



**CONSERVATION COMMISSION**  
TOWN HALL – 110 MYRTLE AVENUE  
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**WESTPORT™**

**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
JUNE 12, 2024**

The June 12, 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, Chair  
Patrick Ryll, Secretary  
Diana McDowell, Sergeant at Arms  
Brian Whiting  
Paul Davis, Alternate

**Staff Members:**

Andrew Hally, Conservation Analyst  
Susan Voris, Admin. Asst. III

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the June 12, 2024 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Andrew Hally  
Conservation Analyst

**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. Hally stated there is one item to add to the agenda:

- **60 Cranbury Road:** Request for an as of right permit for maintenance to an existing fence.

Mr. Hally stated this request could be added to the Work Session.

Motion to amend the agenda to include 60 Cranbury in the Work Session.

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

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

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

1. **9 Hunt Club Lane:** Application #IWW/M-11921-24 by Seth Feinberg on behalf of Brendon & Sara Field to amend wetland boundary map #H10.

Seth Feinberg was present on behalf of the property owners to amend the wetland boundary map.

Mr. Hall stated the Town wetland maps indicated that there were wetlands to the north and south of the property but was shown as a drainage swale. He pointed out the updated wetland line for the Commission. Otto Theall, soil scientist, flagged the wetlands for the property owners. Mary Jaehnig, soil scientist, was hired by the Town and she confirmed Mr. Theall's wetland delineation. There was a net reduction in wetlands of approximately 9,000 s.f. He stated with the agreement of two soil scientists on the wetland delineation, he recommends approval of the application.

Mr. Lewi asked for public comment. There was 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, Whiting</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 5:0:0</b>

**Conservation Commission  
Town of Westport  
Findings  
Application #IWW/M-11921-24  
9 Hunt Club Lane  
Assessor's Map: H10 Tax Lot: 045  
Public Hearing: June 12, 2024**

1. **Application Request:** Seth Feinberg, on behalf of Brendon and Sara Fields, is requesting to amend wetland map #H10 on Lot #045.
2. **Soil Scientist for Applicant:** Otto Theall, Professional Soil Scientist/ Wetland Scientist

**Soil Scientist for Town of Westport:** Mary Jaehnig, Pfizer-Jaehnig Soils, LLC

3. **Plans Reviewed:**

- a.) **Soil Investigation Report**, 9 Hunt Club Lane, Westport, Connecticut, prepared by Otto Theall, Professional Soil Scientist/ Wetland Scientist, August 11, 2023.
- b.) **Data Accumulation Plan**, prepared for Brendon & Sara Fields, 9 Hunt Club Lane Road, Westport, Connecticut, prepared by Shevlin Land Surveying, LLC, dated November 17, 2020, last revised to October 26, 2023, Scale: 1" = 30'.

4. **Past Permits:** AA-WPLE-11232-21 – Renovation of an Existing Single Family Residence

5. **Wetlands Description:**

Soil Investigation Report, 9 Hunt Club Lane, Westport, Connecticut, prepared by Otto Theall, Professional Soil Scientist/ Wetland Scientist, August 11, 2023.

**Wetland soils** found on the property

**Walpole fine sandy loam (13):** This nearly level, poorly drained soil is found in low areas on plains and terraces. Included with this soil in mapping are small areas of moderately well drained Ninigret soils, poorly drained Raypol soils, and very poorly drained Scarborough soils. Also included are a few areas of soils that are less acid than this Walpole soil. This soil unit has a seasonal high water table at a depth of about 6 inches from fall to spring. The permeability of the soil is moderately rapid in the surface layers and subsoil, and rapid or very rapid in the substratum. Available water capacity is moderate, and runoff is slow. Most areas of this soil are wooded. The soil is poorly suited to trees. The seasonal high water table restricts root growth and causes the uprooting of many trees during windy periods.

**Non-wetland soils** found on the property

**Ninigret and Tisbury soils (21A):**

Ninigret soils: This nearly level to gently sloping, moderately well drained soil is found on plains and terraces in stream valleys. This soil has a seasonal high water table at a depth of about 20 inches from late fall until mid-spring. The seasonal high water table is the main limitation of this soil for community development. The water table makes special design and installation of on-site septic systems necessary. Slopes of excavations are commonly unstable. Where outlets are available, footing drains help prevent wet basements. Quickly establishing plant cover, mulching, and using siltation basins help to control erosion and sedimentation during construction.

Tisbury soils: This component occurs on valley and outwash plain terrace landforms. The parent material consists of eolian deposits over sand and gravel. The slope ranges from 0 to 3 percent and the runoff class is low. The depth to a restrictive feature is greater than 60 inches. The drainage class is moderately well drained.

**Udorthents- Urban Land Complex (306):** This complex consists of moderately well drained to excessively drained soils that have been disturbed by cutting or filling, and areas that are covered by buildings and pavement. The complex is approximately 70 percent Udorthents, 20 percent Urban land, and 10 percent other soils. Udorthents are in areas that have been cut to a depth of two feet or more or are on areas with more than two feet of fill. Udorthents consist primarily of moderately coarse textured soil material and a few small areas of medium textured material.

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

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

- a. The existing house was built in 1964. It is served by public sanitary sewer.
- b. The property is 1.01 acres (43,812 sq. ft.) in size; located in Residential Zone AA.
- c. The parcel is shown as located within the Sasco Creek watershed (subregional watershed ID #7109-00). Sasco Creek is located ~1660' to the east. The site drains to the east.
- d. Property is situated in Flood Zone X as shown on F.I.R.M. Panel 09001C0418G Map revised to July 7, 2013.
- e. The property **is not** within the Aquifer Protection Overlay Zone.
- f. Property **is not** within the Coastal Area Management Zone.
- g. The site survey shows does not estimate the wetland area within the southwest corner of the property.
- h. The wetland area inventoried in the Town's GIS system measures ~**9,625 sq. ft.**
- i. The referenced survey, "Data Accumulation Plan," depicts ~**600 sq. ft.** wetlands on the subject property.

7. **Discussion:**

The applicant submitted a wetland delineation report by Otto Theall, Professional Soil Scientist/ Wetland Scientist dated August 11, 2023. The report documents Mr. Theall's five separate investigations of the soils on the site March 30 April 2, April 15, and April 17 of 2020, as well as June 29, 2023. Mr. Theall identified a small area of wetland soil (Walpole fine sandy loam (13)) within the lawn in the southwest corner of the property along the property boundary with #5 Hunt Club Lane.

The "Soil Investigation Report" identifies a drainage swale. The report finds that, after repeated visits to the property, the drainage swale did not have the soil characteristics that qualified as wetland soils.

The sketch map provided with the report from August 11, 2023, identifies the location of the wetland boundary. The flag locations for the on-site wetland are identified on the survey as #1 to #3. The "Data Accumulation Plan" depicts a wetland area of ~600 sq. ft. which represents a decrease of ~9,005 sq. ft of wetland area on the property at 9 Hunt Club Lane.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary findings. Ms. Jaehnig conducted an on-site investigation on May 31, 2024. Ms. Jaehnig submitted a letter, dated May 31, 2024, stating the general agreement with Ms. Moch's report.

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

**Town of Westport  
Conservation Commission  
RESOLUTION  
Application #IWW/M-11921-24  
9 Hunt Club Lane  
Assessor's Map: H10 Tax Lot: 045  
Public Hearing: June 12, 2024**

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-11921-24 by Seth Feinberg on behalf of Brendon & Sara Fields, to amend wetland map #H10 on Lots #045 on the property located at 9 Hunt Club Lane with the following conditions:

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

- a.) **Data Accumulation Plan**, prepared for Brendon & Sara Fields, 9 Hunt Club Lane Road, Westport, Connecticut, prepared by Shevlin Land Surveying, LLC, dated November 17, 2020, last revised to October 26, 2023, Scale: 1" = 30'.

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

**Motion: Ryll    Second: McDowell**

**Ayes: Ryll, McDowell, Lewi, Whiting, Davis**

**Nays: none**

**Abstentions: none**

**Votes: 5:0:0**

2. **259 Riverside Avenue:** Application #WPL-11922-24 by Tom Ryder of LandTech on behalf of CEG Riverside LLC to repair an existing seawall and to construct a proposed residential dock. Work is within the WPLO area of the Saugatuck River.

Tom Ryder, Sr. Biologist with LandTech, presented the application on behalf of the property owners. He noted there are three buildings on the property. The proposal is for a residential dock within the tidal wetlands. There will be a 4 foot by 4 foot staircase and a gate leading to the dock. The dock will not be built until January 2026 due to agreements that have been made with the neighbors. He noted the dock will have float skids that will allow it to remain 18 inches off the substrate. There will be a 7' X 14' float.

Mr. Ryder noted that in addition to the materials submitted he is asking the Commission to allow them to repair a portion of the seawall that has fallen into disrepair. The stones have fallen off.

Mr. Lewi asked how the wall would be repaired and when.

Mr. Ryder stated that work would be done fairly soon and at low tide. There would be workers in the river edges but any machinery needed would be on land.

Mr. Hally indicated that maintenance to the seawall could be added to the permit. He recommended that a maintenance document including the timing be submitted prior to work commencement.

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

Motion to close the public hearing.

**Motion:** Ryll **Second:** McDowell  
**Ayes:** Ryll, McDowell, Davis, Lewi, Whiting  
**Nays:** None **Abstentions:** None **Vote:** 5:0:0

**Conservation Commission  
Town of Westport  
Findings**

**Meeting Date** 06/12/24 **LOCATION -** 259 Riverside Avenue

**APPLICANT -** Tom Ryder of LandTech on behalf of CEG Riverside, LLC

**Appl. #** WPL-11922-24 **Flood Zone** AE **100yr Flood Elev.** 10.0' **Floodway? (y/n)** no

**Regulated Waterbody:** Saugatuck River

**1. Waterway Protection Line Ordinance:**

Section 30-93 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.

**2. Proposal Description:** To repair an existing seawall and construct a residential dock with fixed pier, ramp, and floating landing within the WPLO area of the Saugatuck River.

**3. Plans Reviewed:**

**Site Development Plan**, Site Improvements for a Proposed Dock, 259 Riverside Avenue, Westport, CT, prepared by LandTech, dated May 02, 2024, Scale: 1"=30'.

**4. Property Description:** The property at 259 Riverside Avenue contains three buildings consisting of residential and commercial office space with a common paved parking area. There is a public access walkway around the southeastern building that follows the riverfront. The riverfront is modified with a stone seawall. The plan proposes to construct a ~20' long fixed timber pier on four piles driven into intertidal substrate. The ramp will be 31' to the floating landing. The 14'x7' float will move vertically with the tide along four timber piles driven into the substrate of the river. The landing float is 2'x5'.

**5. Statement of Problem:** All proposed work is occurring within the WPLO jurisdictional boundary of the Saugatuck River.

**6. Previous Applications/Permits Filed:**

- a. WPLE-11779-23- balconies
- b. WPL-4690-92 5 Lot Subdivision – 259-269 Saugatuck Avenue
- c. WPL-4719-93 5 Lot Subdivision – 259-269 Saugatuck Avenue
- d. Notice of Violation issued 3/3/06 for clearing in Conservation Easement. Violation removed 7/12/18.
- e. WPL-10663-18 for a new single family residence and pool with driveway and associated grading.

**7. WPLO Regulatory issues:**

Will the activity cause water pollution, erosion and/or environmentally related hazards to life and property?	No. The applicant will repair the damaged seawall during periods of low tide and suspend materials and equipment from the parking lot side of the wall. The applicant will construct a new pier, ramp and floating landing that allows for a 18" clearance on the underside from the river bottom. Sediment and erosion controls are required waterward of work area but not within tidal wetlands. The applicant describes the intertidal
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	zone as not having any tidal vegetation proximal to where the substrate disturbance will occur.
Will the activity have an adverse impact on the preservation of the natural resources and ecosystems of the waterway?	Minimal Impacts. Disturbance of the intertidal substrate will only occur in the areas of the eight piles. There is no wetland vegetation in the immediate area. The DEEP License requires that <i>“Pile driving authorized herein, if conducted by water, shall be conducted during periods of higher water to prevent barges from grounding.”</i> to prevent any incidental disturbance.
Will the activity have an adverse impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and/or decomposition?	Minimal impact is expected on water quality. Pile driving will create some suspended sediments in the water column that will quickly disperse with the tidal flow and downstream river current. Minimal impact is expected on brackish marine benthic community of the lower Saugatuck River by occupying the available space with eight piles. Temporary turbidity will quickly dissipate and not affect filter feeding shellfish.
Will the activity have adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation?	Minimal impact on habitat diversity expected. Per conditions of the CT DEEP License, the migratory fish community will be protected by the seasonal restrictions set forth in the special conditions of the permit. Shellfish habitat will be protected by conditions restricting the barge being staged or stored on river substrate and only operated during periods of higher tide.

**Issues applicable to all applications:**

Stormwater management / Plans	None required by the Westport Engineering Department
Grading	N/A
Sedimentation and Erosion Controls	Limit the disturbance of bottom substrates. No fixed E&S controls within the intertidal or within the water column.
FEMA Compliance	N/A
Water Quality Management	N/A

**GENERAL notes and Comments:**

CT DEEP License: Structures, Dredging & Fill Permit #202211855-SDF issued January 26, 2024.

The Flood and Erosion Control Board reviewed the application at their hearing on June 5, 2024. The application was approved with standard conditions.

**Conclusion:** The Commission finds that the proposed stairs, pier, piles, ramp, and floats do not significantly impact natural resources as they are protected by the Waterway Protection Line Ordinance if appropriate conditions are employed. The proposed work over water and work within the water is routine work that is performed by qualified professionals so incidental disturbance will be minimized. Temporary disturbance will quickly stabilize after installation of the piles within substrate. Shading from structures over water is not a concern because of the lack of tidal wetland vegetation. The Commission finds the Conservation Department should be contacted at the start of work.

The resource should be adequately protected if the contractor adheres to the conditions required by the CT DEEP #202211855-SDF.

- **Fisheries Protection.** *In order to protect anadromous fish migration, pile driving is prohibited from sunset to sunrise during a 24 hour period between April 1st and June 30th, inclusive, of any year, unless otherwise authorized in writing by the Commissioner.*  
License Number(s): 202211855-SDF Page 3 of 3
- **Time of Year Prohibition** – *Unconfined in-water excavation, dredging, filling or removal of debris or other material is prohibited between June 15th and August 30th, inclusive, of any year in order to protect spawning oysters and oyster habitat in the area unless otherwise authorized in writing by the Commissioner.*
- **Height of Tide Restriction.** *Pile driving authorized herein, if conducted by water, shall be conducted during periods of higher water to prevent barges from grounding.*
- **Float Stops.** *The Licensee shall install float stops or other such device to prevent the entire float surface from resting on the bottom at low water. Such structure shall be maintained in*

*optimal operating condition for the life of the structure.*

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application #WPL-11922-24  
259 Riverside Avenue  
Assessor's Map:C08 Tax Lot: 056  
Public Hearing: June 12, 2024**

**Project Description:** To repair an existing seawall and construct a residential dock with fixed pier, ramp, and floating landing within the WPLO area of the Saugatuck River.

**Owner of Record:** CEG Riverside, LLC

**Applicant:** Tom Ryder 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-11922-24 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 **June 5, 2024**.

**SPECIAL CONDITIONS OF APPROVAL**

16. Conformance to the plans entitled:
- Site Development Plan**, Site Improvements for a Proposed Dock, 259 Riverside Avenue, Westport, CT, prepared by LandTech, dated May 02, 2024, Scale: 1"=30'.
17. Conformance to the terms and conditions listed in the State of Connecticut Department of Energy and Environmental Protection License: General Permit for Minor Coastal Structures (#202211855-SDF).
18. The applicant shall submit a seawall repair plan (narrative) outlining the nature of the repair, work sequence and timing, and the personnel utilized for repair and post-work inspection. The plan shall be submitted to the Conservation Department for approval prior to the issuance of a Zoning permit.

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

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

**Motion: Lewi                      Second: Davis**  
**Ayes: Lewi, Davis, Ryll, McDowell, Whiting**  
**Nays: None                      Abstentions: None                      Vote: 5:0:0**

3. **45 Compo Beach Road:** Application #WPL-11923-24 by Cindy Timinsky of Moon Gardens LLC on behalf of 45 Compo Beach Rd LLC to construct a new FEMA compliant single family residence, a detached garage, pool, pervious patios, gravel driveway, drainage structures and associated site improvements. Work is within the WPLO area of the Saugatuck River.

Ciindy Tyminsky presented the application on behalf of the property owners. She presented a PowerPoint presentation, which oriented the Commission to the site. There are no wetlands on the site and it is entirely within the WPLO area and the FEMA 100-year flood zone. They are proposing a new FEMA-compliant single family residence and garage, pool, landscape wall, and drainage. She reviewed the planting plan that includes a 7-foot wide native planting buffer and she noted there are 4 new amelanchiers being added to the property. The Flood and Erosion Control Board approved the application on June 5, 2024.

Mr. Davis noted that there is no groundwater noted at 64 inches. The pool depth is proposed at 72 inches. He asked if they are going to need a relief valve.

Ms. Tyminsky stated there are no pool plans at this time. They will provide all required relief valves and dewatering measures necessary.

Mr. Lewi asked about whether the planting buffer could be expanded.

Ms. Tyminski expressed concern with interfering with the drainage system and also noted the 30-foot corner triangle that they are not allowed to inhibit the sightlines in.

Mr. Lewi asked about the stockpile area.

Ms. Tyminski stated they want to maintain the topsoil on the property. She doesn't believe they will be holding much on the site. She is will to provide a document of the stockpiling on the property.

Mr. Hally reviewed his staff report. He noted that in conformance with the Commission's practice, he recommends that the driveway remain pervious in perpetuity and is filed on the land records. Staff should review and approve the pool plans prior to the Zoning Permit. There should be pool form as-built submitted prior to Conservation Certificate of Compliance. Mr. Hally noted this is a tight site with a lot going on and it would be prudent to have a construction sequence prior to the Zoning Permit. He noted that a 10-foot buffer is the minimum buffer for getting any nutrient uptake.

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





**Proposed Generator Pad Elevation:** 12.1 ft.  
**Proposed Pool Coping Elevation:** 8.2 ft.  
**Proposed Top of Landscape Wall Elevation:** 7.8 ft.  
**Existing Average Grade:** Elev. 7.9 ft.  
**Proposed Average Site Grade:** Elev. 8.5 ft.  
**Lot Area:** 0.5793 acres (25,236 sq. ft.)  
**Base Lot Area:** 25,236 sq. ft.  
**Existing Site Coverage:** 17.53% (4,425 sq. ft.)  
**Existing Building Coverage:** 10.5% (2,650 sq. ft.)  
**Proposed Site Coverage:** 24.81% (6,260 sq. ft.)  
**Proposed Building Coverage:** 14.89% (3,758 sq. ft.)  
**Sewer Line:** The property is serviced by municipal sewer.  
**Zoning:** Property is located in Residential Zone A

5. **Aquifer:** The property is underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
6. **Coastal Area Management:** The subject property is located within the Coastal Area Management (CAM) zone. The coastal resource is identified as Coastal Flood Hazard Area. Coastal Flood Hazard Areas are defined as land areas inundated during coastal storm events. AE-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 a concrete underground detention system consisting of three rows (72 linear feet) of pre-cast concrete galleries to account for the garage structure and two rows (88 linear feet) of pre-cast concrete galleries. The plans show a trench drain within the proposed driveway entrance, as well roof leaders to collect stormwater off the new buildings and convey the runoff through underground pipes towards stormwater detention units north and south of the residence. The plan also proposes pervious gravel driveway, pervious paver patios, and pervious bluestone walkways. General site runoff not collected in the stormwater system will discharge towards the roadways of Compo Beach Road and Roosevelt Road.
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."***

Most of the property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property is situated ~240' east of Grays Creek and ~90' North of the Saugatuck River. The mean high-water line of the Saugatuck River is established at elevation 3.3' (NAVD88) to the south of the property. The portion of the Saugatuck River nearest to the subject property is the Ned Dimes Marina basin. The intertidal zone within the marina basin can be characterized as highly modified, noting the presence of a stone/concrete seawall along much of the shoreline.

Based on the existing spot elevations shown on the site plan, the topography of the site is relatively flat. The elevations indicate the site gradually slopes towards the southeastern corner of the site towards Compo Beach Road and marina basin. Noting that the Saugatuck River is located to the south of the site, The Commission finds that potential flood waters may originate from the Saugatuck River during heavy storm events, though flooding from Grays Creek is likely to occur in more extreme events.

The application proposes to demolish the existing single-family residence and construct a new FEMA-compliant single family residence with a new garage, pool, driveway patios and walkways. The new home will have a first-floor elevation of 13.0' and garage floor elevation of 9.0'. The proposed location of the new house and garage is generally within the footprint of the existing house and garage, but the envelope of all development will significantly expand into the existing maintained lawn. The existing impervious driveway and walkways will be replaced with a pervious driveway and walkways with crushed stone stormwater storage beneath. The expansion of overall development will increase total coverage by 1,835 sq. ft.

The proposed new structures will be constructed to conform to FEMA standards with the first habitable floor (el. 13.0') established above the 100-year base flood elevation (el. 11'). The architectural renderings demonstrate that the ground level will consist of crawl space. The garage floor will contain parking area for two vehicles. The rendering, "Crawlspace Flood Vent Diagram", demonstrates there are thirteen (13) flood vents throughout the ground level which is greater than the FEMA requirement of 12 vents for 2,371 sq. ft. During the Flood and Erosion Control Board meeting held on June 5, 2024, the application was approved by the Board with no special conditions.

The new driveway will be constructed as pervious with a gravel surface and crushed stone base. The permeable paver patios and bluestone walkways will be constructed with a bedding sand base.

**Water Quality Considerations:**

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The proposed site coverage is ~25%, which is within the 10-25% cover that is expected to impact water quality. Coverage calculations are provided on the site plan. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The site plan depicts one layer of perimeter silt fence beyond the limit of disturbance and around the soil stockpile in the southeast corner of the property. A detail for typical silt fence installation is provided with the construction details and notes. The plan includes minor grading across the center portion of the property to accommodate the new development. The average site grade will increase from elev. 7.9' to elev. 8.5'. Total cut and fill values are provided on the site plan. The plan proposes 450 cubic yards of total cut and fill. An anti-mud tracking pad will be installed at the existing driveway entrance in the northeast corner of the property.

Stormwater calculations are provided on the "Drainage Computations" report. The drainage calculations demonstrate the proposed 160 linear feet of stormwater detention galleries have a storage volume of 733 cu. ft. which is greater than the 637.66 cu. ft. required by Town drainage standards for the first 1" of runoff from the 7,652 sq.ft. of new impervious coverage. The drainage report demonstrates that the stormwater runoff volume from the roof will be collected by roof leaders and stored within the underground detention units. The driveway trench drain will collect stormwater from the driveway and convey it to the stormwater detention units underneath the driveway. The applicant provided drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV). The design proposes pervious driveway, patio and walkway surfaces but does not take credit for the moderate stormwater storage within the features. Patio drainage will be conveyed to stormwater units south of the residence. The site survey and drainage report do not indicate any existing drainage features on the property. The Commission finds the proposed additional drainage and stormwater storage as a significant 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.

Neither the site survey or site plan demonstrate the depth to ground water across the site. The Commission assumes ground water can be found around the elevation of mean high water (elev. 5.3'). The applicant does not provide a pool cross section to depict the depth of the proposed pool. The Commission require a pool schematic be submitted to the Department prior to the issuance of a Zoning Permit. The pool coping elevation is shown as 8.2'. The Commission anticipates groundwater will be encountered during the excavation of the pool. The site plan demonstrates that there will be a dewatering area in the southeast corner of the property adjacent to the excavation for the proposed pool. A temporary pump will be suspended into the excavation and will pump water through a discharge line to a dewatering area consisting of a dirtbag surrounded by haybales.

The Commission finds that the project prioritizes the maximization of coverage without surpassing the 25% coverage threshold established by the Town's Planning and Zoning Department. The project will render the

site significantly more modified than its current configuration. While the applicant does not make any effort to minimize coverage of total development within the WPL, water quality of site runoff should improve significantly with the inclusion of the surface drainage features as well as the stormwater detention units to the north and south of the property. The Commission requires that a restrictive covenant be placed on the land records prior to issuance of a Conservation Certificate of Compliance, stating that the driveway surface will remain permeable in perpetuity. These features should help mitigate any potential impacts to surface water quality within the Saugatuck River. The Commission requires a report stating that the installed stormwater system and drainage features were certified by the site engineer prior to the issuance of Conservation Certificate of Compliance. The Commission finds that the new development may improve the way the site transmits flood water by raising the first floor and installing flood vents on the garage floor level.

**Natural Habitat Considerations:**

The Commission references 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 landscape plan specifies that a single evergreen tree will be removed within the project area. The Commission finds the existing vegetation around the home does not represent coastal bird nesting habitat. No canopy trees are proposed to be removed. The proposed new development will occur within the existing building footprint and maintained lawn. The Commission finds there will no impacts to listed coastal birds. At present, the Commission does not require further consultation to evaluate impact to listed species.

The nearest proposed limit of disturbance from the installation of the addition and driveway is ~80' from the intertidal zone of Saugatuck River, across the Compo Beach Road travel way. The Commission finds that the risk of sediment release into the resources is mitigated by the utilization of the row of silt fence and hay bales around the project area and a row of silt fence around the soil stockpile. 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.

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 Commission finds that much of the total extent of the proposed development is occurring within the footprints of the existing development and maintained lawn. Soil disturbing activities will include the removal of the existing features, construction of new structures, excavation of the underground stormwater detention areas, excavation for the pool and soil stockpiling. Potential adverse impacts from soil disturbance will be mitigated by the installation of the perimeter silt fence. Given that the project is ~90 from the Saugatuck River, the Commission finds there is moderate to minimal potential for adverse impacts of sediment release into the aquatic habitat. There is risk of the dewatering bag being overwhelmed by fine sediment and failing, potentially discharging sediment laden water offsite.

The Landscape Plan demonstrates there will be a 7' wide - buffer planting that will consist of native trees, shrubs, and perennial herbaceous plants. The plan indicates that the planting will be located at the southern property boundary along the roadway of Compo Beach Road. The proposed planting will consist of 96 plants consisting of serviceberry, summersweet, inkberry, Carolina rose, blueberry, blue false indigo, Joe-Pye weed, cardinal flower, and New England aster. The Commission finds a densely planted buffer as a benefit to the natural habitat within the WPL. The Commission requires widening the planted buffer from 7' to 10' to provide more benefit of biofiltration of storm and flood water. Stormwater and flood water biofiltration will benefit the intertidal benthic community and fish community of the Saugatuck River. The plantings will provide cover and forage to resident and migrating bird species. The plants will be beneficial to pollinators, as well. The plantings will greatly increase the biodiversity of the plant community in the local ecosystem and may have the potential to populate other areas around the Saugatuck River mouth through seed spread. The Commission requires a performance bond for the planting to be held for one growing season to ensure vitality of the plants.

Overall, the Commission finds raising of the house above base flood elevation, adding an areas of stormwater retention where there was previously none, and establishing a vegetative buffer within existing lawn all as benefit to the natural habitat.

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application #WPL-11923-24  
45 Compo Beach Road  
Assessor's Map: D03 Tax Lot: 016  
Public Hearing: June 12, 2024**

**Project Description:** To construct a new FEMA-compliant single family residence, detached garage, pool, patios, driveway, walkways, drainage system, and associated improvements. The proposed work is occurring within the WPLO (elevation 9') area of the Saugatuck River.

**Owner of Record: 45 Compo Beach Road LLC  
Applicant: Cindy Tyminski of Moon Gardens LLC**

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #WPL-11923-24 with the following conditions:

**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 Flood and Erosion Control Board June 5, 2024 conditions of approval.
17. Conformance to the previously adopted “Standard Pool Conditions” for pools located near wetlands or watercourses as applicable and as enumerated below:
  - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
  - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100-year flood elevation. Pool equipment should be located at or above the 100-year flood elevation.
  - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
  - 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

18. Conformance to the plans entitled:
  - a. **Plot Plan**, prepared for 45 Compo Beach Road LLC, 45 Compo Beach Road, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated December 2, 2022, Scale: 1” = 10’.
  - b. **Site Plan Details & Notes**, Proposed Site Improvements Plan for a Single Family Dwelling, prepared for 45 Compo Beach Road LLC, 45 Compo Beach Road, Westport, CT, prepared by Chappa Site Consulting, LLC, dated May 1, 2024, Scale: 1” = 20’.
  - c. **Landscape Plan**, Landau Residence, 45 Compo Beach Road, Westport 06880, prepared by Kathryn Herman Design, dated May 2, 2024, Scale: 1”=10’, Sheet LC-1.0
  - d. **Drainage Computations**, for the Proposed Single Family Dwelling, Detached Garage, Pool and Site Improvements at 45 Compo Beach Road; Westport, CT, prepared for 45 Compo Beach Road LLC by Chappa Site Consulting, LLC, dated May 1, 2024.
  - e. **The Landau Residence (Architecturals)**, 45 Compo Beach Road, Westport, CT, prepared by Historical Concepts, dated May 3, 2024, Scale: As Noted:
    - i. **MH- Crawlspace Flood Vent Diagram** Sheet A1.01
    - ii. **MH- First Floor Plan** Sheet A1.02
    - iii. **MH- Second Floor Plan** Sheet A1.03
    - iv. **MH- Attic Floor Plan** Sheet A1.04
    - v. **MH- Roof Plan** Sheet A1.05
    - vi. **G- Garage Floor and Roof Plans** Sheet A1.06
    - vii. **MH- Exterior Elevations** Sheet A2.01
    - viii. **MH- Exterior Elevations** Sheet A2.02
    - ix. **MH- Exterior Elevations** Sheet A2.03
    - x. **MH- Exterior Elevation** Sheet A2.04
    - xi. **G- Garage Exterior Elevations** Sheet A2.05
    - xii. **MH- Building Section at Foyer** Sheet A3.01
    - xiii. **MH- Longitudinal Section Through Guest Wing** Sheet A3.02
    - xiv. **G- Building Section at Garage** Sheet A3.03
19. The driveway shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
20. The design engineer shall witness and certify the construction of all permeable surfaces proposed for this project (driveway, walkways and patios) and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
21. The applicant shall revise the “Landscape Plan” to expand the buffer planting to a width of 10’. The plan shall be submitted to the Conservation Department for approval prior to the issuance of a Zoning Permit.

22. The applicant shall submit a performance bond for the planting plan to be held one full growing season to ensure vitality of the plants. The bond shall be paid prior to the issuance of a Zoning Permit.
23. The applicant shall submit a pool cross section, indicating pool depth and the utilization of a hydrostatic relief valve prior to the issuance of a Zoning Permit.
24. The applicant shall submit a pool form as-built prior to the issuance of the Conservation Certificate of Compliance.
25. The applicant shall submit a sequence of demolition, construction, and planting to the Conservation Department for approval prior to the issuance of a Zoning Permit.

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

**Motion: Davis**            **Second: Ryll**  
**Ayes: Davis, Ryll, McDowell, Whiting, Lewi**  
**Nays: None**            **Abstentions: None**     **Vote: 5:0:0**

4. **2 Webb Road:** Application #IWW/M-11928-24 by Aleksandra Moch on behalf of David Popkin, Westport Family Homes LLC to amend wetland boundary map #E10.

Aleksandra Moch, soil and wetland scientist presented the application on behalf of the property owner. She reviewed a PowerPoint presentation that oriented the Commission to the site. She delineated the wetlands on March 12, 2024. Mary Jaehnig confirmed that delineation for the Town.

Mr. Hally reviewed the staff report. He noted the Town wetland map noted 168 s.f. of wetlands and the amended delineation indicates there are 314 s.f. of wetlands. Mary Jaehnig verified Ms. Moch's wetland flagging on May 31, 2024. He recommended approval of the application.

Mr. Lewi asked for public comment. There was none.

Motion to close the public hearing.

**Motion:** Ryll            **Second:** McDowell  
**Ayes:** Ryll, McDowell, Davis, Lewi, Whiting  
**Nays:** None            **Abstentions:** None     **Vote:** 5:0:

**Conservation Commission  
Town of Westport  
Findings  
Application #IWW/M-11928-24  
2 Webb Road  
Assessor's Map: E10 Tax Lot: 119  
Public Hearing: June 12, 2024**

1. **Application Request:** Aleksandra Moch, on behalf of 2 Webb Rd, LLC, owner, is requesting to amend wetland map #E10 on Lot #119.
2. **Soil Scientist for Applicant:** Aleksandra Moch, Soil & Wetland Scientist  
**Soil Scientist for Town of Westport:** Mary Jaehnig, Pfizer-Jaehnig Soils, LLC
3. **Plans Reviewed:**
  - a.) **Wetland Delineation**, for the Property Located at 2 Webb Road, Westport, Connecticut, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated March 12, 2024.
  - b.) **Environmental Assessment of the Wetland Area**, located at 2 Webb Road, Westport, CT, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated May 8, 2024.
  - c.) **Improvement/ Location Survey**, prepared for 2 Webb Rd, LLC, 2 Webb Road, Westport, Connecticut, prepared by Walter H. Skidd, Land Surveyor LLC, dated April 05, 2024, last revised to May 7, 2024, Scale: 1" = 20'.

4. **Past Permits:** None

5. **Wetlands Description:**

Wetland Delineation, for the Property Located at 2 Webb Road, Westport, Connecticut, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated March 12, 2024.

**Wetland soils** found on the property

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

**Non-wetland soils** found on the property

**Charlton-Chatfield complex, 3 to 15 percent slopes, very rocky (73C):** This component occurs on upland hill landforms. The parent material consists of melt-out till derived from schist, granite, and gneiss. The slope ranges from 3 to 15 percent and the runoff class is low. The depth to a restrictive feature is 20 to 40 inches or greater than 60 inches. The drainage class is well drained.

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

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

- a. The existing house was built in 1952. It is served by public sanitary sewer.
- b. The property is 0.54 acres (23,350 sq. ft.) in size; located in Residential Zone A.
- c. The parcel is shown as located within the Pussy Willow Brook watershed (subregional watershed ID #7000-18. Pussy Willow Brook is located ~85' to the west. The wetlands onsite are associated with an offsite perennial watercourse. The site drains to the south.
- d. Property is situated in Flood Zone X as shown on F.I.R.M. Panel 09001C0413G Map revised to July 07, 2013.
- e. The property **is not** within the Aquifer Protection Overlay Zone.
- f. Property **is not** within the Coastal Area Management Zone.
- g. The Waterway Protection Line is established 15' from the surveyed wetland boundary. The WPLO boundary is depicted on the survey.
- h. The wetland area inventoried in the Town's GIS system measures **~168 sq. ft.**
- i. The flagged wetland area is **314 sq. ft.**, as specified on the Improvement Location Survey.

7. **Discussion:**

The applicant submitted a wetland delineation report by Aleksandra Moch, Soil & Wetland Scientist, dated March 12, 2024. The report documents Ms. Moch's investigation of the soils on the site. Wetland soils were found on the site, identified as Ridgebury, Leicester, and Whitman soils, extremely stony (3).

The "Wetland Delineation" report identifies a lawned wetland in the southwest portion of the property. The onsite wetland is a small portion of a larger forested wetland that is associated with Pussy Willow Brook, which is located ~85' offsite to the west of the subject property.

The sketch map provided with the report from March 12, 2024, identifies the location of the wetland boundary. The on-site wetland flag locations for the eastern wetland are identified on the survey as WLF #1 to WLF#7. The "Improvement/ Location Survey" identifies surveyed wetland areas totaling ~314 sq. ft. which represents an increase of ~146 sq. ft of wetland area on the property at 2 Webb Road.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary findings. Ms. Jaehnig conducted an on-site investigation on May 31, 2024. Ms. Jaehnig submitted a letter, dated May 31, 2024, stating the general agreement with Ms. Moch's report.

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



**Town of Westport  
Conservation Commission  
RESOLUTION  
Application #IWW/M-11928-24  
2 Webb Road  
Assessor's Map: E10 Tax Lot: 119  
Public Hearing: June 12, 2024**

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-11928-24 by Aleksandra Moch on behalf of 2 Webb Road, LLC, to amend wetland map #E10 on Lots #119 on the property located at 2 Webb Road with the following conditions:

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

- a.) **Improvement/ Location Survey**, prepared for 2 Webb Rd. LLC, 2 Webb Road, Westport, Connecticut, prepared by Walter H. Skidd, Land Surveyor LLC, dated April 05, 2024, last revised to May 7, 2024, Scale: 1" = 20'.

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

**Motion: Ryll    Second: Whiting**

**Ayes: Ryll, Whiting, Lewi, McDowell, Lewi**

**Nays: None**

**Abstentions: None**

**Votes: 5:0:0**

- 5. 15 Beechwood Lane:** Application #IWW,WPL/E-11926-24 by Aleksandra Moch on behalf of Mary Wilson & Danielle Schmelkin for the installation of an inground pool with associated pool equipment and a spa. Work is within the upland review area setback.

Aleksandra Moch, soil and wetland scientist presented the application on behalf of the property owners. She reviewed a PowerPoint presentation to orient the Commission to the property. The wetlands were delineated by Otto Theall. She noted the proposed pool is outside the WPLO area and the 20-foot non-disturbance area. They have proposed a retaining wall at the edge of the pool. There will be silt fence and haybales for protection of the wetlands during construction. There is no additional drainage required as the existing system is oversized and can accommodate the additional stormwater runoff. She reviewed the two alternatives they looked at. She reviewed the proposed planting plan.

The Commission and Ms. Moch discussed the spacing of the boulder along the planted buffer and flooding.

Mr. Hally noted the top and bottom of the retaining wall are not shown on the survey. Pussy Will Brook is noted as having a flood height of 92. The pool coping is about elevation 98. The proposed retaining wall is right at the 20-foot non-disturbance buffer. Based on the pool specs, this pool will be 6 feet deep. He discussed the planting plan.

Mr. Lewi asked for public comment.

Michael Cooney, 16 Beechwood Lane, asked for clarification on the following:

- Where the exaction soils were being stored. – Ms. Moch indicated the soils would be removed off site.
- Clarification of the drainage – Ms. Moch explained there is a requirement that they must capture any increase in impervious coverage. The drainage system that was installed when the house was built was installed was oversized and has the calculations show that they can direct that increase in coverage to the system, therefore no new drainage is required.
- Clarification of the fence type and location – that has not been determined as the law has just changed but imagine would be close to the pool.

- Asked about access and if crossing property borders – Ms. Moch stated they would be accessing the pool location from the left side of the property. There is no need to cross any property borders.

With no other comments from the public, the hearing was closed.

**Motion:** Ryll **Second:** Lewi  
**Ayes:** Ryll, Lewi, Davis, McDowell, Whiting  
**Nays:** None **Abstentions:** None **Vote:** 5:0:0

**Conservation Commission**  
**Town of Westport**  
**Findings**  
**Application # IWW, WPL/E-11926-24**  
**15 Beechwood Lane**  
**Assessor's Map: E08 Tax Lot: 028**  
**Public Hearing: June 12, 2024**

- 1. Receipt Date:** June 12, 2024
- 2. Application Classification:** Plenary
- 3. Application Request:** Applicant is proposing to construct a pool, patio and associated features within the upland review area of wetlands associated with Pussy Willow Brook. The proposed activity is located outside the Waterway Protection Line (WPL).
- 4. Plans Reviewed:**
  - A. Improvement Location Survey,** Prepared for Baldino Homes, 15 Beechwood Lane, Westport, Connecticut, prepared by Land Surveying Services, LLC, dated June 04, 2021, last revised May 19, 2022. Scale: 1" =20'
  - B. Site Plan,** prepared for Mary Wilson, 15 Beechwood Lane, Westport, Connecticut, prepared by Fairfield County Engineering, LLC, dated April 24, 2024, Scale: 1" =20', Sheet 1 of 2.
  - C. Detail Sheet,** prepared for Mary Wilson, 15 Beechwood Lane, Westport, Connecticut, prepared by Fairfield County Engineering, LLC, dated April 24, 2024, Scale: 1" =20', Sheet 2 of 2.
  - D. Environmental Assessment** (report), of the Watercourse Corridor, located at 15 Beechwood Lane, Westport, CT, prepared by Aleksandra Moch, Soil and Wetland Scientist, dated April 30, 2024.
  - E. Soil Investigation Report,** 15 Beechwood Lane, Westport, Connecticut, prepared by Otto Theall, Soil and Wetland Science, LLC, dated May 2, 2013.
  - F. Wetland Buffer Enhancement Plan,** 15 Beechwood Lane, Westport, CT, prepared by Aleksandra Moch, Landscape Designer, dated June 10, 2024.
- 5. Past Permits/Applications filed:**  
AA-WPLE-11358-21: for a new single family residence
- 6. IWW and WPLO Regulated Areas:**

The WPL is established 15' from the 25-year flood line associated with Pussy Willow Brook, as depicted on the Site Plan.

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

- 35' upland review area for a pool and spa,
- 30' upland review area for a patio,
- 30' upland review area for a retaining wall.
- 25' upland review area for pool equipment.

The proposed inground swimming pool (14' x 30') will be located ~23' from the wetlands. The proposed spa will be located ~45' from the nearest wetland boundary. The proposed patio will be installed ~25' from the nearest wetland boundary. The proposed retaining wall will be constructed ~21' from the nearest wetland boundary. The proposed pool equipment pad will be located ~54' from the nearest wetland boundary.

- 7. Property Description and Facts Relative to the Application:**
  - a. The existing house was built in 2022. It is served by public sanitary sewer.
  - b. The property is 0.754 acres (32,828 sq.ft.) in size; located in Residential Zone A.
  - c. The parcel is located within the Pussy Willow Brook Watershed.

- d. This property is situated within Flood Zone A as shown on F.I.R.M. Panel 09001C0413G Map revised to July 07, 2013.
- 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' landward from the 25-year flood boundary. The WPL is shown on the "Site Plan".
- h. Relevant information:
  - a. Base Lot Area: 24,940 sq. ft.
  - b. Existing Building Coverage: 9.5% (2,380 sq. ft.)
  - c. Existing Total Coverage: 16.3% (4,071 sq. ft.)
  - d. Proposed Total Coverage: 19.8% (4,942 sq. ft.)

**8. Wetlands Description:** *Soil Investigation Report, 15 Beechwood Lane, Westport, Connecticut, prepared by Otto Theall, Soil and Wetland Science, LLC, dated May 2, 2013. The report describes the following soil types occurring on the property:*

**Wetland Soils:**

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

This soil unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. The soils have a seasonal high water table at or near the surface from fall to spring. The high water table, ponding, and the stones and boulders on the surface limit these soils for community development. Excavations are commonly filled with water.

**Non-Wetland Soils:**

**Udorthents- Urban Land Complex (306):** This complex consists of moderately well drained to excessively drained soils that have been disturbed by cutting or filling, and areas that are covered by buildings and pavement. The complex is approximately 70 percent Udorthents, 20 percent Urban land, and 10 percent other soils. Udorthents are in areas that have been cut to a depth of two feet or more or are on areas with more than two feet of fill. Udorthents consist primarily of moderately coarse textured soil material and a few small areas of medium textured material.

**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 onsite resource consists of a perennial watercourse (Pussy Willow Brook) and a riparian wetland. The northern riparian wetland fringe is mostly maintained as lawn. The southern side of the watercourse is characterized as forested wetland. Pussy Willow Brook flows north to south across the eastern portion of the property. The current site improvements include a single family residence, driveway, patio, and stormwater management system.

The project proposes to construct a new 14' x 30' inground pool and retaining wall and patio a little more than 20' from the nearest wetland boundary. The spa and pool equipment are outside of their respective review areas. There is an existing system of 15 Cultec R-330XLHD stormwater retention units that serve the runoff from the existing impervious coverage. The site engineer found that the existing drainage system has the capacity to accommodate the Water Quality Volume (WQV) from the new pool, pool equipment pad, patio, spa and retaining wall.

Ms. Moch demonstrates in her environmental report that two other alternative locations and configurations for the pool have been considered. The application does not provide engineered plans for the alternative locations. The report states that with any of the three proposed locations for the pool, the level of disturbance and potential for adverse impacts was substantively similar. The Commission finds with each of the alternatives provided, the applicant does not demonstrate that disturbance and the size of the structures are minimized. The Commission considered discussed why the size of the existing patio or the size of the

proposed pool were not reduced to minimize encroachment into the upland review area. The Commission discussed the alternative pool locations and configurations with the applicant.

The Commission reviewed the wetland seed mix buffer and designated no-mow area as an effort to reduce potential loss of fish and aquatic organisms and wildlife resulting from the new development.

**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 surface water quality classification for Pussy Willow Brook (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish and other aquatic life and wildlife and recreation.

The Commission references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin (ID:

7000-18) for Pussy Willow Brook has a combined condition index (CCI) score of 0.18. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Pussy Willow Brook's Recovery Status as "Mitigation", identifying that the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

Proposed site coverage is expected to increase to ~20% which is within the 10-25% cover that is expected to impact water quality. Coverage calculations are provided in the drainage report. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Pussy Willow Brook watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted. There is an existing stormwater storage area on the property that was installed at the time the new house was constructed. The drainage report demonstrates that additional runoff volume from the proposed new coverage will be detained within the existing drainage system. The available storage within the existing system can accommodate a volume of 1,192 cu. ft., which is greater than the 72 cu.ft. required. During intense storm events the stormwater galleries and proposed pool will overflow and discharge downgradient across the lawn towards the wetlands and watercourse.

The Commission finds that the site plan and site survey do not indicate test pit locations or groundwater elevations across the site. The environmental report prepared by Ms. Moch states "No dewatering is shown on the map. It is expected the area has a very deep groundwater table and the pool will be shallow. No ground water encounter is being expected." The pool coping will be established around elev. 98'. The pool schematic submitted with the application demonstrates the pool depth will be 6'. The elevation of the surface water of Pussy Willow is elev. ~92'. The Commission finds there is potential that the pool excavation may encounter ground water. The Commission finds a potential dewatering method may be necessary for the pool excavation. The Commission discussed pool depth with the applicant.

The Commission finds the highest risk of potential impacts to water quality would be temporary impacts due to

potential sediment releases during excavation for the pool and retaining wall occurring with 25' of the closest wetland boundary. The moderate amount of excavation, grading, and stockpiling adjacent to the wetland boundary may cause releases of sediment or sediment laden water to be discharged into the surface water of Pussy Willow Brook during heavy storm events. Inadvertent pool-water discharge may affect surface water

quality of the brook. With the existing stormwater system and a buffer planting, the Commission does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

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

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

**Discussion:** Sedimentation and erosion controls are shown on the "Site Plan". Silt fencing and a soil stockpile are indicated on the plan. The double row of silt fencing backed by haybales is proposed within the maintained lawn downgradient from the limit of proposed disturbance. Much of the potential for adverse impacts from erosion and sedimentation will be due to the temporary conditions created during the excavation, grading, and soil stockpiling associated with constructing the pool and retaining wall. An anti-mud tracking pad is shown at the construction entrance off of the existing driveway. The Commission finds that the site plan and plan details do not specify a potential dewatering method or dewatering area for the excavation of the pool.

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

**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:**

CT ECO map viewer shows there are no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. Pussy Willow Brook is a perennial watercourse, which would imply the stream could provide habitat for fish and aquatic macroinvertebrates. The Commission finds the greatest risk to the wetland and watercourse resource would be temporary impacts due to potential sediment release into the wetland during the excavation, grading and stockpiling phases of installing the pool and retaining wall. A release of sediment into the wetland could cause adverse impacts to amphibians and aquatic macroinvertebrate communities within the watercourse and associated riparian wetland.

The Commission reviewed the recently submitted planting plan. The wetland buffer will consist of no-mow zone planted with wetland seed mix. The buffer will have an average width of 10' and will be permanently demarcated.

**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 plan proposes to utilize the existing stormwater management system to retain the additional volume of stormwater runoff that would otherwise be conveyed downgradient toward the wetland. The system is sized to accommodate the stormwater discharge volume from ~800 sq. ft. of additional coverage. Overflow volume from the pool and system will discharge across the yard towards the wetlands. The existing stormwater management system is sized to handle the first inch of runoff for water quality as well as meet the Town of Westport Drainage Standards for a 25-year storm event. The Commission finds utilizing the existing stormwater storage to manage runoff from the new development is the most efficient and least disturbing method of managing stormwater runoff. The proposed pool and retaining wall within 25' of the wetlands may minimally change how the property transmits and absorbs flood water during severe storm events. The project engineer states in the drainage report that "The proposed improvements will have no adverse impact on surrounding properties."*

**14. Conformance to Section 6.6 Recreational and Public Uses**

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

**Discussion:** The Commission finds the proposed activities will not significantly impact recreational and public uses.

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application #IWW-WPL-11926-24  
15 Beechwood Lane  
Assessor's Map: E08 Tax Lot: 028  
Public Hearing: June 12, 2024**

**Project Description:** To construct a pool, patio and associated features within the upland review area of wetlands associated with Pussy Willow Brook. The proposed activity is located outside the Waterway Protection Line (WPL).

**Owner of Record: Mary Wilson & Danielle Schmelkin  
Applicant: Aleksandra Moch**

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **IWW, WPL/E-11926-24** 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:
  - a. **Improvement Location Survey**, Prepared for Baldino Homes, 15 Beechwood Lane, Westport, Connecticut, prepared by Land Surveying Services, LLC, dated June 04, 2021, last revised May 19, 2022. Scale: 1" =20'
  - b. **Site Plan**, prepared for Mary Wilson, 15 Beechwood Lane, Westport, Connecticut, prepared by Fairfield County Engineering, LLC, dated April 24, 2024, Scale: 1" =20', Sheet 1 of 2.
  - c. **Detail Sheet**, prepared for Mary Wilson, 15 Beechwood Lane, Westport, Connecticut, prepared by Fairfield County Engineering, LLC, dated April 24, 2024, Scale: 1" =20', Sheet 2 of 2.
  - d. **Environmental Assessment** (report), of the Watercourse Corridor, located at 15 Beechwood Lane, Westport, CT, prepared by Aleksandra Moch, Soil and Wetland Scientist, dated April 30, 2024.
  - e. **Soil Investigation Report**, 15 Beechwood Lane, Westport, Connecticut, prepared by Otto Theall, Soil and Wetland Science, LLC, dated May 2, 2013.

- f. **Wetland Buffer Enhancement Plan**, 15 Beechwood Lane, Westport, CT, prepared by Aleksandra Moch, Landscape Designer, dated June 10, 2024.
18. The applicant shall revise the site plan to  
**(A) show the limit of lawn demarcation spheres placed 15-20' on-center,**  
**(B) specify the elevations of the pool coping patio, and top and bottom of retaining wall,**  
**(C) depict the area for the required pool fence, as well as**  
**(D) indicate a proposed method and area for dewatering the pool excavation if dewatering is necessary.**  
The revised plan shall be submitted to the Department for Staff approval prior to the issuance of a Zoning Permit.
19. The applicant shall submit a performance bond for the Wetland Buffer Enhancement plan, to be held one full growing season to ensure vitality of the plants. A portion of the bond shall be held for three years to ensure succession of the buffer grasses and perennial plants. The bond shall be paid prior to the issuance of a Zoning Permit.

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

**Motion: McDowell                      Second: Whiting**  
**Ayes: McDowell, Whiting, Lewi, Davis, Ryll**  
**Nays: None                      Abstentions: None      Vote: 5:0:0**

**Work Session II:**

1. Receipt of applications

Mr. Hally stated there are two applications to formally receive:

- **20 Fresenius Road:** Application #IWW,WPL/E-11937-24 for a new single family residence, driveway, pool, and associated site work.
- **55 Greens Farms Road:** Application #IWW,WPL-11945-24 by Keith Wilberg, PE of the Dept. of Public Works on behalf of 1735 Ashley LLC for cleaning of the brook to remove sediment and blockades that inhibit the flow of water.

Motion to receive the applications.

**Motion: Lewi    Second: Ryll**  
**Ayes: Lewi, Ryll, Davis, McDowell, Whiting**  
**Nays: None                      Abstentions: None      Vote: 5:0:0**

Mr. Hally noted the submission deadline is June 13, 2024. Currently, there are three agenda items for July due to one item being carried over from the May submission for additional information. Staff is aware of 3 possible items to be submitted tomorrow.

2. Approval of May 15, 2024 minutes.

The May 15, 2024 meeting minutes were approved with corrections.

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

3. Compliance Report update

This agenda item was table to the July meeting.



**4. 60 Cranbury Road:** Request for an as of right activity for maintenance to an existing fence.

Mr. Hally reviewed a request from Kousidis Engineering for maintenance of an existing fence for use as the pool fence. The Building Code for pool fences has changed and requires fences again. The project had planned an autocover but cannot get a Certificate of Occupancy under the new code. Under the Town IWW regulations, Permitted Uses Section 4.1(d) allows for used incidental to the enjoyment and maintenance of a residential property of existing structures. Since this structure is within the wetlands, the Commission must determine the staff permission to allow the as of right activity.

The Commission asked why the fence could not be moved out of the wetlands.

Mr. Hally stated that is not what is proposed at this time. In a permitted use request, they are asking to maintain what is there.

Mr. Davis expressed concern about the fence being so far into the wetland.

Mr. Hally stated that with the pool permit, the Commission required a planting plan and the fence is within a forested area. The owner will only be maintaining what is currently there.

Mr. Lewi noted that the request indicated that all work is to be done by hand.

Motion to allow the fence of an as of right activity.

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

**5. Other Business - None**

The June 12, 2024 Public Hearing of the Westport Conservation Commission adjourned at 9:25 p.m.

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