



CONSERVATION COMMISSION
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
JULY 17, 2024**

The July 17, 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
Rory Murphy, Vice Chair
Diana McDowell, Sergeant at Arms
Michele Carey-Moody
Brian Whiting

Staff Members:

Colin Kelly, Conservation Director
Andrew Hally, Conservation Analyst
Susan Voris, Admin. Asst. III

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

Colin Kelly
Conservation Director

Changes or Additions to the Agenda: The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing. - **None**

Public Hearing: 7:00 p.m.

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

- 1. 55 Greens Farms Road:** Application #IWW,WPL-11945-24 by Keith S Wilberg, PE of the Town of Westport Engineering Dept. on behalf of 1735 Ashley LLC for proposed cleaning of Pussy Willow Brook to remove sediment and blockages that inhibit the flow of water. The proposed activity is within the WPLO area of Pussy Willow Brook.

Keith Wilberg, Town Engineer presented the application for a proposed stream cleaning in the lower section of Pussy Willow Brook. in response to the First selectwoman initiative to look into flooding issues. Late fall and early winter 2022 there were 7 public meetings. From the information gathered at those meetings is to work to remove silt and sediment from the streambed to its natural habitat. Part of an ongoing stream maintenance for all streams. Will work from the bottom of the watershed up to clean the debris and sand. There 1300 l.f. of stream that they will be working in. There is somewhere between no silt and sediment up to 42 inches. Do not want to go beyond 10 to 15 feet wide. He discussed possible methodologies. They would like to side casting. Until the Town goes out to bid, they do not know the exact methodologies used on the site. Would like to work with Commission

Mr. Lewi asked about dewatering the excavated materials and if the property owner will allow stockpiling.

Mr. Wilberg stated that it is likely that they will not allow stockpiling in the parking areas. He believes there is enough area outside the work area to the north to accommodate the spreading and dewatering.

Mr. Lewi asked about the removal of invasive species including phragmites.

Mr. Wilberg stated they will be working with the staff to come up with a solution. He acknowledged that it would be preferable to remove all invasives.

Mr. Murphy asked about the timeline for this project and completing the remainder of the stream.

Mr. Wilberg stated that in a perfect world, all work would be done within a year and then they could move on to other streams. Realistically, this project will be started next year by the time the bid contracts are completed. He noted that the Engineering staff will likely be on site daily to review the progress. Conservation staff is welcome to join them. He noted that he would not object to regular meetings about next steps with the contractor so that they can limit the disturbance.

Mr. Hally noted that the staff is asking the Commission permission to review the methodology once the contractor is hired. Some portions of the work may need approval on a case by case basis. Any changes that staff feels that they are not comfortable with can be brought back to the Commission in a work session.

Mr. Kelly stated he is generally in favor of this project and believes the project can be brought to a successful conclusion. This project will be a template for moving forward to provide some relief for those with flooding issues.

Andrew Coleman, 3 Rippling Brook Lane, noted his understanding that the purpose of the project is to allow the flood waters to move out quickly. He reminded the Commission that faster moving water can have environmental issues.

No further comment from the public, the hearing was closed.

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

The Commission discussed staff’s autonomy to make the day to day decisions with the option to come back to the Commission during work session when needed. They agreed to give the staff the right to review and approve the proposed methodology. They asked that the applicant provide a plant for dewatering.

Mr. Murphy stated he believes that this site has more property and will allow for stockpiling whereas most sites in Town will not be so flexible. This project is a great opportunity to provide a template to allow staff to manage the day to day operations of this project.

The Commission asked about tightening the dewatering window. They discussed the removal of phragmites and invasive species.

**Conservation Commission
Town of Westport
FINDINGS
Application #IWW-WPL-11945-24
55 Greens Farms Road
Assessor’s Map: D06 Tax Lot: 050
Public Hearing: July 17, 2024**

1. **Receipt Date:** June 12, 2024
2. **Application Classification:** Plenary
3. **Application Request:** The applicant is requesting to clean portions of the brook to remove built-up sediment and blockages within the stream corridor that inhibit the flow of water. The work will occur within perennial watercourse and within the Waterway Protection Line of Pussy Willow Brook. The project proposes potential direct impacts to the watercourse and associated wetlands.
4. **Plans Reviewed:**
 - a. “Pussy Willow Brook Cleaning: Phase 1” (excavation plan), prepared by the Town of Westport Engineering Division, dated June 7, 2024.
 - b. “Pussy Willow Brook – Stream Cleaning” (cross section), General Detail for the Cleaning of Pussy Willow Brook, prepared by the Town of Westport Engineering Division, dated June 7, 2024.
5. **Background Information:**
 - a. WPLO boundary: Established 15 ft. landward from the wetland boundary. The north and east portions of the property are within the WPLO boundary.
 - b. Property is situated in Flood Zone A as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
 - c. The site is not within the Aquifer Protection Overlay Zone.
 - d. Flood & Erosion Control Board approved this application pursuant to the WPLO on July 10, 2024.
 - e. Coastal Area Management: Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal 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, located in the Pussy Willow Brook watershed (sub-regional drainage basin (#7000). Pussy Willow Brook is a perennial

watercourse that runs north to south/ southeast. The creek empties into Sherwood Mill Pond approximately 1.15 river miles downstream of the project area.

- f. Property is ~22 acres improved with commercial office buildings and asphalt parking lots within the DDD4 Zone.

6. IWW and WPLO Regulated Areas:

Setbacks determined for this property include a 20' non-disturbance buffer for excavation. The Waterway Protection Line Boundary is established 15' landward from the wetland boundary or the top of the bank of the watercourse. The proposed stream cleaning is within the watercourse and review area.

7. Wetlands Description: Wetlands Description: *There is no site-specific soil survey or wetland characterization provided for this project.*

The USFWS National Wetland Inventory identifies the watercourse as a 0.61 acre riverine habitat, classified as a **R5UBH**.

“System Riverine (R): *The Riverine System includes all wetlands and deepwater habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water.*

Subsystem Unknown Perennial (5): *This Subsystem designation was created specifically for use when the distinction between lower perennial, upper perennial, and tidal cannot be made from aerial photography and no data is available.*

Class Unconsolidated Bottom (UB): *Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.*

Water Regime Permanently Flooded (H): *Water covers the substrate throughout the year in all years.”*

The USFWS National Wetland Inventory identifies the southern wetland as 0.46 acre freshwater forested/shrub wetland habitat, classified as a **PFO1E**.

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

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

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

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

The Commission references USGS Web Soil Survey search results and listed the soils units likely present on the subject property.

Soils likely found on the property:

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.

8. 6.1 GENERAL STANDARDS

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

Discussion:

The property is ~22 acres and features two office buildings, paved parking lots and driveways. Pussy Willow Brook is a perennial stream that flows southeast across the northern and eastern property boundaries. Riparian wetlands extend from the margins of the stream channel. The stream and wetland fringe are forested with pockets of emergent wetland within silted branches of the stream. The parking lot extends to within ~10-15 linear feet of the watercourse and wetland in some areas.

At present, the buildup of soft sediment and woody debris is leading to flooding issues across the site where the restricted flow of water causes overtopping of the streambank into the parking lot of the property.

Excavation activity will remove soft sediment down to the historic streambed where sand, gravel and cobble are the predominant substrate types. Two reaches of the stream will be excavated. Segment 1, south of the driveway culvert, will be excavated to a depth of 24" and Segment 2, north of the driveway culvert will be excavated to a depth of 42". Dead woody debris and aquatic vegetation will be removed as a result of the activity. Sediment and debris will be removed and trucked offsite.

The streambed and streambanks will be generally left in their existing condition. Though the wetland and watercourse will be temporarily disturbed in some areas, The Commission Finds the restoration to a continuously open watercourse will create conditions that are more ecologically beneficial to aquatic fauna than existing conditions.

CT DEEP fisheries community data from nearby Muddy Brook demonstrates a similar perennial stream would be host to various warmwater fish species. During a site visit, Conservation Staff observed fish and frogs in the water column. As Pussy Willow Brook is inventoried in CT ECO mapping as an impaired waterway, water quality protective measures should maintain close to existing water quality in-regards to suspended sediment, thermal increases, and dissolved oxygen. Unconfined in-stream work is planned from July 15 to September 15 of 2024.

Excavation with machinery is the proposed method but field conditions may call for alternate methods to be explored. The Commission finds the use of a small excavator while limiting travel and number of access points within the wetland boundary as the least impactful and most feasible way to remove the soft sediment.

9. 6.2 WATER QUALITY

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

Discussion:

The surface water quality classification for the stream (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), located on the subject property, 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 subject property is located within the Muddy Brook local watershed basin. The local watershed basin (local basin # 7000-16) 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 Stony Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring riparian zones and restoring tree canopy along watercourses.

The project does not specify a method for removal of soft sediment or preventing sediment transport within the water column. The target months of July to September for the proposed activity is an effort to allow the stream to shrink or cease flowing and minimize work within the water column.

Temporary water quality will be adversely affected by in-stream excavation work. Soft sediment is likely to be released into the water column. The Commission requires a review of S&E controls prior to the start of work. Long term water quality of the perennial stream should improve locally as a result of reduced flooding onto the asphalt parking lot. Flood waters discharging from parking lots can pick up contaminants and pollutants and cause localized temperature increases of the surface water.

10. 6.3 EROSION AND SEDIMENT

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

Discussion:

The project does not specify the utilization of S&E controls for this project. The Commission recommends the use of timber mats for machine access and sediment booms deployed downstream of the site activity to be considered prior to the start of work. The Commission requires review of S&E methods prior to the start of work. Staff will reserve the right to request additional S&E controls upon observation of the work in progress. The Commission recommends that work not be completed with rain within the 3-day forecast from target work days.

11. 6.4 NATURAL HABITAT STANDARDS

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

Discussion:

A preliminary Staff 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 Commission does not require any further consultation with state or federal agencies for potential impacts to T&E species or critical habitats.

The Commission references CT DEEP fish community data which demonstrates that American eel, bluegill sunfish, creek chub, goldfish, and banded killifish were surveyed within a sampling reach of Muddy Brook in 1990. Data from this sampling station, which is about one mile to the east of the subject property, indicate that American eel is the most abundant species and that the reach that is within the project area is suitable for the passage of diadromous fish species, species that spend part of their life cycles migrating between salt and fresh water. Fish data indicates that the habitat is suitable for warmwater species.

FISH COMMUNITY of Muddy Brook at Station # 16025		Longitude: -73.3293710556
		Latitude: 41.1275758889
Species	Count	
American Eel	27	
Bluegill Sunfish	2	
Creek Chub	6	
Goldfish	1	
Banded Killifish	3	

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

This portion of the stream is minimally influenced by tidal fluctuation, but some diadromous species such as American eel and banded killifish are expected to be found within the project area. The project does not propose to obstruct fish passage. If water is flowing at the time of the start of work, it will not be diverted or dammed in any way.

12. 6.5 DISCHARGE AND RUNOFF

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

Discussion:

The Flood and Erosion Board approved this project at their meeting on July 10, 2024.

The project proposes to significantly increase the carrying capacity of the stream in the reaches immediately upstream and downstream of the driveway culvert. This will help reduce the amount of backwatering during flood events because the increased water volume will be less constricted during periods of excessive discharge and runoff. The Commission Finds this proposal will not cause adverse impacts to the capacity of any wetland or watercourse to transmit or absorb flood waters, will not increase flooding and will not adversely affect the velocity of flood waters into and out of the wetlands.

13. 6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:

The proposed excavation will not affect recreational or public uses.

14. Waterway Protection Line Ordinance

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

The Waterway Protection Line boundary is established 15' from the wetland boundary or the top of bank of the watercourse corridor. The Flood & Erosion Control Board has approved this application on July 10, 2024 with standard conditions. The Commission supports the Town's efforts to maintain its waterways for the safety of its citizens. The clearing of the soft sediment and debris will reduce the amount of water backed up into the parking lock during major storm events. This should enhance how the site is able to transmit or absorb flood water. The Commission Finds that long-term improvement of waterflow will reduce the frequency of flooding and enhance stormwater quality. The Commission Finds the stream cleaning will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

Application #IWW-WPL-11945-24
55 Greens Farms Road
Assessor's Map: D06 Tax Lot: 050
Public Hearing: July 17, 2024

Project Description: To clean portions of a brook to remove built-up sediment and blockages within the stream corridor that inhibit the flow of water. The work will occur within the watercourse and within the Waterway Protection Line of Pussy Willow Brook.

Owner of Record: 1735 Ashley LLC
Applicant: Keith Wilberg, PE of Town of Westport Engineering Department

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-11945-24** 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 Town of Westport Flood & Erosion Control Board Conditions of Approval from July 10, 2024.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a. **“Pussy Willow Brook Cleaning: Phase 1”** (excavation plan), prepared by the Town of Westport Engineering Division, dated June 7, 2024.
 - b. **“Pussy Willow Brook – Stream Cleaning”** (cross section), General Detail for the Cleaning of Pussy Willow Brook, prepared by the Town of Westport Engineering Division, dated June 7, 2024.
18. The permittee shall submit an S&E plan prior to the start of work for Conservation Department Review. The Commission recommends the use of timber matting for excavator use in the wetland and turbidity curtain to be deployed downstream of the work area. The Commission recommends the restriction of in-stream work if rains is in the 3-day forecast.
19. The permittee shall contact the Conservation Department to meet on the subject property at the start of work to observe the regulated activity. The Department reserves the right to request additional S&E controls if warranted.
20. The Conservation Commission grants the Conservation Staff the appropriate authority to approve project scope, timing, S&E measures, dewatering locations, deposition of removed material, and all other aspects of the project. Conservation Commission retains the right to further review additional work, that proposes excessive disturbance, in a meeting work session, if necessary.
21. The property owner shall provide the Department an acknowledgment or authorization of dewatering activities or location if material is to be dewatered within the parking lot of the subject property or if excavated materials are to be side cast on areas adjacent to the stream.

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

Motion: Murphy

Second: McDowell

Ayes: Murphy, McDowell, Carey-Moody, Lewi, Whiting

Nays: None

Abstentions: None

Vote: 5:0:0

2. **66 Harbor Road:** Application #WPL-11929-24 by Kasey O’Brien on behalf of Thomas & Pamela O’Brien to raise and elevate the existing house out of the floodplain and into FEMA compliance, construct a small addition and associated site improvements. Work is within the WPLO area of the Saugatuck River.

Curt Lowenstein, PE with LandTech presented the application on behalf of the property owners. He stated they received approval from the Flood and Erosion Control Board on July 10, 2024. The site currently has a small shed and residence. They are proposing to lift and renovate the existing house and put on a new addition. The shed will be removed. The first floor will be at elevation 16.3 and there will be 3 dedicated garage spaces under the house. The new pervious driveway will be off Rowland Place and will have a 24 inch crushed stone reservoir beneath it for stormwater storage. In addition to the FECB approval, the Engineering Department gave a favorable report. He stated there will be a slight reduction in the overall impervious coverage. Silt fence will be provided around the perimeter of the property during construction. He indicated that adding the pervious drive and lifting house will be a benefit to the property compared to existing conditions.

Mr. Lewi asked if there is a landscaping plan.

Mr. Lowenstein stated they intend to keep the property pretty much the same as what is out there.

Mr. Murphy asked if there is any precedent for two tracking pads with one on Harbor Road.

Mr. Hally noted there will be limited earth removal with this project. Once construction begins, there may be a field change based on conditions. He noted that because this is such a tight site, a sequence plan for the construction activity should be required.

Mr. Kelly suggested that the Commission could ask for direct load for removed soils. The stockpile area could be used for building materials but not earth work.

Mr. Lowenstein agreed.

Mr. Hally reviewed the staff report. He highlighted the addition will be over existing driveway. The garage will be under the house. He noted that the gravel driveway should remain pervious in perpetuity and placed on the land records. He stated if any new plantings are installed, they should be native and salt tolerant. A review of the plantings could be done at the staff level. He asked about the above ground storage tanks.

Mr. Lowenstein stated they will have to be strapped down per the Building Codes.

Mr. Hally noted that as part of his review, he did a preliminary National Diversity Database review. This review showed the property could provide habitat for native birds, such as egrets or herons. His review of the property did not show resources conducive to these birds, therefore he did not require further review.

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

Motion:	Whiting	Second:	Lewi
Ayes:	Whiting, Lewi, McDowell, Carey-Moody, Murphy		
Nays:	None	Abstentions:	None
			Vote: 5:0:0

**Conservation Commission
Town of Westport
FINDINGS
Application #WPL-11929-24
66 Harbor Road
Assessor's Map: B02 Tax Lot: 088
Public Hearing: July 17, 2024**

1. **Application Request:** Applicant is proposing to elevate the existing residence to be FEMA compliant and construct a residential addition with associated site improvements. A shed and a portion of the driveway is to be removed. Work is within the WPLO area of the Saugatuck River.
2. **Plans Reviewed:**
 - a. **“Improvement Location Survey”**, prepared for Thomas & Pamela O’Brien, 66 Harbor Road, Westport, Connecticut, prepared by Land Surveying Services, dated April 15, 2024, Scale 1” = 10’.
 - b. **“Drainage Plan, Site Improvements for a Proposed Addition”**, prepared for Thomas & Pamela O’Brien, 66 Harbor Road, Westport, CT, prepared by LandTech, dated June 13, 2024 Scale: 1” = 10’.
 - c. **“Stormwater Management Report”**, for 66 Harbor Road, Westport, CT, prepared by prepared by LandTech, dated June 13, 2024.
 - d. **Architectural Renderings – “O’Brien Residence, 66 Harbor Road, Westport, CT”**, prepared by Richard Swann, Architect, dated October 12, 2022, Scale: As Noted, 8 pages (L1 through A7).

i. Site Schematic	Sheet L1
ii. Lower Level Plan	Sheet A1
iii. First Floor Plan	Sheet A2
iv. Second Floor Plan	Sheet A3
v. Attic Floor Plan / Building Sections	Sheet A4
vi. West Elevation	Sheet A5
vii. North & South Elevation	Sheet A6
viii. East Elevation	Sheet A7
3. **Property Description:**

Location of 25-year flood boundary: 9 ft. contour interval. Property is located entirely within the Waterway Protection Line Ordinance (WPLO) boundary.

Property is situated in Flood Zones AE (el. 13’) as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.

Proposed First Floor Elevation: 16.0 ft.

Proposed Lower Level Elevation: 7 ft.

Existing Site Coverage: 68.0% (1,693 sq. ft.)

Proposed Site Coverage: 66.6% (1,658 sq. ft.)

Existing Building Coverage: 46.3% (1,152 sq. ft.)

Proposed Building Coverage: 61.5% (1,531 sq. ft.)

Sewer Line: The existing residence is serviced by municipal sewer.
4. **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.
5. **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 serves as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
6. **Proposed Storm Water Treatment:** The proposed stormwater management system will consist of a 24” deep stone driveway reservoir featuring a 6’ perforated PVC pipe embedded within the stone as a subsurface outlet for roof leader discharge. The stormwater runoff from half of the main roof area and covered porch will be diverted to the driveway reservoir.

The “Stormwater Management Report”, prepared by LandTech, states that the system will collect the stormwater runoff from the 25-year storm event and will be able to store the first inch of runoff from the impervious areas of the site. The proposed drainage size exceeds the volume of water necessary to accommodate the Water Quality Volume (WQV).

The Flood and Erosion Control Board reviewed and approved this application on July 10, 2024. The proposed drainage system is acceptable to the Engineering Department.

7. Previous Permits issued: None

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 at 66 Harbor Road is located at the intersection of Harbor Road and Rowland Place. The property has vehicular access from the Rowland Place roadway. The property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property does not abut intertidal zone. No tidal wetlands are found onsite. The intertidal zone of the Saugatuck River is located across the Harbor Road roadway, ~30' to the northeast of the northeastern property boundary. The intertidal zone is beyond the stone seawall on the opposite side of the road. The Coastal Jurisdiction Line (elevation 5.3') on the property and mean high water line (elevation 3.3' (NAVD88)) are located to the northeast of 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 7.0'. The site plan notes that there will no cut or full.

The project proposes to elevate and substantially renovate the existing home. The associated work includes removal of an existing shed, removal of a portion of driveway, construction of a new driveway, construction of a balcony, patio, porch and stairs. 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 68.0% (1,693 sq. ft.) to 66.6% (1,658 sq. ft.). The proposed dwelling will be built to conform to FEMA standards with the first habitable floor (el. 16.0') 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 July 10, 2024 with no special conditions.

The “Drainage Plan” specifies that the existing above ground propane storage tanks will be anchored to prevent flotation, which is consistent with the FEMA guidance for installing tanks, “Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems”.

Water Quality Considerations:

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The proposed site coverage is ~66.6%, which well 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 Commission finds that the driveway coverage is being replaced by building coverage for the new addition.

The Soil Erosion and Sediment Control plan depicts one layer of perimeter silt fence beyond the limit of development and a layer around a soil stockpile area at the rear (south) of the property. A detail for the silt fence installation is provided with the site plan notes and details. An anti-mud tracking pad will be installed at the driveway entrance at the southwest corner of the property.

Stormwater calculations are provided with the “Stormwater Management Report”. The drainage calculations demonstrate that the driveway stormwater retention area has a total storage volume of 144 cu. ft. which is greater than the 51.85 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 reservoir. 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 considers 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 architectural drawings demonstrate that the lower level (elev. 9.5) will include garage areas for three cars, entryways, and storage area. The “Lower Level Plan” demonstrates the lower level will be outfitted with eleven one **double** Smartvent flood port and one **quad** Smartvent flood port to meet FEMA compliance.

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 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 stormwater runoff. The Commission requires the drainage system be certified by the site engineer prior to the issuance of Conservation Certificate of Compliance. The Commission finds 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. The Commission requires that the driveway remain gravel in perpetuity, recorded on the land records in a restrictive covenant.

Natural Habitat Considerations:

The Commission references a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential habitat for following state species of special concern; 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 finds 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 anticipates there will be some landscape vegetation removal around the existing home to accommodate site work. The Commission assumes a number of perennial shrubs and grasses 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 a buffer planting is not necessary for additional stormwater treatment or compensatory habitat creation. Staff 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 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. The Commission finds the soil stockpiling on the property to be unnecessary. The Commission requires displaced soil to be direct loaded and removed from the site.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11929-24
66 Harbor Road
Assessor's Map: B02 Tax Lot: 088
Public Hearing: July 17, 2024

Project Description: To elevate the existing residence to be FEMA compliant and construct a residential addition with associated site improvements. A shed and a portion of the driveway is to be removed. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Thomas & Pamela O'Brien
Applicant: Kasey O'Brien

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-11929-24 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 **July 17, 2024**.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. "**Improvement Location Survey**", prepared for Thomas & Pamela O'Brien, 66 Harbor Road, Westport, Connecticut, prepared by Land Surveying Services, dated April 15, 2024, Scale 1" = 10'.
 - b. "**Drainage Plan, Site Improvements for a Proposed Addition**", prepared for Thomas & Pamela O'Brien, 66 Harbor Road, Westport, CT, prepared by LandTech, dated June 13, 2024 Scale: 1" = 10'.
 - c. "**Stormwater Management Report**", for 66 Harbor Road, Westport, CT, prepared by prepared by LandTech, dated June 13, 2024.
 - d. **Architectural Renderings** – "O'Brien Residence, 66 Harbor Road, Westport, CT", prepared by Richard Swann, Architect, dated October 12, 2022, Scale: As Noted, 8 pages (L1 through A7).

ix.	Site Schematic	Sheet L1
x.	Lower Level Plan	Sheet A1
xi.	First Floor Plan	Sheet A2
xii.	Second Floor Plan	Sheet A3
xiii.	Attic Floor Plan / Building Sections	Sheet A4

- xiv. **West Elevation**
- xv. **North & South Elevation**
- xvi. **East Elevation**

Sheet A5
Sheet A6
Sheet A7

- 17. Conformance to Flood & Erosion Control Board July 10, 2024 conditions of approval.
- 18. The design engineer shall witness and certify the construction of the stormwater management system and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
- 19. An “as-built” survey shall be submitted prior to the issuance of a Certificate of Compliance.
- 20. New landscape plants shall be native and salt tolerant. A landscape planting plan shall be submitted to the Conservation Department for Staff approval.
- 21. Above ground storage tanks shall be anchored in compliance to FEMA regulations.
- 22. The driveway surface shall remain pervious in perpetuity, with said restriction placed on the land records as a restrictive covenant.
- 23. No soil stockpiling shall take place on site. All displaced soil shall be direct loaded and removed from the site.

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: Murphy
Ayes: McDowell, Murphy, Lewi, Carey, Whiting
Nays: None Abstentions: None Vote: 5:0:0

- 3. **20 Fresenius Road:** Application #IWW,WPL/E-11937-24 by Bryan Nesteriak, PE on behalf of Paul Richter for the proposed construction of a new single family residence, driveway, pool and associated work. Portions of the work are within the upland review area setbacks.

Bryan Nesteriak presented that application on behalf of the property owner. This is the third lot of a subdivision in which the Commission required all development to return to the Commission for review and approval. He reviewed the activity happening with this property, including installation of a new driveway, new single family residence, and pool. He reviewed the proposed drainage for the site development.

Mr. Hally stated the applicant was required to submit applications for development of all lots. He noted a conversation with site monitor regarding the placement of chips from the tree felling on Lot B on the slope easement. He recommends that there be no placement of chips on the slope easement on this property. The slope easement should be revegetated after the driveway installation.

Mr. Murphy asked about the pool depth.

Mr. Nesteriak stated that this is currently not known. The pool is proposed but will only be installed if the buyer wants a pool. The depth of the pool will be no more than 8 feet.

Mr. Kelly asked for a discussion of the completion of the driveway to date on Lot B.

Mr. Nesteriak reviewed the completion of the driveway to date. They have it graded and a base coat on. The driveway should be complete on Lot B prior to heavy construction on Lot C. He noted the installation of the swale along the road that is complete on Lot A.

Mr. Kelly noted the applicant has been very responsive to the site monitor’s comments. He asked about installation of the tracking pad for Lot C and if it would be at the Y of the driveway.

Mr. Nesteriak agreed that this would be the best location.

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

Ms. Carey-Moody noted the staff report indicates that the removal of vegetation will cause an impact.

Mr. Nesteriak stated there will be a landscaping plan submitted for review per staff’s comment.

Motion to close.

Motion: McDowell Second: Murphy
Ayes: McDowell, Murphy, Lewi, Carey-Moody, Whiting
Naves: None Abstentions: None Vote: 5:0:0

Conservation Commission
Town of Westport
FINDINGS
Application # IWW, WPL/E 11937-24
20 Fresenius Road (Lot C)
Assessor’s Map: F09, Tax Lot: 217
Prepared: June 17, 2024, Last Revised July 9, 2024
Public Hearing: July 17, 2024

1. **Receipt Date:** *June 12, 2024*
2. **Application Classification:** **Plenary**
3. **Application Request:** Applicant is requesting to construct a new single family residence, deck, driveway, pool and associated work.
4. **Plans Reviewed:**
 - a. **“Improvement Location Survey”**, prepared for Patricia Colgan Davis, 16 Fresenius Road, Westport Westport, Connecticut, prepared by Land Surveying Services LLC, dated February 19, 2021 and last revised September 21, 2021, Scale: 1”=20’
 - b. **“Proposed Site Development Plan”**, 20 Fresenius Rd, Lot C, Westport, Connecticut, prepared for Paul Richter, prepared by B&B Engineering, dated May 20, 2024.
 - c. **“Construction Notes and Details”**, 20 Fresenius Rd, Lot C, Westport, Connecticut, prepared for Paul Richter, prepared by B&B Engineering, dated May 20, 2024.
 - d. **“Stormwater Management Analysis”** (report), 20 Fresenius Rd, Westport, Connecticut, prepared by B&B Engineering, dated May 20, 2024.
 - e. **Architectural Renderings**, “Drawings Prepared for 20 Fresenius LLC”, 20 Fresenius Rd, Westport, Connecticut, prepared by Arch-Design Services, dated April 13, 2024

i. Proposed Elevations	Sheet A-101	1 of 4
ii. First Floor Plan	Sheet A-102	2 of 4
iii. Second Floor Plan	Sheet A-103	3 of 4
iv. Foundation Plan	Sheet A-104	4 of 4
5. **Past Permits:**
AA,WPL/E-10637-18 3 lot subdivision
6. **Background Information:**

The applicant was required to reapply for a Conservation Commission application pursuant to Special Condition # 14 of the Resolution of Approval for the subdivision Permit #AA,WPL/E-10637-18.

The special condition reads:

“14. Applications for individual house developments on each lot: A, B and C requires Conservation Commission Approval.”

The applicant proposes to develop a single-family residence and construct a driveway, deck, pool, and stormwater management system with associated site grading on the undeveloped lot. The property will be serviced by public water and sewer. The driveway entrance from the roadway was constructed along the northwest property boundary. The driveway forks at the western property boundary, servicing both 18 Fresenius Road (Lot B) and 20 Fresenius Road (Lot C). The retaining wall along the driveway was approved with the Lot B approval.

7. WPLO Wetlands / Watercourses:

The WPLO boundary is offsite to the north, located 15 linear feet landward from the delineated wetland boundaries. Inland wetlands and watercourses **do not** occur on the subject property. The nearest wetland is located ~15' from the northern boundary of the subject property. This system is supported by several springs emerging from the slopes. The southern section of this system holds water during the wet season. This area is a typical Red Maple swamp supported by natural buffers. A report was submitted during the Subdivision Application #IWW, WPL/E-10637-18, titled “Environmental Assessment of Potential Vernal Pools located at and near 15 & 16 Fresenius Road Westport, CT” prepared by Alexandra Moch Soil & Wetland Scientist, dated July 30, 2017.

Condition 13 of Resolution #AA,WPL/E-10637-18 required a 75 ft upland review area for each lot based on the presence of steep slopes on the property. None of the proposed residence, deck, driveway, retaining wall, pool, drainage system or grading is within the 75' review area from the offsite wetlands. The driveway and catch basin are the nearest improvements to the wetlands. General site grading will occur in the center of the site to accommodate the house, driveway and pool. The stormwater management system will be located just down gradient of the new 110' countour line.

8. Property Description and Relative Facts:

- a. The property is not located within a 100 year floodplain boundary as determined by FEMA.
- b. Property does not exist within the Aquifer Protection Overlay Zone nor the groundwater recharge area.
- c. Property will be serviced by public water and public sewer.
- d. The property is located in Residential Zone AA.
- e. The parcel is located within the Muddy Brook Watershed. The nearest offsite wetland drains to an unnamed tributary of Muddy Brook. Muddy Brook is located ~2,500' east of the subject property.
- f. This property lies within Flood Zone X as shown on F.I.R.M. Panel 09001C0414G, effective July 7, 2013.
- g. The property **is within** the Aquifer Protection Overlay Zone.
- h. Property does not exist within the Coastal Areas Management Zone.
- i. The Waterway Protection Line Ordinance boundary is established 15' from the nearest wetland boundary. The WPL is located at the northern property boundary.
- j. Gross Lot Area: **1.31 acres** (57,053 sq. ft.)
- k. Base Lot Area: **1.17 acres** (50,888 sq. ft.)
- l. Proposed Basement Elevation: **110.0'**
- m. Proposed Pool Coping Elevation: **110.0'**
- n. Proposed Garage Elevation: **118.0'**

- o. Proposed First Floor Elevation: **120.0'**
- p. Proposed Site Coverage: **17.7%** (10,105 sq. ft.)
- q. Proposed Building Coverage: **5.5%** (3,130 sq. ft.)

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 property measures 1.31 acres in size and is undeveloped.

Upon review of the existing conditions survey, which shows trees 8" caliper of greater and comparing this to the proposed site plan, it appears that the proposal will require the removal of approximately 50 trees or more to allow for a driveway, house, and drainage system to be developed on the property. A steep slope will be directly impacted by site grading on this property.

Test pit depth data indicates ledge is located at approximately 24" -36" depth. The project proposes general site grading throughout the center of the site. The existing average grade around the proposed development is 115.5'. The proposed grade will be 114.7'. As a result, it can be expected that the development of this parcel will require areas of ledge removal. Due to the difficulty with steep slopes and extensive shallow ledge, it is imperative that the Sediment & Soil Erosion Specifications be followed as shown on the plan to minimize soil movement from the working areas. Several portions of this development require grading due to the presence of steep slopes. Conservation Commission, Permit #IWW, WPL/E-10637-18, required Special Condition of Approval:

"17. A licensed Land Surveyor shall delineate all Slope Easement Areas in the field prior to work commencement. Easement area shall be demarcated in the field with the use of posts with easement signs placed along the western edge of the easement at 50' intervals."

The Commission restates the following requirement.

The NRCS Web Soil Survey classifies the on-site soil conditions as very limited for house construction with basements. Road construction is classified as somewhat limited. Conservation Commission, Permit #AA, WPL/E-10637-18, required Special Condition of Approval:

#18. To the extent practicable, rock removal shall be performed via mechanical means such as ripping or a hoe-ram, rather than blasting.

The applicant shall limit disturbance to the immediate area for house construction and driveway installation.

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 surface water quality classification for the stream CT7000-16-trib_01 (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), located west subject property, 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 subject property is located within the Muddy Brook local watershed basin. The local watershed basin (local basin # 7000-16) 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 Stony Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring riparian zones and restoring tree canopy along watercourses.

As part of the subdivision approval process, under permit application #AA-WPL/E-10073-15 a hydrogeologic study was completed for the associated properties. An outside hydrogeology firm, Leggette, Brashears & Graham (LBG), provided a report to analyze how proposed ledge removal would impact groundwater and the adjacent wetlands. The Town hired HRP Associates (HRP) to conduct a peer-review of the report and determine what impacts would occur on the groundwater flow onsite and any impacts to the wetlands and the watershed. The LBG report dated June 15, 2017, summarized the site conditions and concluded that the proposed road cut and basement elevation are above the high groundwater elevation and that there will be no discernable impacts to the adjacent wetland features or the underlying aquifer. Even if the structures intersect the water table there would be no discernable impact to the wetland considering it would only result in a minor change in groundwater flow toward the wetland feature.

The Commission's consultant, HRP, report dated August 21, 2017, reviewed LBG's report of June 15, 2017, and concurred with their findings. They concluded that "based on the data collected and the proposed development there does not appear to be a significant likelihood that groundwater will be impacted by proposed site drainage."

The application to construct the residence is before the Commission, and the applicant provides a "Site Development Plan" and "Proposed Elevations" architectural plans that utilize the same proposed elevations for the basement (**elevation 110.0'**) that will not intercept the groundwater. Conservation Commission, Permit #IWW, WPL/E-10637-18, required Special Condition of Approval:

Drainage associated with the house is located on the southern portion of the property. The stormwater management system is composed of 136 linear feet of pre-cast concrete galleries. A footing drain for the basement drainage leads to a level spreader located in the rear of the property. Site drainage will overflow these systems and discharge as sheet flow downgradient to the southwest corner of the property.

Assuming the stormwater system is appropriately sized for the amount of new coverage, Staff does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

The pool will be installed with a coping elevation of 110'. No schematic for the pool was submitted with the application. The Commission assumes the pool will be installed to a depth of 6-8'.

11. EROSION AND SEDIMENT

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

Discussion: The applicant has provided sediment and erosion controls on the " Proposed Site Development Plan" which incorporates the use of a row of silt fence north and south of the proposed development, a double row and a crushed stone construction entrance at driveway entrance. The applicant does not provide an estimate for the amount of cut and fill expected with the proposed site grading.

The Commission finds, Per the Subdivision approval, Application #AA, WPL/E-10637-18 condition #17 states:

A licensed Land Surveyor shall delineate all Slope Easement Areas in the field prior to work commencement. Easement area shall be demarcated in the field with the use of posts with easement signs placed along the western edge of the easement at 50' intervals.

The Commission finds that this condition should be adhered to and requests it is applied to this permit.

In addition, the Planning and Zoning Commission required that a site monitor be retained to oversee installation and maintenance of erosion and sediment controls, house foundation activity, retaining wall activity and installation of subsurface drainage systems. Said monitor shall prepare weekly reports to the P&Z Department throughout the construction process unless said timetable is adjusted by P&Z staff and after 1" rainfall events.

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:

CT ECO map viewer shows there are no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. There is a ~5.17-acre palustrine forested wetland north of the proposed driveway. There is a ~0.95-acre palustrine forested wetland on the adjacent lot to the west. The wetland drains to an unnamed tributary to Muddy Brook. The wetland boundary is approximately 150' down-gradient from the southwest corner of the subject property. The wetland appears mostly undisturbed and is dominated by mature trees. A forested wetland should be considered high quality habitat. Since there are no wetlands on the subject property, the focus of this application should be maintaining a wide vegetated upland buffer along the slopes upgradient

from the offsite wetland boundary. The limit of disturbance is ~150' from the offsite wetland boundary.

Staff is recommending that this development plan address the site disturbance required for this development including the loss of tree coverage within the upland review area of the property. This would include providing a landscape plan as mitigation measure for the removal of mature trees. The Commission requires incorporating a plan to reestablish a vegetated buffer along sloped areas of the property and within the upland review area but outside the slope easement. Encouraging vegetation within these areas will enhance the habitat available to wildlife present on the site. The Environmental Assessment reports by Aleksandra Moch (provided during the subdivision review, Permit #IWW, WPL/E-10637-18), noted the site provides habitat for common suburban species of small mammals, large mammals, amphibians, and birds that one would expect to find locally in a developed area such as this. The list of species includes mice, voles, shrews, squirrels, chipmunks, otters, mink, wild turkey, white-tailed deer, raccoons, frogs, snapping turtle, owl, ruffed grouse, grosbeak, and finches.

13. 6.5 DISCHARGE AND RUNOFF

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

Discussion: The applicant proposes to meet the Town's requirement for zero increase in runoff by collecting the runoff from the proposed roof and driveway surfaces. The site plan provides a stormwater detention system composed of 136 linear feet of concrete a galleries installed within a crushed stone reservoir. Staff submitted a "Request for Comment" to the Engineering Department to review the site plan with regards to the Town's drainage standards to handle the stormwater runoff of a 25-year storm as well as storing the first inch of runoff volume from proposed impervious surfaces. The Engineering Department issued a response dated July 9, 2024 stating that the provided drainage system substantially complies with the Town's drainage standards.

Proposed site coverage is expected to increase to ~18% 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 Muddy Brook watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted. The drainage report demonstrates that runoff volume from the proposed new coverage will be detained within the proposed subsurface concrete galleries. The drainage report demonstrates that available storage within the proposed system will accommodate a volume of 1,069 cu. ft., which is greater than the 490 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. Runoff from the driveway will be collected in the vegetated swale or bypass the swale and discharge into the roadway.

The subsurface soil testing was observed by the Engineering Department in preparation for the former application. Test pit data compiled in 2014 is shown on Sheet 2of 2 of the Site Plan and indicates a relatively shallow depth to ledge on the parcel.

Grading of the parcel for the individual home construction will be extensive and is compounded by the shallow depth to ledge in some locations. To protect a wetland system from adverse impacts, pollutants need to be controlled at their source to the maximum extent feasible. The Commission recommends the use of the maximum percentage of pervious surfaces and the encouragement of surface sheet flow for maximum biofiltration and infiltration opportunity in keeping with Low Impact Development design concepts and the natural hydrologic cycle of the parcel and also due to the shallow depth to ledge. Currently all drainage proposals utilize subsurface infiltration.

The proposed driveway is assumed to be of conventional asphalt construction. Given that the driveway is sloped, it may not be wise to utilize a pervious design. Permit #IWW, WPL/E-10637-18, lists the following Special Condition of Approval:

20. The "Site Development Plan" Sheet 2 of 2 dated 11/12/18 by Richard Bennett & Associates, LLC shall be amended to show a bioswale for the driveway serving Lot A.

A vegetated swale is depicted on the plan along the proposed southern limit of driveway. The swale runs along the entire width of the northern property boundary. A detail for the proposed bioswale is provided on the "Construction Notes and Details". The swale will be constructed with a 4' width and 6" depth. The ground surface of the swale will be reinforced with erosion control blanketing. The driveway will have a 2% pitch towards the bioswale to drain stormwater runoff. The southern side of the bioswale will be fortified with a retaining wall with a height of 6'.

Dense buffer plantings along the top of steep slope can aid in stabilization and prevent site runoff from being conveyed down-gradient towards wetlands. The Commission recommends the implementation of upland buffer plantings at the top of the steep slopes, outside the limit of development.

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.

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

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL/E 11937-24
20 Fresenius Road (Lot C)
Assessor's Map: F09, Tax Lot: 217
Public Hearing: July 17, 2024

Project Description: To construct a new single family residence, deck, driveway, pool and associated work.. Portions of the work are within the upland review area setbacks.

Owner of Record: Paul Richter

Applicant: Bryan Nesteriak, PE of B&B Engineering

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 Patricia Colgan Davis, 16 Fresenius Road, Westport Westport, Connecticut, prepared by Land Surveying Services LLC, dated February 19, 2021 and last revised September 21, 2021, Scale: 1”=20’
 - b. **“Proposed Site Development Plan”**, 20 Fresenius Rd, Lot C, Westport, Connecticut, prepared for Paul Richter, prepared by B&B Engineering, dated May 20, 2024.
 - c. **“Construction Notes and Details”**, 20 Fresenius Rd, Lot C, Westport, Connecticut, prepared for Paul Richter, prepared by B&B Engineering, dated May 20, 2024.
 - d. **“Stormwater Management Analysis”** (report), 20 Fresenius Rd, Westport, Connecticut, prepared by B&B Engineering, dated May 20, 2024.
 - e. **Architectural Renderings**, “Drawings Prepared for 20 Fresenius LLC”, 20 Fresenius Rd, Westport, Connecticut, prepared by Arch-Design Services, dated April 13, 2024
 - i. Proposed Elevations Sheet A-101 1 of 4
 - ii. First Floor Plan Sheet A-102 2 of 4
 - iii. Second Floor Plan Sheet A-103 3 of 4
 - iv. Foundation Plan Sheet A-104 4 of 4
18. Previously marked slope easements shall be maintained throughout the duration of site activity.
19. Excess wood chips from removed trees shall not be deposited within the marked slope easement.
20. To the extent practicable, rock removal shall be performed via mechanical means such as ripping or a hoe-ram, rather than blasting.
21. A landscape plan shall be submitted that reestablishes a vegetated buffer along sloped areas of the property and within the upland review area, outside of the slope easement, prior to the issuance of a Zoning Permit.
22. The design engineer shall witness and certify all site drainage features prior to the issuance to the Conservation Certificate of Compliance
23. The Conservation Department shall be copied on site monitor reports as instructed in the P&Z Commission resolution #PZ-21-00319 with the exception that site monitor reporting should begin at time of tree clearing activity.

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: Whiting

Ayes: Lewi, Whiting, McDowell, Carey-Moody, Murphy
Nayes: None Abstentions: None Vote: 5:0:0

4. **1 Wynfromere Lane:** Application #IWW,WPL-11947-24 by Kousidis Engineering LLC on behalf of Robert & Valerie Newman to construct a new inground pool with attached patio and deck and associated drainage and plantings. Portions of the work are within the upland review area setbacks and the WPLO area of an unnamed tributary to Muddy Brook.

Jim Kousidis, PE presented the application on behalf of the property owners. Property is just about 1 acre in size. Large area of frontage without a lot of privacy to the rear. No watercourse associated with wetlands. There will be a repair to the existing sewer line as a part of this application. The additions to the existing house was approved by staff with the understanding that the drainage would be included as part of the pool project. He reviewed the drainage for the proposed pool, patio and additions. He noted they are removing 1,000 s.f. of the existing driveway to conform with coverage. There is a silt fence shown for construction. He noted the Engineering comments. He addressed the pool placement noting that there is little backyard. The road creates a very large front as the property is located on a curve.

Kate Throckmorton reviewed the landscape plan. She noted the pool fence location allows movement around the house and lawn. She discussed the confined backyard.

The Commission asked about the distance from the pool to the fence.

Ms. Throckmorton stated it is about 10 feet. She indicated they would be amenable to adding up to 5 feet to the buffer plantings.

Mr. Kousidis asked if there is any relief to allow the project without adding a greater planting buffer due to the limited backyard.

Mr. Hally stated that this is a self-inflicted proposal. Section 6.1 of the Regulations requires the protection of natural resources. There will be a really nice wetland planting to replace the lawn. However, the owners are maximizing development with a deck, patio and pool. He stated that adding a 10 foot buffer additionally protects the wetland plantings and vegetated wetland to the south. He reviewed the staff report. He indicated that there needs to be a seasonal pool dewatering plan. All plantings should be installed by hand. He recommended a planting bond to ensure vitality of the plantings.

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

Mr. Kousidis asked for clarification of whether the 10 foot planting buffer is from the wetland line or from the proposed buffer.

Mr. Hally indicated that it would be from the wetland line.

Motion to close.

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

**Town of Westport
FINDINGS
1 Wynfromere Lane
Application # IWW, WPL-11947-24
Assessor's Map: F08 Tax Lot: 025
Public Hearing: July 17, 2024**

- 1. Receipt Date:** June 12, 2024
- 2. Application Classification:** Plenary
- 3. Application Request:** The applicant proposes to construct an in-ground pool, pool patio, deck, pool fence and spa with associated site improvements and stormwater management system. A portion of the work is within upland review area of onsite wetlands and WPLO boundary.
- 4. Plans reviewed:**
 - a. **"Improvement / Location Survey"**, Map of Property, prepared for Robert J. Newman & Valerie G. Newman, 1 Wynfromere Lane, Westport, Connecticut, prepared by Walter H. Skidd, Land Surveyor, LLC, dated July 19, 2016, last revised to February 28, 2024, Scale: 1" = 20'.
 - b. **"Site Development Plan"**, 1 Wynfromere Lane, Westport, CT, prepared for Robert J. & Valerie G. Newman, prepared by Kousidis Engineering, LLC, dated June 13, 2024, Scale: 1" = 20'.
 - c. **"Wetland Planting Plan"**, Newman Residence, 1 Wynfromere Lane, Westport, CT, prepared by Environmental Land Solutions, dated June 12, 2024.
 - d. **"Drainage Analysis"** (report), Located at 1 Wynfromere Lane, Westport, Connecticut, Robert J. & Valerie G. Newman, prepared by Kousidis Engineering, LLC, dated June 13, 2024
- 5. IWW and WPLO Regulated Areas:**

The property is regulated by the Inland Wetland and Watercourse Regulations (IWW). The wetlands soils found on the property are associated with a lawned and forested wetland. The wetlands are associated with an offsite larger wetland located on the abutting property to the south. The wetland occurs within the Muddy Brook watershed. The West Parish Branch tributary is located ~75' north of the northern property boundary.

The IWW setbacks determined for this property include a:

- 35' upland review area for a swimming pool,
- 30' upland review area for a pool patio and deck,
- 25' upland review area for a pool fence, and a
- 20' upland review area for drainage installation, excavation, filling and grading.

The proposed pool is shown on the plan within the 35' upland review area. The proposed spa is shown on the plan within the 35' upland review area. A portion of the proposed pool patio is within the 30' upland review area. The proposed deck is shown outside the 30' upland review area. The plan demonstrates the pool equipment pad will be located outside the 25' upland review area. The proposed stormwater system is outside the 20' upland review area. Excavation of a sewer lateral will take place within the 20' upland review area. A portion (1200 sq. ft.) of the existing driveway is being removed to accommodate increased coverage in the southern portion of the property.

The Waterway Protection Line Ordinance dictates that the WPL boundary be established 15 linear feet from the limit of wetland. The southern corner of the property falls within the WPL boundary. The Commission finds a portion of sanitary sewer lateral will be replaced within the WPLO area.

- 6. Background Information:**
 - a. The existing house was built in 1967. It is served by public sanitary sewer.
 - b. The property is 1.02 acres (44,407 sq. ft.) in size; located in Residential Zone AA.

- c. The parcel is shown as located within the Muddy Brook Watershed. The West Parish Branch is located ~75' to the north. The wetland onsite is associated with a larger wetland located on the abutting properties to the south.
- d. Property is situated in Flood Zone X as shown on F.I.R.M. Panel 09001C0414G Map revised to July 8, 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 boundaries are shown on the site plan.

7. Previous Permits issued: AA-11894-24 - Addition

8. Relative Facts:

- a. Gross Lot Area: 1.02 acres (44,407 sq. ft.)
- b. Base Lot Area: 0.99 acres (43,498 sq. ft.)
- c. WPLO boundary: The southern corner of the property is within the WPLO boundary. The line is established 15' from the wetland boundary.
- d. Proposed Pool Dimensions: 18' x 36' (648 sq. ft.)
- e. Pool Depth: 8'
- f. Existing Site Coverage: 24.64% (10,717 sq. ft.)
- g. Proposed Site Coverage: 25.41% (11,053sq. ft.)
- h. Existing Building Coverage: 2,609 sq. ft.
- i. Proposed Building Coverage: 2,609 sq. ft.
- j. Proposed Total Excavation or Fill: 261 cu. yd.

9. Wetlands Description:

Soils were characterized in "**Soil Report, 1 Wynfromere Lane, Westport, CT**", prepared by Steven Danzer, PhD Soil Scientist, Senior Professional Wetland Scientist, Arborist, dated November 14, 2022. The report findings are described herein.

Wetland soils found on the property

Raypol silt loam (12): The Raypol series consists of very deep, poorly drained soils formed in loamy over sandy and gravelly outwash. They are nearly level to gently sloping soils in shallow drainageways and low-lying positions on terraces and plains. Slope ranges from 0 to 5 percent. The soils have a water table at or near the surface much of the year. Permeability of the Raypol soils is moderate in the surface layer and subsoil and rapid or very rapid in the substratum.

Non-wetland soils found on the property

Urban land-Charlton Chatfield complex, rocky, 3 to 15 percent slopes (273C): The Charlton series consists of very deep, well drained loamy soils formed in till derived from parent materials that are very low in iron sulfides. They are nearly level to very steep soils on till plains and hills. Slope ranges from 0 to 50 percent. Saturated hydraulic conductivity is moderately high or high.

The Chatfield series consists of well drained and somewhat excessively drained soils formed in till derived from parent materials that are very low in iron sulfides. They are moderately deep to bedrock.

They are nearly level through very steep soils on glaciated plains, hills, and ridges. Slope ranges from 0 through 70 percent. Crystalline bedrock is at depths of 20 to 40 inches (50 through 100 centimeters). Saturated hydraulic conductivity is moderately high or high in the mineral soil.

10. 6.1 GENERAL STANDARDS

- a) disturbance and pollution are minimized;
- b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
- c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;

- d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
- e) maintain conservation, economic, recreational and aesthetic qualities;
- f) consider historical sites

Discussion:

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

The applicant proposes to construct a pool (18' x 36 x 8' deep), pool patio, deck, and spa. Associated site improvements include installing stormwater retention units and a new sanitary sewer lateral. The pool, patio, spa, and sewer, and pool fence are proposed within the upland review area of the wetland. Three mature trees are proposed to be removed outside of the 20' non-disturbance buffer. A Wetland Planting Plan is provided with the application. The plan proposes to use plantings to restore areas of lawned wetland as well establish a vegetated buffer (approximately 5-7' wide). The existing deck will be replaced with the new deck, which represents a 99 sq. ft. increase in deck coverage. The patio will be located immediately south of the expanded deck representing a 500 sq. ft. increase in patio coverage. The pool and spa will be 712 sq. ft. of coverage. The new pool patio will be located ~25' from the nearest wetland boundary. The Commission finds removing driveway outside of review areas to increase coverage within review area does not represent effort to minimize the extents of development to accomplish build. The Commission discussed the size and configuration of the pool and deck to understand if alternative designs were considered to limit coverage within the upland review area. The development plan proposes a single row of 40' of 18"-high concrete stormwater retention galleries. The plan demonstrates the retention units will be located immediately east of the proposed pool and patio, outside of the non-disturbance buffer. The Commission finds replacing the sewer lateral as necessary maintenance of an existing utility. The disturbance will be stabilized immediately after replacement.

11. 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 surface water quality classification for Muddy Brook (CT State waterbody ID: 7000-16) (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish other aquatic life and wildlife and recreation.

The Commission references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin for Muddy Brook 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 the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

There is no existing site drainage. The existing site coverage is 24.64% (10,717 sq. ft.) and the proposed site coverage is 25.41% (11,053sq. ft.). The application proposes one new area of stormwater storage and several surface slot grate drain within the patio. The drainage report states the proposed stormwater management system is designed to accommodate the runoff from these structures during a 25-year storm (the water quality volume) and be able to store the first 1” of rainfall from all the proposed development. The proposed patio on constructed as impervious, but will feature a surface drain. Water collected within the surface drain will be conveyed to a retention area consisting of 40 linear feet of 18’-high pre-cast concrete stormwater galleries. The stormwater retention area is sized with a volume of 232 cu. ft., which is greater than the 200 cu. ft. required. The stormwater galleries will overflow at the eastern end of the patio and discharge downgradient across the lawn toward the wetland. Details for the drainage units are provided on the “Site Development Plan”.

The Commission finds the highest risk of potential impacts to water quality would be temporary impacts due to potential sediment releases during excavation of the existing pool and the associated grading around the stormwater system. The Commission finds the moderate disturbance immediately adjacent to the wetland boundary poses significant risk of sedimentation without the proper E&S controls. The close proximity of excavation to the wetland boundary may cause destabilized areas to be inundated during storm events, facilitating erosion, accelerating sediment transport and expanding distribution of suspended sediment.

The Commission requires a wetland planting have a denser and wider (10-15 ft.) buffer. The buffer portion of the planting should function as a demarcation of the limit of lawn as well as a means of trapping suspended sediment and pollutants. The planting should help stabilize the base of the new grading and provide biofiltration and groundwater infiltration of stormwater runoff from water not captured by the stormwater retention units.

With the stormwater system and a planting plan both installed, The Commission does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

12. 6.3 EROSION AND SEDIMENT

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

Discussion:

The Commission finds the greatest risk of potential impacts from sedimentation is during the demolition of the existing pool and patio and material stockpiling. Stormwater can transport loose sediments downgradient towards the wetlands.

The applicant has provided sediment and erosion controls on the site plan, which incorporates the use of a single row of silt-fencing all along the limit of disturbance, a single row of silt fence around the temporary stockpile area, a dirtbag dewatering area, and an anti-mud tracking pad at the proposed construction entrance, extending north of the existing driveway entrance.

The excavation for the demo of the pool and patio, and the excavation of the proposed pool and drainage area will create displaced soil. The site plan identifies an area for soil stockpiling within maintained lawn, southwest of the pool area. The Commission finds that the work may encounter groundwater during the excavation for the pool and stormwater galleries. The pool excavation will be advanced to a depth greater than 96" inches below existing grade. Groundwater was encountered at 50" within the area of proposed pool excavation. The Commission finds the site plan depicts a location for a dirtbag dewatering system, which should be adequate for controlling silt-laden water so long as the system is frequently monitored and maintained.

13. 6.4 NATURAL HABITAT STANDARDS

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

Discussion:

CT ECO map viewer shows there are no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. The larger wooded wetland so the south could represent habitat for aquatic fauna and nesting and foraging habitat for small mammals and birds.

The Commission finds the greatest risk to the wetland would be temporary impacts due to potential sediment release into the wetland during the excavation of the proposed pool and drainage system. A release of sediment into the wetland could cause adverse impacts to amphibians and aquatic macroinvertebrate communities within the forested wetland.

The Commission finds the Wetland Planting plan proposes to restore the lawned wetland with 22 native shrubs consisting of shadbush, American holly, spicebush, and ninebark as well as 49 native perennials consisting of fern, switchgrass, and ironweed. This planting represents a potential boost of plant diversity and nesting habitat. The planting establishes a new limit of lawn and will provide biofiltration of stormwater runoff. The Commission finds that the planting proposes a thin buffer of switch grass and fern. The Commission finds the planting should increase the density of plants and expand the width of the buffer up to 10 - 15' feet along the entire limit of surveyed wetland boundary located on the property.

14. 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:

A grassed lawn does not represent a condition which optimizes absorption and infiltration of stormwater into the ground. The proposed pool storage and stormwater management system retain and slowly infiltrate into groundwater, thus decreasing the amount of stormwater runoff moving downgradient toward the wetland. The drain within the patio surface will collect stormwater

from the patio surface and any potential overflow from the pool. The drain will direct the water to the stormwater retention galleries and the overflow volume will discharge across the yard towards the wetlands. The proposed stormwater management system is sized to handle the first inch of runoff for water quality as well as meeting the Town of Westport Drainage Standards for a 25-year storm event. The Commission finds this proposed system will be an improvement over the existing site condition without drainage. Some of the wetland is being maintained as lawn upgradient from the wooded portion of wetland. The Commission finds the provided wetland restoration and buffer plan will help facilitate sediment capture and stormwater infiltration.

Grading around the proposed pool and patio will be minimal and will maintain the existing site grades and therefore, it is not anticipated to have an impact to the adjacent or adjoining properties, as shown on the site plan. Some disturbance is necessary to accommodate the installation of the drainage system. The proposed grading is too minimal to change how the stream transmits flood water, but the density of vegetation within the a restoration and buffer planting would provide some water quality treatment and energy dissipation through the top of riparian zone during flood conditions. The proposed planting may enhance the existing wetland and watercourse function.

The Flood & Erosion Control Board did not review the application at its July 10, 2024, meeting, because there were no permanent features or grading within the WPL proposed. In a memo from Town of Westport Engineering Department, dated July 10, 2024, Staff stated that the drainage substantially complies with Town Drainage Standards and that the grading complied with Town Zoning Regulations.

15. 6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:

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

16. Waterway Protection Line Ordinance

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

The WPLO boundary is located 15' from the limit of wetlands. The Commission identifies excavation for the installation for a new sanitary sewer lateral as the only proposed activity within the WPL.

The Commission finds the activity does not create a permanent condition of potential adverse impact to the natural resources within the WPL. There will be some temporary earth disturbance within the WPL and wetland but The Commission anticipates soil disturbance will be immediately stabilized after the replacement.

**Conservation Commission
Town of Westport
CONDITIONS OF APPROVAL
Application # IWW, WPL-11947-24
1 Wynfromere Lane
Assessor's Map: F08 Tax Lot: 025
Public Hearing: July 17, 2024**

Project Description: To construct an in-ground pool, pool patio, spa, pool fence and deck with associated site improvements and stormwater management system. A portion of the work is within upland review area of onsite wetlands and WPLO boundary.

**Owner of Record: Robert & Valerie Newman
Applicant: Kousidis Engineering**

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-11947-24** 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 recirculating, 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**", Map of Property, prepared for Robert J. Newman & Valerie G. Newman, 1 Wynfromere Lane, Westport, Connecticut, prepared by Walter H. Skidd, Land Surveyor, LLC, dated July 19, 2016, last revised to February 28, 2024, Scale: 1" = 20'.
 - b. "**Site Development Plan**", 1 Wynfromere Lane, Westport, CT, prepared for Robert J. & Valerie G. Newman, prepared by Kousidis Engineering, LLC, dated June 13, 2024, Scale: 1" = 20'.
 - c. "**Wetland Planting Plan**", Newman Residence, 1 Wynfromere Lane, Westport, CT, prepared by Environmental Land Solutions, dated June 12, 2024.
 - d. "**Drainage Analysis**" (report), Located at 1 Wynfromere Lane, Westport, Connecticut, Robert J. & Valerie G. Newman, prepared by Kousidis Engineering, LLC, dated June 13, 2024
18. The design engineer shall witness and certify the construction of all site drainage proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
19. A seasonal pool dewatering plan must be submitted to the Conservation Department prior to issuance of a zoning permit.
20. 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.

21. The wetland planting plan shall be revised to increase the average width of the upland buffer to 10 ft upgradient from the surveyed wetland boundary.
22. All plantings proposed in the wetland shall be installed by hand. The plantings shall be installed prior to the issuance of a Conservation Certificate of Compliance.
23. The applicant shall submit a planting bond to cover the cost of any proposed planting prior to the issuance of a Zoning Permit or a performance bond to cover the cost of plantings 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: Murphy Second: McDowell
Ayes: Murphy, McDowell, Lewi, Carey-Moody, Whiting
Nays: None Abstentions: None Vote: 5:0:0

5. **2 Webb Road:** Application #IWW,WPL/E-11948-24 by Moon Gardens LLC on behalf of 2 Webb Rd LLC to demolish the existing dwelling and construct a new single family residence with attached garage, driveway, cabana, pool, drainage and associated site improvements. Portions of the work are within the upland review area setbacks.

Cindy Tyminski presented on behalf of the property owners. She oriented the Commission to the property's existing conditions. Under this application, a new single family residence and pool will be constructed closer to Whitney Street. She noted that only a small portion of the house is within the 50 foot setback with the rest of the work conforming to the upland review area setbacks. The proposed coverage will increase 285 s.f. She reviewed the proposed landscape plan, which includes native trees, shrubs and perennials along with a wetland seed mix. The proposed pool will be 6 feet deep. She noted the silt fence and a Dirtbag will be provided for any dewatering that may be required.

Mr. Lewi asked if there will be a basement.

Ms. Tyminski said yes.

Mr. Lewi asked if there will be a need to install sump pumps.

Ms. Tyminski stated they do not believe sump pumps will be required. .

Mr. Hally asked how many trees will be removed.

Ms. Tyminski stated she would estimate 20 trees would be removed.

Mr. Hally asked how many trees will be installed.

Ms. Tyminski stated there are 9 trees proposed.

Mr. Hally stated he believes that the planting plan could be denser with more trees and plantings. The planting plan does not show the trees that will be removed as part of the comprehensive plan.

Mr. Murphy stated the Commission needs to know the number of trees being removed. The planting plan should have shown the trees being removed and the proposed grading.

Mr. Hally noted that holistically the Commission needs to know what kind of water absorption is being lost. This is a base line planting plan, but it can be improved. He suggested requiring a construction sequence plan. He highlighted that the proposed drainage has more capacity than needed as highlighted in the Chappa report and the Town's Engineering comments.

Miriam Demarrais, 16 Webb Road, VP of Webb Road Association, noted this property is at the beginning of the road. She has been watching how the development will affect the private road. She asked whether the proposed work is necessary. As residents of the street, she stated it is important to the owners to protect the wetlands and buffer. She noted that lots of animals use the wetlands buffer and the wetlands as habitat.

Nadja Streiter, 6 Webb Road, submitted photos of flooding on Webb Road from this afternoon's rain. She expressed concern relating to the additional coverage. Her concern is with how the additional drainage and/or flooding will impact her property. She asked how this project is going to add or impact the street.

Ms. Tyminski stated they will be adding drainage structures to collect all roof runoff and pool runoff.

David Popkin, builder, stated that he lived on Webb Road until just recently. There currently is no drainage on the site. They are adding 746 c.y. of drainage. He added he will be keeping every single tree and shrub on the site that he can.

Ms. Demarrais asked about the effect of the pool fence and location.

Mr. Popkin stated the pool is proposed at this time and will only be built if the new owner wants a pool. He stated he will not be seeking any additional approvals for this property. If the pool is built, he believes the fence will be around the pool itself.

Mr. Kelly reviewed the emails, photos and video submitted by Ms. Streiter. He stated that stormwater runoff on Webb Road is an ongoing situation and is not an unknown situation. The wetlands that are along the west side of the road have poor drainage and runoff.

Ms. Streiter stated that pooling of water is typical after heavy rain or after several days of rain.

Mr. Popkin noted the drainage system is designed to capture 1 inch of rainfall in 20 minutes.

Mr. Hally read emails from Daniel Cleiman of 5 Webb Road and Jason Hoops of 20 Webb Road opposing the scope of the work.

With no further comment from the public, the hearing was closed.

Motion: Murphy Second: Lewi
Ayes: Murphy, Lewi, McDowell, Carey-Moody, Whiting
Nays: None Abstentions: None Vote: 5:0:0

The Commission discussed requiring a revised planting plan to include all proposed plantings, grading and tree removal for the site.

Mr. Kelly stated he appreciated the public interest in this application. He suggested that the Commission could require site monitoring for enforcement of silt fencing. This would help address

the neighbors' concerns. The site monitoring would require bi-weekly reporting and reporting after 1.5 inch rainfall events.

**Conservation Commission
Town of Westport
FINDINGS
Application # IWW, WPL/E-11948-24
2 Webb Rd
Assessor's Map: E10 Tax Lot: 119
Public Hearing: July 17, 2024**

1. **Receipt Date:** June 12, 2024
2. **Application Classification:** Plenary
3. **Application Request:** Applicant is proposing to demolish the existing residence and construct a new single-family residence with attached garage, a driveway, cabana and pool, pool patio, pool cabana, and associated features within the upland review area of wetlands. All of the work is located outside of the Waterway Protection Line.
4. **Plans Reviewed:**
 - 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 June 16, 2024, Scale: 1" = 20'.
 - b. **Site Plan, Details & Notes**, Proposed Site Improvement Plan for a Single Family Dwelling, prepared for 2 Webb Rd. LLC, 2 Webb Road, Westport, CT, prepared by Chappa Site Consulting, LLC, dated June 12, 2024, revised July 3, 2024, Scale: As Noted. Sheet 1 of 1.
 - c. **Environmental Assessment of the Wetland Area**, Located at 2 Webb Road, Westport, CT, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated May 8, 2024.
 - d. **Drainage Computations**, for the Proposed Single Family Dwelling, Pool, Pool Cabana and Site Improvements at 2 Webb Road, **Westport, CT**, prepared for 2 Webb Rd. LLC, 2 Webb Road, Westport, CT, prepared by Chappa Site Consulting, LLC, dated June 12, 2024, revised July 3, 2024
 - e. **Conservation Landscape Plan**, prepared for 2 Webb Rd. LLC, 2 Webb Road, Westport, CT, prepared by Moon Gardens, LLC, dated June 12, 2024.
 - f. **Narrative of Activity**, prepared for 2 Webb Rd. LLC, 2 Webb Road, Westport, CT, prepared by Moon Gardens, LLC, dated June 12, 2024.
 - g. **Architectural Renderings**, Single Family Residence, 2 Webb Road, Westport, CT, prepared for Westport Family Homes. LLC, prepared by D. Peters Designs, LLC, dated April 14, 2024, last revised July 3, 2024. 8 Sheets.
 - i. **Front and Right Side Elevations** Sheet A-2
 - ii. **Rear and Left Side Elevations** Sheet A-3
 - iii. **Foundation / Basement Plan** Sheet A-4
 - iv. **First Floor Plan** Sheet A-5
 - v. **Second Floor Plan** Sheet A-6
 - vi. **Attic and Roof Plan** Sheet A-7
 - vii. **Half Story Calculation** Sheet A-8
 - viii. **Elevations** Sheet A-9
5. **Past Permits/Applications filed:**
IWW/M-11928-24: Amend Wetland Boundary
6. **IWW and WPLO Regulated Areas:**
The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for regulated activities on this property include:
50' upland review area for a new residence,
50' upland review area for a generator,

- 35' upland review area for a pool,
- 30' upland review area for a patio,
- 30' upland review area for an outbuilding (pool cabana)
- 30' upland review area for a retaining wall.
- 25' upland review area for pool equipment.
- 20' upland review area for site drainage and grading

The proposed new single family dwelling will be located ~40' from the nearest wetland boundary. The proposed generator will be located ~100' from the nearest wetland boundary, The inground swimming pool (16' x 30') will be located ~40' from the wetlands. The proposed pool equipment will be located ~55' from the nearest wetland boundary. The proposed patio will be installed ~32' from the nearest wetland boundary. The proposed retaining wall will be constructed ~31' from the nearest wetland boundary. The installation of the drainage system and limit of grading will be located ~65' from the nearest wetland boundary.

The WPL is established 15' from the 25-year flood line associated with Pussy Willow Brook, as depicted on the site plan. All of the proposed improvements will be located outside the WPLO boundary.

7. Property Description and Facts Relative to the 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 the 25-year flood line associated with Pussy Willow Brook. The WPLO boundary is depicted on the survey.
- h. Relative Facts:
 - Location of 25-year flood boundary: elev. 107.1' contour interval. A western portion of the property is within the WPL.
 - Proposed First Floor Elevation: 118.2.0 ft.
 - Proposed Pool Coping Elevation: 109.6 ft.
 - Basement Floor Elevation: 108.2
 - Gross Lot Area: 23,350 sq. ft.
 - Base Lot Area: 22,426 sq. ft.
 - Existing Site Coverage: 14.15% (3,227 sq. ft.)
 - Proposed Site Coverage: 18.02% (4,041 sq. ft.)
 - Existing Building Coverage: 9.27% (2,114 sq. ft.)
 - Proposed Building Coverage: 10.70% (2,399 sq. ft.)
 - Proposed Total Excavation or Fill: 450 cu. yd.
 - Sewer Line: The existing residence is serviced by municipal sewer.

8. 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.

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 wetlands are associated with on offsite perennial watercourse (Pussy Willow Brook). 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 project proposes to demolish the existing residence and associated development. The project proposes to construct a new single family dwelling, inground pool, pool cabana, with associated improvements of a new driveway, patios, retaining walls and site drainage. The proposed house is the only structure proposed within upland review area of wetlands. The project proposes to install three areas of underground water storage. Two areas of stormwater galleries to account for roof runoff from the new structures and another area of galleries to treat drainage from the basement footing drain. The patios will be constructed a pervious. 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. The Commission finds that the applicant offers the mitigation of a wetland buffer planting as depicted on the "Conservation Landscape Plan".

The Commission finds the proposed development is largely within the envelope of the existing development and does not unnecessarily expand towards the wetlands in a manner that would be more negatively impactful to the habitat and organisms within the wetland and offsite watercourse. The Commission finds that the while both building coverage and total lot coverage are proposed to increase, the increase is moderate. The site plan employs numerous mitigating features such as,

stormwater infiltrator units, pervious patios, storage for the footing drain discharge, and a wetland buffer planting.

Due to the size and shape of the site, as well as the intensity of disturbance and site activity, The Commission requires the applicant submit a written sequence of demolition, construction and planting/ stabilization.

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 ~18% which is within the 10-25% cover that is expected to impact water quality. Coverage calculations are provided in the "Drainage Computations" 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 no existing stormwater storage area on the property. The drainage report demonstrates that runoff volume from the proposed new coverage will be detained within the proposed drainage system. The site plan identifies two areas of underground stormwater storage and storage within the proposed swimming pool. The available storage within the proposed system and pool can accommodate a volume of 807 cu. ft., which is greater than the 408 cu.ft. required for the proposed 4,892 sq. ft. of new impervious surface. During intense storm events the stormwater galleries and proposed pool will overflow and discharge downgradient across the lawn towards the rear (south) of the property.

The Commission finds that the site plan indicates groundwater was encountered in Test Pits 100, 101, 102, and 103 at depth of 58", 32", 41", and 36" respectively. Ground water is located around elev. 105'. The pool coping will be established around elev. 110'. No pool schematic was submitted to demonstrate proposed pool depth. The Commission expects the excavation for the pool will be dug at least seven feet below ground surface (~elev.103). Excavation for the

basement (elev. 108) may not encounter groundwater, but The Commission finds there is potential that the pool excavation may encounter ground water. The applicant provides a method and location for dewatering on site using a dirt bag and discharge pump. The basement will be installed with a footing drain. The footing drain has its own dedicated underground detention galleries located just east of the proposed pool cabana. Employing these methods will help control silt laden groundwater from being directly discharges to surface waters of wetlands and watercourses.

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 potential buffer planting both utilized, The Commission does not anticipate adverse long-term impacts to water quality resulting from the proposed site development.

A memo from the Town of Westport Engineering department dated July 10, 2024 stated that the proposed drainage system controls substantially complied with Town standards.

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, Notes & Details". Silt fencing and a soil stockpile are indicated on the plan. A single row of perimeter silt fencing is proposed within the maintained 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 residence and pool. Average grade around the proposed residence will increase from elev. 111.3.' to 112.7'. Average grade around the proposed pool cabana will increase from elev. 107.8' to 108.4'. The site plan specifies that the total excavation and fill is estimated to be 450 cu. yds. An anti-mud tracking pad is shown at the construction entrance off of the existing driveway. The Commission finds that the site plan specifies the use of a discharge pump and dirtbag as a dewatering method. The Dirtbag will be placed southeast of the residence and pool. The dirtbag will be allowed to discharge in the footing drain detention basin once installed.

A memo from the Town of Westport Engineering department dated July 10, 2024 stated that the grading and S&E controls substantially complied with Town regulations and requirements.

The Commission finds these proposed Sediment & Erosion control measures should be an effective mitigating control if frequently inspected and maintained throughout site activity. Due to high frequency of flooding adjacent to the site, The Commission requires that the permittee to retain a site monitor for the duration of the proposed project until the site is stabilized. The site

monitor shall provide weekly S&E reports and reports following storm events producing 1 ½ inches or more of rain.

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. Four mature trees are proposed to be removed from the site to accommodate the new development.

The Commission finds that the “Conservation Landscape Plan” proposes a buffer (20’ wide) planting plan along the wetland boundary. To offset the loss of the mature trees the landscape plan proposes to plant nine (9) native trees consisting of river birch, Atlantic white cedar and sweet gum. The trees will provide shade, forage and nesting habitat along the wetland boundary. The plan proposes to plant 19 native shrubs consisting of summer sweet, inkberry holly, and arrowwood viburnum. The Commission finds that the plan does not enumerate the total number of mature trees to be felled across site. The Commission requires that the “Conservation Landscape Plan” shall be revised to identify all trees to be removed having a DBH of 8” or greater and depict all proposed landscape plants.

The Commission finds the plan proposes to restore small areas of lawned wetland while providing an increase plant diversity and nesting habitat. The planting establishes a new limit of lawn and will provide biofiltration of stormwater runoff, which will contribute long term benefits to the wetland function and value. The Commission requires a planting performance bond prior to the issuance of a performance bond. The bond should be held for one full growing season to ensure the vitality of the plants.

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

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

Discussion: *The plan proposes to utilize the new stormwater management system to retain the additional volume of stormwater runoff that would otherwise be conveyed downgradient the rear (south) of the property. The system is sized to accommodate the stormwater discharge volume from ~4,892 sq. ft. of new coverage. Overflow volume from the pool and system will discharge across the yard to the south of the property. The proposed 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 implementing pervious patios and 88 linear feet stormwater galleries to manage runoff from the new development is the marked improvement over the existing condition of no stormwater treatment. The proposed house and surrounding grading retaining may minimally change how the property transmits and absorbs flood water during severe storm events.*

14. Conformance to Section 6.6 Section Recreation and Public Uses

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

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

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW-WPL/E-11948-24
2 Webb Rd
Assessor's Map: E10 Tax Lot: 119
Public Hearing: July 10, 2024

Project Description: to demolish the existing residence and construct a new single-family residence with attached garage, a driveway, pool, pool patio, pool cabana, and associated features within the upland review area of wetlands and outside of the Waterway Protection Line.

Owner of Record: 2 Webb Rd, 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 # **IWW, WPL/E-11948-24** 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 2 Webb Rd, LLC, 2 Webb Road, Westport, Connecticut, prepared by Walter H. Skidd, Land Surveyor LLC, dated April 05, 2024, last revised to June 10, 2024, Scale: 1" = 20'.
 - b. **Site Plan, Details & Notes**, Proposed Site Improvement Plan for a Single Family Dwelling, prepared for 2 Webb RD. LLC, 2 Webb Road, Westport, CT, prepared by Chappa Site Consulting, LLC, dated June 12, 2024, revised July 3, 2024, Scale: As Noted. Sheet 1 of 1.
 - c. **Environmental Assessment of the Wetland Area**, Located at 2 Webb Road, Westport, CT, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated May 8, 2024.
 - d. **Drainage Computations**, for the Proposed Single Family Dwelling, Pool, Pool Cabana and Site Improvements at 2 Webb Road, **Westport, CT**, prepared for 2 Webb RD. LLC, 2 Webb Road, Westport, CT, prepared by Chappa Site Consulting, LLC, dated June 12, 2024, revised July 3, 2024
 - e. **Conservation Landscape Plan**, prepared for 2 Webb RD. LLC, 2 Webb Road, Westport, CT, prepared by Moon Gardens, LLC, dated June 12, 2024.
 - f. **Narrative of Activity**, prepared for 2 Webb RD. LLC, 2 Webb Road, Westport, CT, prepared by Moon Gardens, LLC, dated June 12, 2024.
 - g. **Architectural Renderings**, Single Family Residence, 2 Webb Road, Westport, CT, prepared for Westport Family Homes. LLC, prepared by D. Peters Designs, LLC, dated April 14, 2024, last revised July 3, 2024. 8 Sheets.
 - ix. **Front and Right Side Elevations** **Sheet A-2**
 - x. **Rear and Left Side Elevations** **Sheet A-3**
 - xi. **Foundation / Basement Plan** **Sheet A-4**
 - xii. **First Floor Plan** **Sheet A-5**
 - xiii. **Second Floor Plan** **Sheet A-6**
 - xiv. **Attic and Roof Plan** **Sheet A-7**
 - xv. **Half Story Calculation** **Sheet A-8**
 - xvi. **Elevations** **Sheet A-9**
18. The planting depicted on the "Conservation Landscape Plan" shall be revised to increase the number and density of the plants while filling in gaps currently depicted along the upland buffer. The plan shall identify all trees to be removed and all proposed landscape planting across the site.
19. The applicant shall submit a performance bond for the "Conservation Landscape 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.
20. The applicant shall submit a written sequence of demolition, construction and planting/ stabilization for Staff approval prior to the issuance of a Zoning Permit.
21. The pool shall be installed with a hydrostatic relief valve to account for establishing the pool form within the groundwater table.
22. The permittee shall retain a site monitor for the duration of the proposed project until the site is stabilized post construction. The site monitor shall submit to the Conservation Department sedimentation and erosion control reports weekly and following storm events producing 1 ½ inches or more of rain.

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

Motion: Murphy

Second: Whiting

Ayes: Murphy, Whiting, Lewi, McDowell, Carey-Moody
Nays: None Abstentions: None Vote: 5:0:0

Work Session:

1. Receipt of applications

Mr. Kelly stated there are no applications to receive. He noted the Commission is on recess in August.

2. Approval of June 12, 2024 minutes.

The June 12, 2024 meeting minutes were approved as submitted.

Motion: Whiting Second: Lewi
Ayes: Whiting, Lewi, McDowell
Nays: None Abstentions: Carey-Moody, Murphy Vote: 3:0:2

3. Approval of June 17, 2024 Show Cause minutes.

The June 17, 2024 Show Cause Hearing minutes were approved as submitted.

Motion: Lewi Second: McDowell
Ayes: Lewi, McDowell
Nays: None Abstentions: Carey-Mood, Murphy, Whiting Vote: 2:0:3

4. Compliance Report update

Mr. Kelly noted that the updated compliance report is available for review. He highlighted that **27A Sturges Common** submitted the structural engineer's report earlier in the day in compliance with the condition imposed during the Show Cause Hearing. Staff and the Engineering Department have not had time to review the report or make any recommendations.

5. Other Business

- a.** Mr. Kelly noted that with August being the recess, if Commission members wish, there is a greater opportunity to meet with staff to review and clarify any questions. He also noted that staff could take members out on field visits to see what the results of some of the Commission's decisions on sites that are under construction. The only requirement would be that there cannot be a quorum of the Commission, so that it is not a meeting. He asked that members reach out to staff with availability or requests.
- b.** Mr. Kelly noted that the staff is going to work on bringing in experts as an educational opportunity for the Commission, other land use departments and commission and the public. He noted that the Commission's meetings have been full, and it may be that these educational meetings would be on another night and potentially use the library for the meeting.
- c.** Mr. Kelly noted that the staff is responding to written complaints regarding the gas-powered leaf blowers. He is handling all complaints in order to allow staff to continue with their work but noted that this is slowing him down.

The July 17, 2024 Public Hearing of the Westport Conservation Commission adjourned at 10:30 p.m.

Motion: Lewi Second: Murphy
Ayes: Lewi, Murphy, McDowell, Carey-Moody, Whiting

Nayes:

None

Abstentions: None

Vote: 5:0:0