entrance will be bituminous, and the rest of the driveway surface will be asphalt. A detail of a cross section for the driveway is provided with the plans. The row of Cultec 330 detention units is sized to accommodate the runoff from new coverage 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 provided water quality (WQV) volume within all storage for the proposed development is 583 cubic feet (cu. ft.) which meets the storage required.

In a memo to the Conservation Commission dated April 4, 2024, Town Engineering Staff stated the drainage system provided on the plan substantially comply with the Town's Drainage standards.

With the stormwater system installed in conformance with Engineering requirements, the Commission does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

The Commission requires the site engineer to certify all pervious surfaces and drainage features prior to the issuance of a Conservation Certificate of Compliance.

### 11. 6.3 EROSION AND SEDIMENT

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

#### Discussion:

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

The applicant has provided sediment and erosion controls on the E&S plan which incorporates the use of a single row of straw wattles/coir logs along the southern limit of disturbance, a double row of silt fence at the eastern limit of disturbance, a temporary stockpile area, a material staging area, and an anti-mud tracking pad at the driveway entrance. Temporary soil stockpiling is depicted ~250' from the nearest wetland boundary. The "Sediment and Erosion Control Construction Details" includes a detail for a soil stockpile, depicting a single layer of silt fence or hay bales surrounding the stockpile.

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

In a memo to the Conservation Commission dated April 4, 2024, Town Engineering Staff stated the erosion and sedimentation controls provided on the plan substantially comply with the Town's sediment and erosion control requirements.

### 12. 6.4 NATURAL HABITAT STANDARDS

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

#### Discussion:

The Commission references preliminary site review for the project, through the CT DEEP EZ File online system. The preliminary review of the Natural Diversity Database (NDDDB) demonstrated that habitat for great egret (*Ardea alba*), a state threatened species, has been documented within or in close proximity to the project area. The Commission references a DEEP consultation (#98084) in May of 2022 for Lot #5. The DEEP issued a determination letter on May 8, 2023. The determination stated,

*"Based on current data maintained by the Natural Diversity Database (NDDDB) and housed in the DEEP ezFile portal, negative impacts to populations of Federal or State Endangered, Threatened, or Special Concern species (RCSA Sec. 26-306) are not anticipated from the proposed Building and Infrastructure Development (including stormwater discharge associate with construction) / New Residential - single lot, 128 Bayberry Lane Westport CT."*

Based on the determination from the state agency for the adjacent Lot #5, the Commission does not require any further consultation for sensitive species or habitats for the proposed activity on the subject property at Lot #3.

LandTech prepared a "Wetland Evaluation and Impact Assessment" report (dated May 14, 2020) as part of the application submittal for the 9-Lot Subdivision, which was approved in October 2020. This evaluation was a follow-up to the wetland delineation field visit in January of 2023. During the site assessment, vegetation



observed within the forested/ shrub wetland was composed of red maple, tulip tree, red oak, black oak, American beech, black willow, multiflora rose, Japanese barberry, forsythia, winged euonymus, spicebush, highbush blueberry, oriental bittersweet, skunk cabbage, sensitive fern, and pachysandra. The adjacent emergent wetland vegetation was composed of cattail, tussock sedge, soft rush, bulrush, and skunk cabbage. The scientist noted that the wetland habitat has the potential to support small mammals, waterfowl, and native reptile and amphibian species. The scientist for the applicant assessed that the site work would not substantially impact natural impact because there is no work directed within the wetlands and work conducted across the site outside the wetland boundary is designed to minimize the effects of stormwater on the wetland complex and its water quality. The Commission fundamentally concurs with this assessment.

The Commission finds that developing an undeveloped lot species potentially reduces natural habitat and the flora and fauna within the area. The Commission finds the implementation of the 50'-wide naturally vegetated buffer represents a significant benefit to protecting the function and value of the wetlands. The natural buffer of vegetation will aid in sediment capture and biofiltration of pollutants. The Commission finds that though some upland vegetation will be removed across the site, the conservation easement will protect preferential forage and nesting habitat for the potential resident and migratory species that utilize the riparian corridor throughout the year.

Aside from the reduction in vegetative cover across the site, the biggest potential source for adverse impacts to natural habitat is pollution and sediment deposition into the wetlands. The temporary condition of disturbed ground surface will create a condition that facilitates erosion and sedimentation. The Commission finds that maintaining the listed erosion and sedimentation controls should help protect the wetland complex from being affected by temporary adverse impacts from sediment release. The establishment of the 50'-wide naturally vegetative buffer will help with biofiltration of pollutants like septic system leachate and pollutants picked up from stormwater runoff. The dense canopy cover will help minimize thermal increases from stormwater runoff, as well.

### **13. 6.5 DISCHARGE AND RUNOFF**

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

#### **Discussion:**

Runoff from the roof of the proposed house will discharge through roof leaders and be conveyed through an underground pipe towards the underground detention galleries. The detention galleries will overflow through a gravel level spreader and discharge as sheet flow towards the wetlands. Runoff from coverage not connected to drainage will discharge towards the wetlands on the eastern end of the property. Overall site runoff from lawn areas will sheet flow east towards the wetlands, as well. Runoff from the driveway and patio will discharge to the ground surface and sheet flow towards the wetland.

The proposed final grades shown on the site plan demonstrate the grading will occur at the driveway and around the house. Site grading and development may slightly augment the runoff discharge pattern towards the wetlands, but final grades are not likely to cause concentrated stormwater runoff that creates greater discharge velocities. Therefore, the Commission finds no significant increase in potential for impacts to wetlands from discharge or flooding.

In a memo to the Conservation Commission dated April 04, 2024, Town Engineering Staff stated "*The proposed grading substantially complies with Town of Westport requirements. Portions of the grading extend beyond the Planning & Zoning Excavation and Fill Exemption Limits and will require an Excavation and Fill approval from the Planning & Zoning Commission.*"

The conservation easement shown on the plans establishes a 50'-wide upland buffer immediately up-gradient from the wetland boundary. The Commission finds that continued maintenance of dense vegetation within the buffer will help continue to diffuse stormwater runoff energy before reaching the wetland.

**14. 6.6 RECREATIONAL AND PUBLIC USES**

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

**Discussion:**

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

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application #IWW, WPL/E-11898-24  
8 Beltas Farm Lane  
Assessor's Map: G13 Tax Lot: 060  
Public Hearing April 10, 2024**

**Project Description:** to construct a new single-family residence, driveway, septic system and associated site improvements with consideration for a future pool. Portions of the work are within the upland review area setbacks.

**Owner of Record: Evan & Lorian Perkins**

**Applicant: Eric D. Bernheim, Esq.**

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-11898-24 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.
16. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
  - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
  - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
  - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
  - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
  - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e three (3) or more months.
  - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
  - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

### **SPECIAL CONDITIONS OF APPROVAL**

17. Conformance to the plans entitled:

**Plans Reviewed:**

- a. **Subdivision Map Showing Belta Farm Subdivision**, prepared for Estate of James S. & Dina M. Belta, 126 & 128 Bayberry Lane Westport, CT, prepared by DyMar Inc., dated March 25, 2020, last revised June 10, 2021, Scale: 1" = 60'.
- b. **Proposed Subsurface Sewage Disposal System - Plot Plan (colorized)**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C1, received at the public hearing April 10, 2024.
- c. **Proposed Septic Specifications, Groundwater and Test Holes Data, and Details**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C2.
- d. **Proposed Sediment and Erosion Control Construction Plan and Drainage Estimates**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C3.
- e. **Sediment and Erosion Control Construction Standards**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C4.
- f. **Sediment and Erosion Control Construction Details**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C5.
- g. **Paving, Storm Sewer & Utility Details**, Lot #3 – Belta Farm Subdivision, 8 Belta Farms Lane (Private) Westport, CT, 06880, prepared for Richard Rosen Perkins Eastman, 115 Fifth Ave, New York, NY 10003, Prepared by DyMar Inc., dated January 17, 2024, Scale: 1" = 20', Sheet C6.

- h. Architectural Renderings**, Perkins Residence, Belta Farm Road, Westport, CT
  - v. Basement Plan Sheet A100
  - vi. First Floor Plan Sheet A101
  - vii. Second Floor Plan Sheet A102
  - viii. Attic Plan Sheet A103

- 18. Conformance to any requirements outlined by Town Engineering Department in its memo to the Conservation Commission dated April 3, 2024.
- 19. Conformance to the conditions of the Resolution of Approval for the subdivision, dated October 14, 2020.
- 20. The site engineer shall witness and certify 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.
- 21. Health Department approval for the pool and shall be submitted for Staff review, and final review of the pool plans by the Conservation Department shall be conducted prior to issuance of a Zoning Permit.
- 22. A pool dewatering plan must be submitted to the Conservation Department prior to issuance of a zoning permit.
- 23. A pool form as-built shall be submitted to the Conservation Department prior to the pouring of concrete. Pool depth shall be verified prior to the issuance of the Conservation Certificate of Compliance.

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

**Motion: Ryll                      Second: McDowell**  
**Ayes: Ryll, McDowell, Davis, Lewi**  
**Nays: None                      Abstentions: None                      Vote: 4:0:0**

- 3. **52 Marion Road:** Application #IWW,WPL-11899-24 by Andy Soumelidis of LandTech on behalf of Douglas & Samantha DeBono to construct additions to the existing single family residence and associated site improvements. Portions of the work are within the upland review area setbacks and the WPLO area of an unnamed tributary to Stony Brook.

Brian Carey, PWS with LandTech, presented the application on behalf of the property owners for additions. He reviewed the property and location of the additions. He noted there will be stormwater captured in new 6 cul-tec units. The garage addition will go over the existing driveway. The area of the existing pachysandra will be removed and replanted with native wetland plantings. Mr. Carey noted there will be slight driveway modifications.

Mr. Lewi asked about the coverage.

Mr. Carey stated the total coverage increases from 6.7% to 8.2%.

Mr. Hally asked if the arborvitae along the driveway was staying.

Mr. Carey stated the intent is to keep the arborvitae. If they are lost, he believes the owners would want to replace them for privacy.

Mr. Hally asked for clarification of the drainage and if there was any consideration for any additional plantings.

Mr. Carey discussed the drainage and noted that there was no other area for plantings along the arborvitae.

Mr. Hally asked if the roof leaders are being redirected.

Mr. Carey stated the drainage system is designed only for the proposed leaders.

Mr. Davis noted seeing a pipe going into the pond during the site walk.

Mr. Carey noted only one pipe going into the pond during his visit. He is not sure where it is coming from, but they have no intention of changing it.

Mr. Kelly asked if there could be direct loading offsite rather than use of the stockpile location.

Mr. Carey stated he does not believe that it would be difficult to remove directly off site if the Commission requires. There is a limited amount of excavation for the project and could be accomplished within a day.

Mr. Kelly noted this would limit the scope of the work and disturbance.

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

Motion to close the Public Hearing.

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

It was the sense of the Commission that direct offloading of materials rather than stockpiling the materials onsite would be more beneficial to the project.

**Town of Westport  
Conservation Commission  
FINDINGS  
Application #IWW-WPL-11899-24  
52 Marion Road  
Assessor's Map: B08 Tax Lot: 051  
Public Hearing: April 10, 2024**

1. **Receipt Date:** **March 20, 2024**
2. **Application Classification:** **Plenary**
3. **Application Request:** The applicant is requesting to construct additions to the existing single-family residence and associated site improvements. Portions of the work are within the upland review area setbacks and the WPLO area of an unnamed tributary to Stony Brook.
4. **Plans Reviewed:**
  - a. **Zoning Location and Topographic Survey**, prepared for Douglas & Samantha DeBono, 52 Marion Road, Westport, CT, prepared by LandTech, dated November 10, 2021 and last revised to March 6, 2024, Scale: 1" = 20'.
  - b. **Site Development Plan**, Site Improvements for Proposed Garage and Driveway Additions, prepared Douglas & Samantha DeBono, 52 Marion Road, Westport, CT, prepared by LandTech, dated April 7, 2023 and last revised to March 6, 2024, Scale: 1" = 20', 2 Sheets.
  - c. **Stormwater Management Report, for 52 Marion Road, Westport, CT, prepared by LandTech, dated** December 12, 2023.
  - d. **Debono Residence** (Architectural Renderings), 52 Marion Road, Westport, CT, prepared by Luciano Architecture, dated October 30, 2023, Scale: As Noted.
    - i. **Existing Basement Plan** **Sheet E.1.0**
    - ii. **Existing 1<sup>st</sup> Floor Plan** **Sheet E.1.1**
    - iii. **Existing Exterior Elevations** **Sheet E.2.1**
    - iv. **Existing Exterior Elevations** **Sheet E.2.2**
    - v. **Proposed Basement Plan** **Sheet A.1.0**
    - vi. **Proposed 1<sup>st</sup> Floor Plan** **Sheet A.1.1**
    - vii. **Proposed 2<sup>nd</sup> Floor Plan** **Sheet A.1.2**
    - viii. **Proposed Exterior Elevations** **Sheet A.2.1**
    - ix. **Proposed Exterior Elevations** **Sheet A.2.2**
5. **IWW and WPLO Regulated Areas:**

The wetland map amendment application identified two (2) separate areas of wetland/ watercourse. The freshwater pond in front (south) of the existing residence drains into a piped watercourse located under the

existing driveway that daylight and flows into a wooded wetland in the rear (south) of the residence. The wooded wetland boundary extends on the to the abutting property to the northeast, 33 Sylvan Road North. Review areas relating to the wetland on the neighboring property extend southward on to the subject property.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for this property include:  
50' upland review area for residential additions  
30' upland review area for a driveway  
20' upland review area for limit of disturbance

Portions of the proposed residential additions are within the 50 ft. upland review area. The entire driveway addition is proposed within the 30 ft. upland review area. Installation of the stormwater management system is outside the 20 ft. upland review area. The driveway addition and construction entrance are proposed within the 20 ft. upland review area. Grading for the elev. 116' contour off the proposed garage addition is outside the 20 ft. upland review area.

The driveway addition and construction entrance are within the WPLO boundary.

**6. Previous Permits issued:**

**#IWW/M-11762-23 – Map Amendment**

**7. Wetlands Description:**

Soils on the site were characterized in "Soil Scientist Report, Inland Wetland and Watercourse Delineation, 52 Marion Road, Westport Connecticut", prepared by LandTech, dated June 15, 2023 and "Inland Wetland and Watercourse Delineation, 52 Marion Road, Westport Connecticut", prepared by LandTech, dated November 2, 2021. The report findings are described herein.

**Wetland Soils:**

**Leicester fine sandy loam (4):** This soil occurs on upland drainageways and depression landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. The drainage class is poorly drained. This Leicester soil has a seasonal high water table at a depth of about 6 inches from fall until late spring. Most areas of this soil are wooded. The seasonal high water table limits this soil for community development; sites for on-site septic systems commonly need extensive filling and require special design and installation. Where suitable outlets are available, footing drains help prevent wet basements. Even when drained, the soil remains wet for several days after heavy rains. Wetness makes this soil poorly suited for trees. The shallow rooting depth to the seasonal high water table causes the uprooting of many trees during windy periods.

**Non-wetland characterized in the area:**

**Canton and Charlton fine sandy loams, 3 to 8 percent slopes, very rocky (60B):** This component occurs on upland hill landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. The drainage class is well drained.

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

- a. The existing house was built in 1963. It is served by public sanitary sewer.
- b. The property is 1.004 acres (43,738 sq. ft.) in size; located in Residential Zone AA.
- c. The parcel is located within the Stony Brook Watershed. The Stony Brook watercourse is located offsite, ~1700' to the northeast.
- d. This property is not within a flood zone.
- e. The property is not within the Aquifer Protection Overlay Zone.
- f. Property does not exist within the Coastal Areas Management Zone.
- g. The Waterway Protection Line (WPL) is established 15' from the wetland boundary.
- h. The Flood & Erosion Control Board approved this project at the April 3, 2024 meeting.

- Base Lot Area: 0.903 acres (39,332 sq. ft.)
- WPLO boundary: The WPLO extends 15 linear feet landward from the wetland/ watercourse boundary.
- Existing Site Coverage: 13.8% (5,400 sq. ft.)
- Proposed Site Coverage: 13.7% (5,358 sq. ft.)
- Existing Building Coverage: 6.7% (2,634 sq. ft.)
- Proposed Building Coverage: 8.2% (3,211 sq. ft.)

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

- a) disturbance and pollution are minimized;

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

**Discussion:**

The wetlands /watercourse review areas on site relate to a freshwater pond, an intermittent stream, and forested wetlands. No work will be occurring within the applicable review areas from the freshwater pond. The driveway is the closest proposed activity to the pond, ~40' away. The proposed development is closest to the wetland boundary at the northwest corner of the property. The garage addition will be located ~27' from the nearest wetland boundary. The proposed driveway is located ~10' from the nearest wetland boundary. The installation of stormwater retention units for the driveway and residence will occur ~65' from the nearest wetland boundary. Site grading is limited to tying the elev. 116' contour line into the northwest corner of the proposed garage addition. The limit of grading will be ~21' from the nearest wetland boundary. The "Site Development Plan" proposes to plant the area between the driveway and the watercourse with 17 native trees and shrubs to buffer runoff from the impervious driveway surface.

With the removal of rear deck and driveway, proposed site coverage will be 13.7% (5,358 sq. ft.), amounting to a reduction of 42 sq. ft. The drainage system is sized to accommodate the proposed impervious development on site. The stormwater system includes a pre-cast concrete retention galleries and overflow drain located in the side (east) yard. Earth work will consist of grading near the garage addition and excavating for the installation of the stormwater system as well as the driveway and deck removal.

The proposed project does not propose any direct impacts to wetlands or watercourses. The Commission finds that the applicant makes an effort to limit new coverage and eliminate existing coverage adjacent to the wetlands. enhance the area adjacent to wetlands. The development will occur generally within the existing development onsite and makes minimal change to the existing grade. The garage addition will be established within the footprint of the existing driveway. The driveway extension will account for some of the lost driveway space that will be abandoned for the addition. Overall, driveway coverage will be reduced by 619 sq. ft.

The Commission finds the proposed improvements and sediment and erosion controls have been designed to prevent a significant risk of pollution or disturbance to the watercourse and wetlands. Additionally, the Commission expects overall runoff across the site of the property to be reduced with the introduction of stormwater retention features. The Commission finds this projected reduction and redirection of stormwater runoff as an overall benefit to water quality and conservation of natural habitat.

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

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

**Discussion:**

The unnamed intermittent stream on the property flows towards its confluence with Stony Brook.

The surface water quality classification for Stony Brook (State Waterbody ID: CT 7200 (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 USFWS Classification is R4SB5, (Riverine, intermittent, mud streambed).

The Commission UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin for Stony Brook (Local Watershed Basin ID: 7200-31) has a combined condition index (CCI) score of 0.27. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Stony Brook's Recovery Status as "Mitigation", identifying that the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

Stormwater calculations are provided in the "Stormwater Management Report". The report demonstrates the stormwater management system has a retention volume of 114.30 cu. ft. which is greater than the 86.21 cu. ft. required by Town drainage standards for the first 1" of runoff from the new impervious surfaces. The drainage report demonstrates that the stormwater runoff volume from the roof, driveway and pool will be collected and retained by the drainage system. The applicant provided drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV). The Commission finds the retention units as a benefit, and these features should enhance the stormwater runoff capture and energy attenuation. The applicant also provided a planting of native trees and shrubs to create a buffer between the driveway and the watercourse. This buffer has the potential to treat the overland sheet flow of stormwater that drains from the driveway, lawn, and surrounding surfaces. The Commission requires a planting performance bond to ensure that the proposed plants are installed and viable for at least a full growing season or one year onsite. This would ensure the maturity of the plantings and increase project success. The Commission finds that the proposed work will not impact water quality with proper construction oversight and sediment and erosion controls.

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

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

**Discussion:**

Much of the potential for adverse impacts from erosion and sedimentation will be due to the temporary conditions created during the work associated with the construction of the driveway, grading north of the garage addition, and excavation for the stormwater retention gallery. The project proposes a single row of silt fence down gradient (north) of the proposed disturbance and a double row enforced with haybales in the northwest corner of the property, where the disturbance is closest to the wetland boundary. A construction entrance/ anti-tracking pad is proposed in the area of the existing driveway. The project proposes minimal grading changes from the existing site conditions and is relatively level. The project proposes an estimated 35 cu. yd. of total of cut and fill across the site, which is less than the 1821 cu. yd. allowed by Town standards for exaction and fill. The project will require soil stockpiling, which will occur outside of wetland setbacks in the southwestern corner of the site and will be contained by a single row silt fence. Details for the silt fence, the soil stockpile, and the anti-tracking pad are shown on the "Notes and Details" of the site plan.

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

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

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



**Discussion:**

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 biggest risk of impact to the natural habitat is sedimentation from excavation and filling activities, and the sediment and erosion controls provided will help mitigate any potential temporary impacts. Additionally, the project proposes to remove invasive plants and replace them with a native buffer planting. Non- native and invasive *Pachysandra terminalis* will be removed along the driveway prior to planting. The plan proposes to plant one red maple (*Acer rubrum*); and sixteen (16) shrubs consisting of highbush blueberry (*Vaccinium corymbosum*), red chokeberry (*Aronia arutifolia*), and sweet pepperbush (*Clethra alnifolia*).

The plantings will contribute to long-term stabilization of the soil along the watercourse and biofiltration of stormwater as well as provide beneficial habitat and forage for wildlife. As stated above, the Commission requires a bond to ensure that the proposed plantings are installed and viable for at least a full growing season.

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

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

**Discussion:**

The stormwater management systems are designed to receive water from the house roof leaders. The site development plan depicts roof leaders directed into 48 linear feet of concrete, pre-cast stormwater retention gallery. The application was reviewed by the Flood & Erosion Control Board on April 3, 2024. Edward Gill, of the Town's Engineering Department, stated at that meeting that the drainage systems comply with the Town of Westport Standards.

The grading of the elev. 116' contour is to accommodate the construction of the garage addition. The proposed final grades shown around the residence, driveway and stormwater system generally match the existing surrounding grades. Therefore, the Commission does not anticipate a significant change in the way the site transmits or absorbs flood waters or the way the property conveys overall stormwater runoff to the wetlands. The overflow yard drain from the stormwater gallery is located ~65' from the wetland boundary. This presents a metered discharge for stormwater conveyance during extremely heavy storms. However, the Commission finds this is not a significant factor for potential impacts from discharge.

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

**14. Conformance to Section 6.6 Recreational and Public Uses of the IWW 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 Commission finds that the proposed work will not have a significant impact on recreational and public uses.

### 15. Waterway Protection Line Ordinance (WPLO)

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

A portion of the driveway will be within the WPL. The driveway surface will remain impervious. The Commission finds increasing the planted area or establishing a vegetated swale along the western limit of driveway, extending north toward the northern property boundary could be beneficial to enhancing water quality. The swale could help collect and infiltrate stormwater runoff from the driveway.

The WPLO boundary is established 15 linear feet landward from the wetland boundary. Portions of the property lie 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 temporary stormwater quality impacts due to potential sediment releases from disturbed soil adjacent to the wetland boundary. The project utilizes a construction entrance tracking pad and silt fence down gradient of the limit of disturbance and around the soil stockpile. The Commission finds these S&E control measures should be adequate in preventing sediment release into the resource.

The proposed site coverage is 13.7% (5,358 sq. ft.). The potential for most projects to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. Overall site coverage is proposed to decrease by ~42 sq. ft. Proposed site coverage is 13.7%, which is within the 10-25% cover that is expected to impact water quality. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. Saugatuck River watersheds are densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

Test pit data demonstrates that ground water was encountered at a depth of 31" Test Hole #1, in the area of the proposed stormwater retention gallery. The gallery cross section provided on the notes and details sheet demonstrates that the invert elevation will be established at 18" below grade. The Commission finds installation activities are not likely to encounter groundwater during the excavation phase.

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

**Conservation Commission  
Town of Westport  
CONDITIONS OF APPROVAL  
Application #IWW-WPL-11899-24  
52 Marion Rd  
Assessor's Map: B08 Tax Lot: 051  
Public Hearing: April 10, 2024**

**Project Description:** to construct additions to the existing single-family residence and associated site improvements within the upland review area setbacks and the WPLO area of an unnamed tributary to Stony Brook.

**Owner of Record: Douglas & Samantha DeBono  
Applicant: Andy Soumelidis 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-11899-24 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. **Zoning Location and Topographic Survey**, prepared for Douglas & Samantha DeBono, 52 Marion Road, Westport, CT, prepared by LandTech, dated November 10, 2021 and last revised to March 6, 2024, Scale: 1" = 20'.
  - b. **Site Development Plan**, Site Improvements for Proposed Garage and Driveway Additions, prepared Douglas & Samantha DeBono, 52 Marion Road, Westport, CT, prepared by LandTech, dated April 7, 2023 and last revised to March 6, 2024, Scale: 1" = 20', 2 Sheets.
  - c. **Stormwater Management Report**, for 52 Marion Road, Westport, CT, prepared by LandTech, dated December 12, 2023.
  - d. **Debono Residence** (Architectural Renderings), 52 Marion Road, Westport, CT, prepared by Luciano Architecture, dated October 30, 2023, Scale: As Noted.
    - i. **Existing Basement Plan** **Sheet E.1.0**
    - ii. **Existing 1<sup>st</sup> Floor Plan** **Sheet E.1.1**
    - iii. **Existing Exterior Elevations** **Sheet E.2.1**
    - iv. **Existing Exterior Elevations** **Sheet E.2.2**
    - v. **Proposed Basement Plan** **Sheet A.1.0**



Motion to close the Public Hearing.

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

**Town of Westport  
Conservation Commission  
FINDINGS  
Application #WPL-11900-24  
43 Bermuda Road  
Assessor's Map: B02 Tax Lot: 047  
Public Hearing: April 10, 2024**

1. **Application Request:** The applicant is proposing to renovate (substantial improvement) and elevate the existing house to FEMA compliance with additional site improvements. The proposed work is occurring within the WPLO (elevation 9') area of the Saugatuck River.
2. **Plans Reviewed:**
  - a. **Proposed Conditions Zoning/ Location Survey Map of Property**, prepared for Brian A. Senatore & Renata H. Senatore, 43 Bermuda Road, Westport, Connecticut, prepared by Walter H. Skidd – Land Surveyor LLC, dated October 19, 2020, last revised to January 12, 2024, Scale: 1" = 20'.
  - b. **Grading and Drainage Plan, 43 Bermuda Road, Westport, CT, prepared for Brian Senatore, prepared by LandTech**, dated March 5, 2024, Scale: 1" = 10', 2 Sheets.
  - c. **Stormwater Management Report**, for 43 Bermuda Road, Westport, CT, prepared by LandTech, dated March 5, 2024.
  - d. **Senatore Residence (Architectural Renderings)**, 43 Bermuda Road, Westport, CT 06880, prepared by Phillip H. Cerrone III, Architect, dated January 11, 2024, Scale as Noted:
    - i. **Demolition Plans** Sheet Z1.0
    - ii. **Proposed Plans** Sheet Z1.1
    - iii. **Proposed Elevations and Sections** Sheet Z1.2
3. **Past Permits:** None
4. **Property Description:**
  - The existing house was constructed in 1963. 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.
  - **Proposed First Floor Elevation:** 18.74 ft.
  - **Proposed Rear Deck Elevation:** 18.24 ft.
  - **Proposed Entry Foyer Elevation:** 14.0 ft.
  - **Existing Average Grade:** Elev. 8.51 ft.
  - **Proposed Average Site Grade:** Elev. 8.51 ft.
  - **Lot Area:** 0.42 acres (18, 209 sq. ft.)
  - **Base Lot Area:** 18,001 sq. ft.
  - **Existing Site Coverage:** 27.45% (4,942 sq. ft.)
  - **Existing Building Coverage:** 15.41% (2,774 sq. ft.)
  - **Proposed Site Coverage:** 27.42% (4,936 sq. ft.)
  - **Proposed Building Coverage:** 15.38% (2,768 sq. ft.)
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 subsurface storm water retention areas. The application proposes two areas of three Cultec C-100 stormwater infiltration units, one to west and one to the east of the residence. Stormwater runoff from the roof leaders of the residence will be conveyed to the retention areas by underground PVC pipes.

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 tidal marsh that is associated with the Saugatuck Canal, which is located ~500' to the east of the eastern property boundary. The site survey demonstrates that the surveyed tidal wetland boundary extends 2-3' onto the property along the eastern property boundary. 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 west (front {roadway}) and eastern (rear {tidal marsh}) portions of the property. The project will include minimal grading around the house and associated improvements leveling out high and low elevations while maintaining the same average site grade of elevation 8.51 ft. Grading will not occur beyond the general envelope of the dwelling and associated improvements. The project proposes one cubic yard (1 cu.yd.) of cut and fill which is well under the 833-cu. yd. allowed by Town standards.

The project proposes to elevate and substantially renovate the existing home. The associated work includes construction of an entry foyer addition with steps. The new configuration of house and deck will be established within the same footprint of existing development. Overall site coverage is proposed to decrease from 27.45% (4,942 sq. ft.) to 27.42% (4,936 sq. ft.). The proposed dwelling will be built to conform to FEMA standards with the first habitable floor (el. 18.74') established above the 100-year base flood elevation (el. 13'). The Town's Engineering Department found this design to be compliant. The Flood and Erosion Control Board approved the application on April 3, 2024, with no special conditions.

**Water Quality Considerations:**

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The proposed site coverage is ~27.45%, which exceeds 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 and a layer around a soil stockpile area at the rear of the property. A detail for the silt fence installation is provided with the construction notes and details. The plan depicts minor grading adjacent to the proposed front stairs to tie the entry into the elev. 6' contour. An anti-mud tracking pad will be installed at the driveway entrance at the northeast corner of the property.

Stormwater calculations are provided with the “Stormwater Management Report”. The drainage calculations demonstrate that both stormwater retention areas have a combined storage volume of 255.60 cu. ft. which is greater than the 219.29 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 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.

The site plan does not provide test pit data for the site, but excavations are not expected to advance beyond 3' below ground surface for the installation of the stormwater units (invert elevation = 5.45'). Though the site plan notes offer a provisional plan for dewatering excavations, the Commission does not anticipate the work encountering ground water.

The architectural drawings demonstrate that the lower level (elev. 9.5) will include garage areas for two cars, entryways, and storage area. The "Proposed Ground Floor Plan" demonstrates the lower level will be outfitted with eleven (11) flood vents, which is the number required for the 2,108 sq. ft. area to be FEMA-compliant.

The Commission finds stormwater quality across the property has the potential to improve with the inclusion of roof runoff being conveyed to stormwater detention areas. The Commission finds that 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 the drainage system be certified by the site engineer prior to the issuance of Conservation Certificate of Compliance. The Commission believes that the project may improve the way the site transmits flood water by raising the residence and installing the flood vents on the lower level.

#### **Natural Habitat Considerations:**

Th a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential habitat for following state species of special concern; yellow-crowned night-heron (*Nyctanassa violacea*), glossy ibis (*Plegadis falcinellus*), and little blue heron (*Egretta caerulea*). The review listed two state threatened species: great egret (*Ardea alba*) and snowy egret (*Egretta thula*). 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 has determined that 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 expects there will be some landscape vegetation removal around the existing home to accommodate site work. The Commission estimates three (3) evergreen trees and that ~5 shrubs will be removed to accommodate construction activities. The applicant does not provide a landscape plan with the application. The new development is not extending any further towards the wetlands than existing conditions. The Commission finds that a buffer planting is not necessary for additional stormwater treatment or compensatory habitat creation. The existing vegetated fringe upgradient of the saltmarsh is performing the functions of habitat surface water quality preservation. The Commission recommends the landscape bushes and evergreens that are removed at the front of the house be replaced with native and salt-tolerant trees and shrubs, such as Northern bayberry, red maple, winterberry, or summersweet.

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 ~28' from the tidal wetland boundary and ~33' from the intertidal zone. The Commission finds that the risk of sediment release into the resources is mitigated by the utilization of the row 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-11900-24**  
**43 Bermuda Road**  
**Assessor's Map: B02 Tax Lot: 047**  
**Public Hearing: April 10, 2024**

**Project Description:** To renovate (substantial improvement) and elevate the existing house to FEMA compliance with additional site improvements within the WPLO (elevation 9') area of the Saugatuck River.

**Owner of Record:** Shaun & Meghan Stuer

**Applicant:** Curt Lowenstein of LandTech

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#WPL-11900-24** 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 **April 3, 2024**.





Mr. Corroon and Ms. McDowell were not present at the December 12, 2023 Show Cause Hearing. Both indicated that they had familiarized themselves with the case and were able to participate in the hearing.

Anna Rycenga, Sr. Project Manager with LandTech presented the were not the design engineers but are trying to bring into compliance. She reviewed the conditions of the revised Cease and Correct Order:

- Removal of the lower stone wall near the wetland. This activity can wait until a planting plan is ready to be implemented to minimize disturbance.
- Submit a plan that includes a complete package of vegetation, slope stabilization, and drainage with a timeline for completion of each step. – A drainage report has not been developed at this time.
- Submit a report from a geotechnical engineer on the stability of the slope. – She noted that a RFP was sent out to 5 companies and only one was submitted for \$14,000. Ms. Cooper, the property owner, submitted a letter to the Commission asking for relief from this stipulation. She noted there have been several significant storms this spring without any signs of erosion.
- Approval of a drainage report by Town of Westport Engineering.
- Approval of site plan by Town of Westport Department of Planning and Zoning.

Brian Carey, PWS, discussed the planting plan for the riparian corridor. The idea is to further stabilize any further erosion from the stream.

Mr. Kelly asked that the steep slopes be pointed out.

Mr. Carey reviewed the original approved plans and noted there was a retaining wall and no patio.

Ms. Rycenga noted the pool does have a patio and has been reoriented along with the steep slopes.

Emily Cooper, property owner, pool company hit a sheet rock and they and their engineer recommended building it up rather than ramming through the ledge. She noted the patio is basically Nico lock blocks around the pool supporting the pool.

Mr. Davis noted the appropriate procedure would have been to return to the department for a modification.

Mr. Kelly asked about the planting plan.

Mr. Hartshorne is fine with the planting plan. He disagreed with Ms. Rycenga about the steep slope. He has been on the site numerous times and has seen signs of erosion. That area would benefit from plantings.

Mr. Kelly asked about when the Commission could expect a drainage plan.

Ms. Rycenga stated she did not have an accurate answer but would hope in the next two months. She could provide an answer via email after speaking with Andy Soumelidis, the project engineer.

Mr. Kelly stated the Commission needs to discuss the need for a geotechnical report.

Mr. Corroon asked about the need for the report.

Mr. Kelly stated the concern is related to the stability that a slope greater than 1:5 presents.

Mr. Davis stated neither the Commission nor the Town has the technical expertise to know what to require with the steep slope.

Mr. Kelly reiterated that there is no drainage report for the patio.

Ms. Rycenga stated she has asked Mr. Gill for relief from the drainage requirements but is being required to submit a report.

Mr. Hartshorne stated the original plan included a patio with a rain garden. The soils were not conducive to a rain garden so after discussion with the pool company and Ms. Cooper the patio was removed.

Mr. Carey stated he could come up with a planting plan with shrubs for the steep slope for stabilization in replacement of the geotechnical report.

Mr. Kelly stated we have a current Cease and Correct Order. He asked the Commission if they wanted to affirm, revise, or withdraw the order.

The Commission discussed and indicated that a report was needed to determine the impact of the slope.

Mr. Kelly asked if getting an opinion from the Geotechnical Engineer would be acceptable.

Mr. Carey stated that the expense of the Geotechnical Engineer is the borings. He believes they could get an opinion from a Structural Engineer.

The Commission agreed.

Ms. Rycenga indicated that her client agreed with this proposed modification and asked about the timeline.

Revise the order to modify Condition #3 to consult with a structural engineer to determine the integrity of the pool, patio, and steep slope.

The applicant should come back to the Commission within 3 months with updated plans and a report.

<b>Motion:</b>	<b>Davis</b>	<b>Second:</b>	<b>Ryll</b>
<b>Ayes:</b>	<b>Davis, Ryll, Corroon, McDowell</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>4:0:0</b>

Mr. Lewi rejoined the Commission at 8:51 p.m. and took over as Acting Chair of the meeting.

- 2. 11 Devon Road (Map H08, Lot 002):** In accordance with Sections, 4.2.1 (a), (b), (c), (d), (e), and (f), 7.1 and 7.3 (f), (g) and (h) of The Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport and Section 30-124 of the Code of Ordinances of the Town of Westport, **a Show Cause Hearing of the Westport Conservation Commission will be held for a Cease & Correct Order** issued to the property owners for constructing stone walls, walkways, fences, a sports court, and multiple outbuildings, and vegetation removal and grading changes in the wetland and wetland upland review area setbacks without permits.

Mr. Hartshorne gave a summarization of the Cease and Correct Order. He presented a written timeline of permitted work and the enforcement action. Previous approval for the property required a planting plan. He presented the site plan from 2008. He reviewed the historic aerial photos and the Near Maps of the property to show the changes that have occurred along with photos of the property.

Brian Carey, PWS with LandTech, was present on behalf of the property owner. He noted that he was not at the meeting to argue with the Cease and Correct Order. He is present to work with the Commission to come to the resolution. He stated Anthony Zemba, soil scientist, has been on the property to flag the wetlands. The sports court and garden will be removed from the wetlands. The sports court is just a mesh laid on the ground with a gravel base. He discussed the gazebo and noted there is one portion of the gazebo that is within the wetlands and that it has a footing. The homeowners would like to keep the gazebo. They are willing to work with the staff to do whatever restoration is required. Mr. Carey stated there are areas for mitigation.

Commissioners asked if the pond has a connection to the creek.

Mr. Carey stated there does not appear to be a connection though it is close to the creek. Based on his study of aeriels, this has been a historic concrete pond. He indicated that he had not come up with a plan for the meeting as this meeting was to determine the status of the Cease and Correct Order. He noted that his client



**4. Compliance Report update**

- a. 159 Kings Highway North:** Update on continued violation for shed and grading.

Mr. Kelly noted that this property has an ongoing violation fill and grading within the WPLO area. They have submitted an application, but the Engineering Department does not have enough information to take it to the Flood and Erosion Control Board.

Mr. Hally noted that he has sent an updated email to the property owners requesting the engineering data be submitted by April 11, 2024.

**5. Other Business – NONE**

The April 10, 2024 Public Hearing of the Westport Conservation Commission adjourned at 9:45 p.m.

<b>Motion:</b>	<b>Ryll</b>	<b>Second:</b>	<b>Lewi</b>
<b>Ayes:</b>	<b>Ryll, Lewi, Corroon, Davis, McDowell</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>5:0:0</b>