



CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
OCTOBER 16, 2024**

The October 16, 2024 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

Josh Lewi, Chair
Patrick Ryll, Secretary
Diana McDowell, Sergeant at Arms
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 October 16, 2024 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Colin Kelly
Conservation Director

Changes or Additions to the Agenda:

Mr. Kelly asked to amend the Public Hearing agenda to move Item #5, **33 Woods Grove Road** to Item #2 in order to accommodate a request by a Commission member. He also asked to eliminate Item #5, **2 Owenoque Park** for a bond release from the Work Session.

Motion to make changes to the agenda.

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

Public Hearing: 7:00 p.m.

All members except Ms. McDowell visited the sites in preparation for the meeting.

- 1. 11 Edgemark Hill Road: Continued Application:** Application #IWW-11973-24 by Andy Soumelidis of LandTech on behalf of Venti LLC for a proposed two lot subdivision.

Mr. Soumelidis stated that the Commission reviewed the application for a two lot subdivision at the September 11, 2024 hearing. The open question related to a second access onto Edgemark Hill Road. They have access onto Greens Farms but that would require a stream crossing and a wetland crossing. Since the meeting, they have submitted documentation that has satisfied the Town about access onto Edgemark Hill Road.

Mr. Hally reviewed an email from Ted Gill of the Engineering Dept. that indicates he is satisfied with the access based on letter from the Road Association President and the deed.

Mr. Hally reviewed his recommendations for future development of the properties, most notably Lot Y, which includes a planting buffer recommendation at top of steep slope to help in the slowing of runoff and a 100-foot setback from steep slopes.

Mr. Lewi asked for public comment.

Larry Nicoletti, 1 Edgemark Hill Road, stated his issue with the state of the road because of the construction company and drainage coming off the site.

Charles Lucas, 115 Greens Farms Rd, sent an email earlier today. At the last meeting, LandTech indicated that they and the construction company would meet at his property. He read his email into the record. He stated nothing has changed. He has not been contacted.

Mr. Lewi stated that the issue of access has been resolved.

Mr. Soumelidis agreed.

Mr. Lewi asked about the difference in cul-tec units.

Mr. Hally stated he does not know. He relies on the Engineering Department for their expertise.

Mr. Soumelidis stated that there are newer cul-tec units with the same capacity as the discontinued cul-tec units.

Mr. Kelly asked for the date of updated Engineering comments.

Mr. Hally stated September 26, 2024.

Mr. Nicoletti stated he received no notification of any meetings occurring on this property or of the blasting.

There was no further public comment.

Mr. Soumelidis noted they reviewed the entire property and the road prior to work commencement. There is a project in the works that is not a part of this proposal for road work and drainage. They did notify the required properties. They did a blasting survey with the property owner contacting Mr. Nicoletti.

Motion to close the Public Hearing.

Motion: Ryll **Second:** Whiting
Ayes: Ryll, Whiting, Carey Moody, Lewi
Nayes: None **Abstentions:** McDowell **Vote:** 4:0:1

**Town of Westport
Conservation Commission
FINDINGS
Application #IWW-11973-24
11 Edgemarth Hill Road
Assessor’s Map: E07 Tax Lot: 069
Public Hearing: October 16, 2024**

- 1. Receipt Date:** August 8, 2024
- 2. Application Classification:** Plenary
- 3. Application Request:** Applicant is requesting to subdivide a 3.02 acre parcel (Lot 69) into two (2) residential lots (Lot X and Lot Y) between Edgemarth Hill Road and Greens Farms Road. At present, the parcel is vacant land improved only with the foundation and partial framing for the residence on Lot X. The proposal calls for the splitting the lot into similarly sized parcels (1.29 acres, and 1.46 acres) each zoned for single-family residence an associated improvement. The accessway area is 0.241 acres. The applicant proposes to access the parcels from the private roadway on Edgemarth Hill Road. In the proposed site configuration, all building structures and improvements to the proposed site development associated with the residences meet the upland review area setbacks.

The Conservation Commission is reviewing the subdivision pursuant to Connecticut State Statute 8-26 governing Planning and Zoning Commissions. Said statute reads as follows:

“If an application involves land regulated as an inland wetland or watercourse under the provisions of chapter 440, the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations no later than the day the application is filed for the subdivision or re-subdivision. The commission shall not render a decision until the inland wetlands agency has submitted a report with its final decision to such commission. In making its decision the commission shall give due consideration to the report of the inland wetlands agency.”

Section 5.1(b) of the Town of Westport Regulations for the Protection of Inland Wetlands and Watercourses asks for the Commission to consider any feasible and prudent alternatives which alternatives would cause less or no environmental impact to wetlands and watercourses.

Section 5.1(f) allows the Commission to take into consideration impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed activity which may have an impact on wetlands or watercourses.

4. Plans Reviewed:

- a. **“Zoning Location and Topographic Survey”**, 11 Edgemarth Hill Rd, Westport, CT, prepared for Scott Marona, prepared by LandTech, dated February 16, 2024 Scale: 1”=40’.
- b. **“Subdivision Map”**, 11 Edgemarth Hill Road, Westport, CT, prepared for Scott Marona, prepared by LandTech, dated May 7, 2024 Scale: 1”=40’.
- c. **“Site Development Plan”**, 11 Edgemarth Hill Road, Westport, CT, Site Improvements for a 2 Lot Subdivision, prepared for Scott Marona, prepared by LandTech, dated May 7, 2024 Scale: 1”=40’.
- d. **“Stormwater Management Report”**, 11 Edgemarth Hill Road, Westport, CT, prepared for Scott Marona, prepared by LandTech, dated May 7, 2024 Scale: 1”=40’.

5. Permits/Applications filed:

#AA-WPLE-11924-24- NSFR, Pool

The administrative approval for a new single-family home proposed on Lot X.

6. WPLO

This activity is not regulated by the Waterway Protection Line Ordinance.

7. IWW Defined Resource (wetland or watercourse)

Inland wetlands occur on the subject property. They consist of a watercourse and associated wetland. The wetland can be described as riverine, palustrine freshwater wetland, vegetated with mature trees and shrub understory.

8. Property Description and Relative Facts:

- a. **Location of 25-year flood boundary:** 9 ft. contour interval. The property is within the Waterway Protection Line Ordinance (WPLO) boundary. The WPLO is not being applied to the subdivision approval, no development is proposed within the WPL.
- b. **Lot 69 was once improved with a single family residence.** The house was demolished in 2024 and the current condition is a vacant lot with house framing under the open administrative permit in progress.
- c. **Property is situated in Flood Zones X** (area of minimal flood Hazard) as shown on F.I.R.M. Panel 09001C0414G Map revised to July 7, 2013.
- d. **Lot Size:** 3.02 acres including the Greens Farms accessway.
- e. **Existing Site Coverage:** 0 sq. ft.
- f. **2 – Lot Subdivision** would split the lot into similarly sized parcels, Lot X (1.29 acres), and Lot Y (1.46 acres) excluding the 0.241 acres southern accessway to Greens Farms Road.
- g. **Residential Zone:** Zone AA
- h. **Sewer:** Both residential lots would be served by septic.
- i. **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.
- j. Project located in the Pussy Willow Brook watershed (sub-regional drainage basin (#7000-18). Pussy Willow Brook is a perennial watercourse that runs north to south/ southeast. The creek empties into Sherwood Mill Pond.
- k. Proposed site improvements are shown on the submitted site plan to depict viable areas of future development on these parcels. Site development for Lot X was previously approved under the administrative approval from Conservation Staff, #AA-WPLE-11924-24.

9. Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

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 Commission finds the subdivision plan proposes to split the property into two residential lots. The site contains significant portions of steep slopes across the entire rear of the property and a watercourse and wetlands within the accessway along Greens Farms Road. The site contains review area in the southeast corner of Lot X, which extends from an offsite wetland and watercourse. Edgemarth Hill Road is a private road. The Subdivision Site Development future residences will both have driveways that access Edgemarth Hill Road. The Subdivision plan indicates the legal access to Greens Farms Road will be abandoned. The Commission reviewed a letter from Ted Martell, submitted on behalf of the Edgemarth Hill Road Association. The letter confirms that The Association has ownership of the Edgemarth Hill Road private roadway, and that the additional abutting "Lot Y" is authorized to access Edgemarth Hill Road.

The Site Development Plan does not demonstrate that the limit of development is minimized near steep slopes. Since steep slopes are present across most of the site, The Commission requires that a condition of the subdivision approval be that 100 ft upland review area for all site work be applied to the future review of the planned residential development of Lot Y.

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 Pussy Willow Brook local watershed basin. The local watershed basin (local basin # 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 watershed condition can be improved with mitigation efforts such as restoring riparian zones and restoring tree canopy along watercourses.

Development of the proposed Lot Y results in removing much of the existing forest vegetation. Removing mature trees negatively impacts the sites capacity to absorb and infiltrate stormwater. Each of the lots will have new impervious surfaces of roof, patio, pool driveway. Stormwater collected off these surfaces will be collected in stormwater retention galleries on either lot. The accessway for Lot Y contains a watercourse and wetland. As the stream is located within the Pussy Willow Brook subregional watershed, impacts to stormwater runoff can impact surface water quality of Pussy Willow Brook and Sherwood Mill Pond.

In a memo to the Conservation Commission from the Town Engineering Department dated September 26, 2024, Edward Gill stated, "*The plan referenced depicts adequate subsurface drainage for each lot to be developed with the maximum allowable lot coverage, as required by the Westport Subdivision Regulations. As such, the storm*

water drainage system as depicted on the plans substantially complies with the Town of Westport Engineering Department Drainage Standards.”

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 subdivision development plan depicts a single row of perimeter silt fence at the limit of disturbance for each of the residential lots. The Commission feels that individual site plan reviews should be required for construction on all lots, at which time the necessary erosion and sediment controls can be reviewed by Conservation Staff to assure protection of the resource. All of the proposed grading will be located outside regulated areas. Anti-tracking pads are depicted for the individual driveways as well as a construction accesses.

In a memo to the Conservation Commission from the Town Engineering Department dated September 26, 2024, Edward Gill stated *“The plan depicts silt fencing, an anti-tracking pad construction entrances, and stockpile areas. Thus, the project substantially complies with Sedimentation & Erosion Control requirements.”*

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 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 recommends that removal of mature trees is limited to what is only necessary for development of the proposed residences and associated improvements. With the presence of steep slopes across each of the proposed residential lots, The Commission requires that buffer plantings be installed at the top of bank of steep slopes to stabilize soil and treat general site stormwater runoff before it discharges downgradient into the onsite watercourse and wetlands. The plantings would provide some compensation for the loss of vegetation across the site. The plantings would provide forage and shelter habitat for small mammals and bird species.

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:

All of the wetland and watercourse onsite exists with the accessway area on the southern end of the proposed Lot Y. The southerly wetland system drains offsite to a larger wetland system. Increased development without proper consideration of storm water impacts can be a cumulative and significant source of pollution. As the number of opportunities for non-point pollutant sources increases and the distance decreases, the likelihood of water quality impact increases. The stormwater retention areas on each of the lots as proposed by the applicant will help provide the biofiltration for the impervious area of the site development.

As stated above, the Commission requires buffer plantings along the top of bank of steep slopes adjacent to development to stabilize soils and provide additional treatment and energy dissipation of general site stormwater runoff.

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. The Commission recommends these driveway surfaces be proposed as pervious.

6.6 RECREATIONAL AND PUBLIC USES

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

Discussion

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

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW-11973-24
11 Edgemarth Hill Road
Assessor's Map: E07 Tax Lot: 069
Public Hearing: October 16, 2024**

Project Description: Applicant is proposing a 2-lot subdivision for single family dwellings. The application will be reviewed for wetland and water quality impact recommendations to the Planning & Zoning Commission.

Owner of Record: Venti LLC

Applicant: Andy Soumelidis, LandTech

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW-11973-24 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. 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.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "**Zoning Location and Topographic Survey**", 11 Edgemarth Hill Rd, Westport, CT, prepared for Scott Marona, prepared by LandTech, dated February 16, 2024 Scale: 1"=40'.
 - b. "**Subdivision Map**", 11 Edgemarth Hill Road, Westport, CT, prepared for Scott Marona, prepared by LandTech, dated May 7, 2024 Scale: 1"=40'.
 - c. "**Site Development Plan**", 11 Edgemarth Hill Road, Westport, CT, Site Improvements for a 2 Lot Subdivision, prepared for Scott Marona, prepared by LandTech, dated May 7, 2024 Scale: 1"=40'.
 - d. "**Stormwater Management Report**", 11 Edgemarth Hill Road, Westport, CT, prepared for Scott Marona, prepared by LandTech, dated May 7, 2024 Scale: 1"=40'.
16. Buffer plantings shall be installed at the top of bank of steep slopes to stabilize soil and treat general site stormwater runoff before it discharges downgradient into the onsite watercourse and wetlands.

17. 100 ft upland review area for all site work shall be applied to the future review of the planned residential development of Lot Y for the presence of steep slopes in the rear of the property.

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

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

Motion:	Ryll	Second:	Carey Moody
Ayes:	Ryll, Carey Moody, Lewi, Whiting		
Nayes:	None	Abstentions:	McDowell
		Vote:	4:0:1

2. **33 Woods Grove Road:** Application #IWW,WPL-12001-24 by Cindy Tyminski of Moon Gardens LLC on behalf of James Partrick & Linda J Hussey to bring the residence into FEMA compliance, reconstruct portion of the roof with a dormer to provide additional 2nd story floor area, create a new entry, move mechanicals, and convert terrace into a screened porch. Work is within the WPLO area of the Saugatuck River and the upland review areas.

Ms. McDowell recused herself from this hearing and left the room.

Cindy Tyminski presented the application on behalf of the property owners. The entire property is within the WPLO. The proposal is to bring the house into FEMA compliance. They propose to abandon basement, add flood venting, add a dormer, enlarge the entrance, and convert terrace into screened porch. In addition, they are removing or correcting violations. She stated that when the owners received the Notice of Violation was received, it required replacement of 2 trees. The staff report requires the replacement of 6 trees. She reviewed the proposed planted buffer. The project has received Flood and Erosion Control Board approval and still needs Zoning Board of Appeals review.

Mr. Lewi noted they are providing 3 serviceberries rather than canopy trees.

Ms. Tyminski stated the site is tight and any mature canopy tree will hit the house.

Mr. Hally asked about the drainage.

Ms. Tyminski stated that the new impervious coverage is below the threshold for an engineered plan. The Engineering Department gave her the specs for what would be required. They still need to do test pits.

Mr. Hally stated he wants to see the final drainage. He asked why there is a violation for the patio.

Ms. Tyminski stated that when they came in for permits, they were asked why things were done. These items were there when they purchased the property. The floating dock has been removed.

Mr. Hally asked if the anchor points for the floating dock are going to be removed.

Ms. Tyminski stated they can be removed.

Mr. Hally noted based on historic aerial photos even as soon as two years ago, there was a heavy forested canopy on the property and now there is one canopy tree along the river. This planting plan will be an improvement from what is currently there. There is a riparian benefit to having the canopy. There is removal of trees and grubbing within the wetland. It would be his recommendation to see 2 to 2.5 inch caliper trees in the buffer.

- b. The property is 2.03 acres (88,332 sq. ft.) in size; located in Residential Zone AAA.
- c. The parcel is shown as located within the Aspetuck River watershed (subregional watershed ID #7202-13). The Aspetuck River is located ~3800' to the northwest. The wetlands onsite are associated with intermittent watercourses. The site drains to the west.
- d. Property is situated in Flood Zone X as shown on F.I.R.M. Panel 09001C0412F Map revised to June 18, 2010.
- 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 not shown on the survey.
- h. Property Description and Facts Relative to the Application:**
 - i. The existing property is improved with a house, driveway, septic system and patio.
 - j. It is located principally in the Saugatuck River watershed.
 - k. A small portion of the northwest corner of the property is within the Aquifer Protection Overlay Zone.
 - l. Property does **not** exist within the Coastal Areas Management Zone.
 - m. The Waterway Protection Line Ordinance is not found on this property as it does not qualify as a waterway
 - n. The residence was constructed in 2022. It is in residential Zone AAA.
 - o. The property is served by septic.
 - p. Gross Lot Area: **89,298 sq. ft (2.05 acres)**
 - q. Base Lot Area: **66,575 sq. ft (1.528 acres)**
 - r. Existing Site Coverage: **10.30% (6,854 sq. ft.)**
 - s. Proposed Site Coverage: **10.28% (6,842 sq. ft.)**
 - t. Proposed Pool Dimension: **8ft x 36ft**

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

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 two areas of forested and scrub/shrub wetland. The wetland drains southeast towards the wetlands that continue offsite.

In June of 2021, the Commission approved an application to construct the house, driveway, patio, and pool. In December of 2021 the permitted work was modified per a revision to the site plan that removed the proposed pool and constructed a pervious patio. The amended permit allowed for the patio to be improved with a pergola and fire pit, while the pool was removed from authorized work. An "As-Built Location Survey", dated September 14, 2023 indicates the house driveway septic and patio were constructed as designed. The Conservation Certificate of Compliance was issued in December of 2023

The applicant is requesting to construct an 8X36 in-ground pool within the existing pervious patio. The pergola and fire pit and a set of steps will be removed from the patio. A retaining wall will be constructed around the patio. The pool is proposed to be constructed within the upland review area setback, approximately 32' from the nearest wetland boundary. The project sediment and erosion controls include a construction entrance, silt fence, haybales, and a temporary soil stockpile. HDPE matting will be used to protect the force main from construction vehicles. Installing construction access to the north of the patio will cause disturbance to the mitigation planting

plan that was installed and bonded as part of the conditions of approval of permit number IWW-11237-21. Overall site coverage will be reduced by 12 sq. f.t.

Pursuant to General Standard 6.1.e, Staff finds the proposed work does not maintain Conservation qualities as a permit-required planting plan will be disturbed to accommodate the construction access to the patio. The previous pool design was approved in the 2021 permit was allowed because the disturbance would be stabilized post construction of the pool. Additionally, the amended permit approval plan was amended to have drainage within the patio. The pool will be disrupting the function of the pervious patio displacing patio surface with pool. The applicant has not provided a drainage plan to illustrate how the site drainage will remain in compliance with town standards.

In an email to the applicant, Edward Gill of the Town Engineering Department provided the following comment:

“While reviewing the proposed plan, I saw that some field changes had been made while the house was built without proper approvals. I am referring to the addition of patio areas and the removal of the level spreader at the foot of the retaining wall south of the patio area. Those two changes should have required an updated drainage report, but we do not have one on file. Additionally, the perforated pipes that are supposed to bring the drainage from the roof areas routed to the stone beneath the patio are not shown on plans, but should be shown on new proposed plans as part of the justification for how the new pool that is proposed will not impact the drainage for the house.

I will not recommend that Conservation approve a pool permit on this property without the drainage report and site plan showing that the proposed activity and field changes to the drainage do not inhibit the drainage systems that were approved by the Commission.”

The Commission moved to approve the application with the condition that the drainage plan shall be reviewed by the Engineering Department prior to the issuance of the Zoning Permit.

6.2 WATER QUALITY

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

Discussion:

The Commission finds the wetlands on the property eventually drain to the Saugatuck River, State Surface Water ID: CT7200-00_01. The surface water quality classification for the Saugatuck River (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), is Class A water. The Class A designation indicates that the water quality is suitable for habitat of fish or other aquatic organisms, wildlife, and recreation activities. referenced UConn’s CLEAR Local Watershed Assessment Tool. The local watershed basin (ID #7200-00-4-R2) for Saugatuck River has a combined condition index (CCI) score of 0.31. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Saugatuck River’s Recovery Status as “Mitigation”, identifying that the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones and enhancing tree canopy.

The Commission concurs with the opinion of the Engineering Department, that a drainage report including a narrative of changes to the stormwater infrastructure should be submitted to the Commission to understand if the proposed pool will bring the sitework out of compliance with Town Drainage Standards. The Commission finds with the appropriately sized drainage system and the maintenance of the existing planted buffer, that there will be minimal impacts to water quality.

6.3 EROSION & SEDIMENTATION

- 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 proposed construction activity will temporarily disturb soil within the patio footprint and north of the residence. The project proposes the utilization of silt fence and haybales at the limit of disturbance. Staff

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 wetland could provide habitat for aquatic macroinvertebrates and amphibians.

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

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 stated the current drainage conditions will change minimally. The Commission requests that the Engineering Department reviews the drainage plan for the pool and patio to understand if discharge and runoff volume and velocity will remain substantively the same. The Commission request Conservation Staff to verify the Engineering Departments findings. The Commission assumes that drainage infrastructure will need to be altered and improved to continue treating the roof runoff from the existing house and patio in addition to the swimming

pool. The Commission requires the site engineer to provide a certification of all site drainage features prior to the issuance of a Conservation Certificate of Compliance.

6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:

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

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW, WPL/E-12003-24
59 Red Coat Road
Assessor's Map: B15 Tax Lot: 066
Public Hearing: October 16, 2024

Project Description: The application is to construct a new pool within an existing patio within the upland review area of onsite wetlands.

Owner of Record: RMF Builders, LLC
Applicant: Pete Romano, LandTech

In accordance with Section 6 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport and Section 30-93 of the Waterway Protection Line Ordinance and on the basis of the evidence of record, the Conservation Commission resolves to APPROVE Application # IWW, WPL/E-12003-24 with the following conditions:

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

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to

prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.

7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
 - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
 - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
 - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
 - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e three (3) or more months.
 - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
 - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
Plans Reviewed:
 - a. **Proposed Pool Plan**, 59 Red Coat Road, Westport, CT, prepared for RMF Builders, LLC, prepared by LandTech, dated September 14, 2023, last revised September 11, 2024, Scale: 1" = 20'.
18. The drainage plan shall be reviewed and approved by the Town Engineering Department prior to the issuance of a Zoning Permit.
19. The wetland buffer planting that has already been installed shall not be disturbed or modified. A deer fence shall be installed to prevent further deer browse of the plants.
20. The planting performance bond, that was conditional for the approval for the house (IWW-11237-21), shall be held an additional growing season (through October 2025) to ensure overall longevity and that the plants are not disturbed during site activity.
21. The site engineer shall witness and certify all site drainage proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
22. A pool dewatering plan must be submitted to the Conservation Department prior to issuance of a zoning permit.

23. Stockade fence at the property line within review area shall be installed with 4” minimum distance to ground surface.

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, Carey-Moody, McDowell
Nays: None Abstentions: None Vote: 4:0:0

4. **8 Pond Edge Road:** Application #IWW,WPL/E-12004-24 by Curt Lowenstein of LandTech on behalf of Coziary LLC to construct a new single family residence, porch, driveway, deck, drainage, plantings and associated site improvements. Portions of the work are within the upland review area setbacks.

Curt Lowenstein PE presented the application on behalf of the property owner. The proposal is for a new single family residence in approximately the same location as the existing home. The driveway will have an asphalt apron and then be a gravel drive with drainage beneath. The basement will be fully wrapped with a membrane and there is no footing drain proposed at this time. There is room for additional drainage at the front of the property if a footing drain is needed at a later date. A new deck is proposed at the rear of the house, which is the closest encroachment on the wetland setback. He reviewed the drainage for the project.

Mr. Hally asked if there was a construction sequence prepared.

Mr. Lowenstein stated he can prepare one.

Mr. Hally noted the site is a little tight and a construction sequence would help define how the project will occur. The project itself will be an improvement compared to the existing conditions, which does not have any drainage. The driveway should remain pervious in perpetuity on the land records. He noted he likes that there is a planting within the wetland and should allow the wetland to naturalize. He suggested the buffer should include an area upland of the wetland and abandonment of some of the lawn. He discussed the existing fence and asked about finding a new delineation between the lawn area and the wetland. He recommended a planting bond and that the site engineer certify that the drainage is installed as designed.

Mr. Lewi asked Mr. Lowenstein to address the plantings.

Mr. Lowenstein stated the owners would like to keep the fence. He proposed that they use two man boulders as the delineation of the wetland line and add seed mis. He noted there is little usable space on the property.

Anna Coziary, property owner, stated there are currently shrubs in the wetland area. She asked for clarification of why it is suggested to add more plantings.

Mr. Hally explained that there is uptake of nutrients and pollutants by plantings before reaching the pond, which helps eliminate algae blooms in the pond.

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

Motion to close the public hearing.

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

Town of Westport
Conservation Commission
FINDINGS
Application #IWW-WPL/E-12004-24
8 Pond Edge Road
Assessor's Map: D05 Tax Lot: 042
Public Hearing: October 16, 2024

- 1. Application Classification:** Plenary
- 2. Application Request:** The application is to construct a new single-family residence, to construct a new single-family residence, pervious gravel driveway, porch, deck, and subsurface drainage with associated site improvements. Portions of the work are within the upland review area setbacks. No work is proposed within the Waterway Protection Line (WPL).
- 3. IWW and WPLO Regulated Areas:**
IWW review areas determined for this property include the following:
 - 50' review area from wetland for the new house. The house is within the review area.
 - 30' review area from wetland for the construction of the driveway and walkway. The proposed driveway and walkway are within the review area.
 - 30' review area from wetland for the construction of the deck and porch. The proposed deck is within the review area. The porch is outside the review area.
 - 20' review area for the proposed stormwater management system and propane tank. The proposed stormwater detention units are located outside of the setback.
 - 20' review area for proposed grading. The grading is located outside the setback.The Waterway Protection Line Ordinance dictates that the WPL boundary be located 15' from the wetland boundary. No work is proposed within the WPL.
- 4. Plans Reviewed:**
 - a.) Zoning Location Survey & Topographic Survey**, prepared for Coziary LLC, 8 Pond Edge Road, Westport, Connecticut, prepared by LandTech, dated June 17, 2024, last revised to July 12, 2024, Scale: 1" = 20'.
 - b.) Site Development Plan, Site Improvements for a Proposed Single Family Dwelling**, prepared for Coziary LLC, 8 Pond Edge Road, Westport, Connecticut, prepared by LandTech, dated September 12, 2024, Scale: 1" = 20'.
 - c.) Stormwater Management Report**, for 8 Pond Edge Road, Westport, CT, prepared by LandTech, dated September 11, 2024.
 - d.) New Residence 8 Pond Edge Rd (Architectural Renderings)**, Issued for Conservation, prepared for Coziary, LLC, 8 Pond Edge Road, Westport, Connecticut, prepared by Michael Smith Architects, dated September 11, 2024.
- 5. Past Permits:** IWWW-11986-24
- 6. 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-Urban land complex (260): This map unit consists of undulating and rolling soils and areas of Urban land on uplands. The Charlton soil is very deep and well drained. The Hollis soil is shallow and somewhat excessively drained. In a typical area it is 40 percent Charlton soil, 20 percent Hollis soil, 20 percent Urban land, and 20 percent other soils and areas of rock outcrops. Typically, the surface layer of the Charlton soil is black fine sandy loam about 1 inch thick. The subsurface layer is dark brown fine sandy loam about 5 inches thick. The subsoil is yellowish brown fine sandy loam about 30 inches thick. The substratum is light brownish gray sandy loam to a depth of 60 inches or more. Typically, the surface layer of the Hollis soil is black fine sandy loam about 3 inches thick. The subsoil is dark yellowish brown fine sandy loam about 11 inches thick. Bedrock is at a depth of 14 inches. Urban land consists of areas where the original soil surface has been covered by impervious surfaces, such as asphalt, concrete, and buildings. In most areas the underlying soil has been cut away or covered by fill from surrounding areas of Charlton soil.

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

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

- a. The existing house was built in 1966. It is served by public sanitary sewer.
- b. The property is 0.668 acres (29,109 sq. ft.) in size; located in Residential Zone AA.
- c. The parcel is shown as located within the Sherwood Mill Pond watershed (subregional watershed ID #7000-19. Sherwood Mill Pond is located ~550 feet to the East. The wetlands onsite are associated with a small freshwater pond. The site drains to the north.
- d. Property is situated in Flood Zones X and AE as shown on F.I.R.M. Panel 09001C0551G Map revised to July 07, 2013.
- e. The property **is not** within the Aquifer Protection Overlay Zone.
- f. Property **is within** the Coastal Area Management Zone.
- g. The Waterway Protection Line is established 15' from the surveyed wetland boundary. The WPLO boundary is depicted on the survey.
- h. Base Lot Area: **20,502 sq. ft**
- i. Existing Site Coverage: **25% (5,125 sq. ft.)**
- j. Proposed Site Coverage: **23.5% (4,808 sq. ft.)**
- k. Existing Building Coverage: **14.8% (3,034) sq. ft.)**
- l. Proposed Building Coverage: **17.2% (3,521 sq. ft.)**
- m. Proposed First Floor Elevation: **18.5 ft.**
- n. Proposed Garage Floor Elevation: **16.3 ft.**
- o. Proposed Basement Floor Elevation: **8.28 ft.**
- p. Proposed Porch and Deck Elevations: **18.0 ft.**
- q. Existing Average Site Grade Elevation: **15.6 ft.**
- r. Proposed Average Site Grade Elevation: **16.3 ft.**
- s. Proposed Total Excavation and Fill: **55 cy**

8. Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

6.1 GENERAL STANDARDS

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

Discussion:

The onsite resource consists of a forested wetland and freshwater pond. The wetland drains north towards the wetland complex around Lamplight Lane, which eventually drains to Sherwood Mill Pond. An existing house and associated features will be demolished. A new FEMA-compliant house will be constructed within the same general footprint of the house to be demolished. The house will be constructed ~26' from the feet from the nearest wetland boundary. The driveway will be located ~28' from the wetland. The rear deck will be located ~25' from the wetland. The limit of grading will be located ~25' from the wetland. The proposed soil stockpile is shown outside of the non-disturbance boundary.

There are no existing stormwater retention units. The development plan proposes three rows totaling 9 Cultec C-100 stormwater retention galleries and two rows totaling 6 Cultec R-280 units. The plan demonstrates the retention units will be located within lawned areas. The Commission finds this as a major improvement to existing drainage conditions.

The Commission finds the development of the house within the floodplain as the greatest risk to the overall water quality and habitat health. The project prioritizes maximizing building coverage instead of showing an effort to minimize encroachment to the wetland and review areas. The site plan demonstrates that there will be plantings within the wetland boundary to restore areas that were once maintained as lawn. The applicant does not propose any demarcation of the wetland boundary across the site. The Commission finds that there is no wetland buffer planting upgradient from the wetland boundary. The Commission assumes the applicant proposes a design that would maintain a limit of lawn right up to the wetland boundary and beyond.

With the increase in coverage, the Commission requires additional mitigation options such as establishing a no-mow zone (restricting the limit of lawn), permanent demarcation of wetland boundary, and implementing an upland buffer planting.

6.2 WATER QUALITY

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

Discussion:

Wetlands on the property eventually drain to Sherwood Mill Pond, State Surface Water ID: CT-W1_008. The surface water quality classification for Sherwood Mill Pond (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), is Class SA water. The Class SA designation indicates that the water quality is suitable for habitat of fish other aquatic organisms, recreation activities, and consumption of fish and shellfish. The Commission references UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin (ID:7000-19) for Sherwood Millpond has a combined condition index (CCI) score of 0.15. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Sherwood Mill Pond Recovery Status as "Mitigation", identifying that the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones and enhancing tree canopy.

There is no existing stormwater storage on the 25% (5,125 sq. ft.) and the proposed site coverage is

23.5% (4,808 sq. ft.). The application proposes two new areas of stormwater storage and storm water reservoir within the driveway. The “Stormwater Management Report” states the proposed stormwater management system is designed to treat the first 1” of rainfall from all the proposed development (water quality volume) and handle the volume from the 25-year storm. Roof leaders at the front of the residence will be conveyed to a retention area consisting of 6 Cultec units located to the south of the house. Roof leaders coming off the rear of the house will be conveyed to a retention area consisting of 9 Cultec units located to the north of the house. The stormwater retention areas reported for the drainage computations include the pool, driveway stone, stone subbase beneath the deck, and Cultec units. The stormwater retention areas are sized with a volume of 1,177.11 cu. ft., which is greater than the 397.10 cu. ft. required. The stormwater galleries can overflow and discharge downgradient across the lawn. A detail for the drainage units is provided on the site plan details.

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

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

6.3 EROSION AND SEDIMENT

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

Discussion:

Excavating, grading and filling will create displaced soil across the site. The total proposed cut and fill for the site is 55 cubic yards, which is less than the 949 cubic yards that is allowable for the site. The site plan identifies an area for soil stockpiling, south of the proposed residence. The applicant has provided sediment and erosion controls on the site plan, which incorporates the use of a single row of silt-fencing all along the limit of disturbance, a single row of silt fence around the temporary stockpile area, and an anti-mud tracking pad at the proposed construction entrance within the footprint of the driveway. The row of silt fence will be installed ~15’-20’ from the wetland boundary, as close to the proposed limit of grading as is practicable. Proper installation and continued maintenance of E&S measures should be adequate to control sedimentation. The Commission anticipates that work will encounter groundwater during the excavation activities for the house basement (el. 8.28). Groundwater was encountered in Test Holes 1 and 2, at 73” and 48” below ground surface, respectively. The “General Erosion and Sediment Control Notes” listed on the site plan includes a note that specifies the use of a 15’ x15’ dirtbag dewatering system if needed. The dirtbag dewatering system is adequate for controlling silt-laden water so long as the system is frequently monitored and maintained.

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

the wetlands. The silt fence and tracking pad should be adequate to controlling sedimentation in the wetlands and associated watercourses.

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 onsite pond is a perennial watercourse could provide habitat for fish and aquatic macroinvertebrates.

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

The wetland planting plan proposes to install 50 native shrubs within the lawned wetland. The shrubs include spicebush, winterberry, red osier dogwood, arrowwood viburnum, and highbush blueberry. The shrubs will be grouped in stations of three or four with New England wetland seed mix planted between. The Commission finds this planting as an adequate planting to restore lawn to vegetated wetland. However, to facilitate infiltration and dissipation of stormwater runoff into the aquatic habitat, The Commission finds a 15ft buffer should be planted along the entire northern wetland boundary extending upland from the wetland would be more beneficial to the wetland and watercourse. The incorporation of a dense buffer planting would help reestablish some larger plants in the wetland, which could eventually provide some habitat or forage value. The Commission should consider requiring the abandonment of lawn within the wetland and let successional growth of herbaceous plants revert the lawn back into wet meadow. The Commission finds implementing the planting in addition to a full riparian buffer planting would have positive effects on the sites capacity to enhance stormwater runoff as well as provide low lying habitat for birds, small mammals and pollinating insects.

6.5 DISCHARGE AND RUNOFF

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

Discussion:

The proposed stormwater management system is sized to handle the first inch of runoff for water quality as well as meeting the Town of Westport Drainage Standards for a 25-year storm event. The Commission finds this proposed system will be an improvement over the existing site condition without drainage. The site grading around the proposed house will generally follow the existing site grades and therefore, it is not anticipated to have an impact to the adjacent or adjoining properties, as shown on the site plan. The

grading is necessary to accommodate the construction of the house and the installation of the stormwater system. The stormwater retention of roof and driveway runoff should significantly reduce the amount of runoff volume and energy into the wetland. The proposed grading may minimally change how the site transmits flood water, but the density of vegetation within the restoration planting will provide some water quality treatment and energy dissipation through the riparian corridor during storm events. Additionally, the approved planting should enhance the existing wetland and watercourse function.

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.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW-WPL/E-12004-24
8 Pond Edge Road
Assessor's Map: D05 Tax Lot: 042
Public Hearing: October 16, 2024

Project Description: to construct a new single-family residence, to construct a new single-family residence, pervious gravel driveway, porch, deck, and subsurface drainage with associated site improvements within the upland review area of onsite wetlands and outside the WPL of the onsite pond.

Owner of Record: Coziary, LLC

Applicant: Curt Lowenstein, LandTech

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **IWW, WPL/E-12004-24** with the following conditions:

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

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.

4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. Zoning Location Survey & Topographic Survey, prepared for Coziary LLC, 8 Pond Edge Road, Westport, Connecticut, prepared by LandTech, dated June 17, 2024, last revised to July 12, 2024, Scale: 1" = 20'.
 - b. Site Development Plan, Site Improvements for a Proposed Single Family Dwelling, prepared for Coziary LLC, 8 Pond Edge Road, Westport, Connecticut, prepared by LandTech, dated September 12, 2024, Scale: 1" = 20'.
 - c. Stormwater Management Report, for 8 Pond Edge Road, Westport, CT, prepared by LandTech, dated September 11, 2024.
 - d. New Residence 8 Pond Edge Rd (Architectural Renderings), Issued for Conservation, prepared for Coziary, LLC, 8 Pond Edge Road, Westport, Connecticut, prepared by Michael Smith Architects, dated September 11, 2024.
17. The wetland boundary shall be permanently demarcated with 2-man boulders placed 20-ft on center to delineate maintained lawn from the wetland boundary. Mowing within the wetland shall cease, and the wetland shall be left to naturally revegetate. The maintenance plan shall be submitted to the Conservation Department for staff approval prior to the issuance of the Zoning Permit.
18. 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.
19. A planting performance bond shall be submitted and held for a full growing season to ensure vitality of the plants. The bond must be paid prior to the issuance of the Zoning Permit.
20. The site engineer shall witness and certify all site drainage proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
21. Pervious surfaces shall remain pervious in perpetuity with a restriction placed on the land record.
22. A demolition, construction, and planting sequence shall be submitted to the Conservation Department for Staff approval prior to the issuance of a Zoning Permit.

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

Motion: Whiting **Second:** Lewi
Ayes: Whiting, Lewi, Carey-Moody, McDowell
Nays: None **Abstentions:** None **Vote:** 4:0:0

5. **28 Charcoal Hill Road:** Application #IWW,WPL/E-11984-24 by Cindy Tyminski of Moon Gardens LLC on behalf of Vivian Hsu for a proposed two-story garage addition with new entry to second floor, reconfigured driveway and new patios. Portions of the work are within the upland review area setbacks.

Cindy Tyminski presented the application on behalf of the property owner. She stated the detached garage was demolished in 2023 and partially rebuilt without benefit of permits. Also, 4 trees were removed. The wetland line was amended on March 14, 2024. The proposal is for a new garage with a second story, remove decks and the greenhouse and construct new patios. She reviewed the proposed planting plan. The proposal also includes a stormwater retention system, erosion control measures, and removal of the pool and equipment.

Mr. Hally stated this project will be a big improvement over the existing site conditions. He suggested a bond for planting plan and that any planting within the wetland should be by hand.

Mr. Lewi asked for public comment.

Mr. Kelly noted the Notice of Violation will be removed upon approval of all conditions if the Commission agrees.

There were no public comments.

Motion to close the public hearing.

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

Town of Westport
Conservation Commission
FINDINGS
Application #IWW-WPL/E-11984-24
28 Charcoal Hill Road
Assessor's Map: E15 Tax Lot: 033
Public Hearing: October 16, 2024

1. **Application Classification:** Plenary
2. **Application Request:** The application is proposing to construct a two-story garage addition with new entry to second floor, reconfigured driveway and new patios with associated site work. Portions of the work are within the upland review area setbacks of wetlands and watercourses.
3. **IWW and WPLO Regulated Areas:**
IWW review areas determined for this property include the following:
 - 50' review area from wetland for a residential addition. The addition is within the review area.
 - 50' review area from wetland for a septic system. The B100 septic location is located outside the review area.
 - 30' review area from wetland for the construction of the driveway and walkway. The proposed driveway and walkway are within the review area.

- 30' review area from wetland for the construction of patios. The patios proposed between the existing pool and the residence are outside the review area.
- 20' review area for the proposed stormwater management system and propane tank. The proposed stormwater detention units are located outside of the review area.
- 20' review area for proposed grading. The grading is located outside the review area.

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

4. Plans Reviewed:

- a.) Environmental Assessment of the Wetlands & Watercourses**, Located at 28 Charcoal Hill Road, Westport, CT, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated February 6, 2024.
- b.) Improvement Location Survey**, prepared for Survey for Vivian Hsu, 28 Charcoal Hill Road, Westport, Connecticut, prepared by Land Surveying Services, LLC, dated December 28, 2023, last revised to February 02, 2024, Scale: 1" = 20'.
- c.) Site Plan, Details & Notes**, Site Improvements Plan for a Proposed Addition to an Existing Single Family Dwelling and a Proposed Pool, prepared for Vivian Hsu, 28 Charcoal Hill Rd, Westport, CT, Chappa Site Consulting, LLC, dated July 25, 2024. Scale: 1" = 20'
- d.) Drainage Computations (report)**, for the Proposed Garage, Pool, Patios and Site Improvements at 28 Charcoal Hill Rd, Westport, CT, prepared for Vivian Hsu, prepared Chappa Site Consulting, LLC, dated July 26, 2024.
- e.) Conservation Planting Plan**, Hsu Residence, 28 Charcoal Hill Road, Westport, CT 06880, prepared by Kelly McGovern Garden Design dated August 3, 2024, Scale: 1" = 10'
- f.) Hsu Residence, Additions and Renovations (Architectural Renderings)**, 28 Charcoal Hill Road, Westport, CT, prepared by CD Design, dated September 11, 2024, dated June 26, 2023, revised October 25, 2023.
 - Existing First Floor Plan Sheet X-1
 - Existing Second Floor Plan Sheet X-2
 - Demolition Plans Sheet D-0
 - Partial Foundation & First Floor Plans Sheet A-1
 - Second Floor & Roof Plans Sheet A-2
 - Proposed Elevations Sheet A-3
 - Proposed Elevations Sheet A-4
 - Sections Sheet A-5
 - Sections Sheet A-6

5. Past Permits: AA-WPLE-11586-22 – Installation of Generator and Propane Tanks

IWW/M-11887-24 – Wetland Map Amendment

6. Wetland soils found on the property

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

Non-wetland 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.

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

- The existing house was built in 1977. It is served by a septic system.
- The property is 2.03 acres (88,332 sq. ft.) in size; located in Residential Zone AAA.
- The parcel is shown as located within the Aspetuck River watershed (subregional watershed ID #7202-13). The Aspetuck River is located ~3800' to the northwest. The wetlands onsite are associated with intermittent watercourses. The site drains to the west.
- Property is situated in Flood Zone X as shown on F.I.R.M. Panel 09001C0412F Map revised to June 18, 2010.
- 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 not shown on the survey.
 - h. The inground pool will be applied for in a future Commission application.
 - i. Gross Lot Area: **88,332 sq. ft (2.028 acres)**
 - j. Base Lot Area: **65,829 sq. ft (1.511 acres)**
 - k. Existing Site Coverage: **10.3% (6,784 sq. ft.)**
 - l. Proposed Site Coverage: **8.09% (5,325 sq. ft.)**
 - m. Existing Building Coverage: **6.0% (3,917 sq. ft.)**
 - n. Proposed Building Coverage: **6.7% (4,417 sq. ft.)**
 - o. Existing Average Site Grade Elevation: **176.7 ft.**
 - p. Proposed Average Site Grade Elevation: **176.8 ft.**
8. Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations
- 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;
 - g) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
 - h) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
 - i) maintain conservation, economic, recreational and aesthetic qualities;
 - j) consider historical sites

Discussion:

The onsite resource consists of a forested wetland associated with intermittent watercourses. The wetland drains towards the north. The existing development onsite consists of a single family residence, improved with driveway, patios, and walkways.

The Town of Westport Conservation Compliance Offer issued a Notice of Violation (NOV) for the unauthorized demolition of a garage and construction of a residential addition within the upland review area of wetlands on the property. The Compliance Officer allowed for the violation to be corrected through applying for a Commission permit. Besides the construction of the garage addition, patios and walkways will be constructed. The site indicates a B-100A alternate septic system to accommodate the expansion in living area. The inground pool will be applied for in a future Commission application. The proposed addition will be constructed ~ 40' from the feet from the nearest wetland boundary. The limit of grading will be located ~25' from the nearest wetland boundary.

There are no existing stormwater retention units. The development plan proposes 72 linear feet of pre-cast concrete stormwater retention galleries to account for the new impervious coverage. The plan demonstrates the retention units will be located under the proposed driveway and adjacent to the proposed rear patios. The Commission finds this as a significant improvement to existing drainage conditions.

The Commission finds that the extents of proposed development will be substantially within the existing envelope of development. The garage addition will be constructed in the same location and rear patios will be constructed in the area of the existing deck. The Commission finds the site plan prioritizes maximizing the size of the rear patios. The Commission finds the overall reduction of site coverage as a benefit to minimizing long term impacts to wetland. Considering intermittent streams are not preferential habitat for macroinvertebrates or fish, the Commission does not expect impacts to fish habitat. Implementation of the appropriate erosion controls will assist in minimizing short term impacts of sedimentation and pollution of the surrounding surface water sources.

In a memo from the Town's Engineering Department to the Conservation Commission dated October 9, 2024, Edward Gill stated "*The existing driveway has two watercourse crossings that are only delineated on the survey and site plan with wetlands flagging. The pipes through which these watercourses drain shall be: (A) Located and added to the survey and site plan prior to the issuance of a Zoning Permit. (B) Investigated before and after construction activities, with necessary protections in place throughout construction. (C) Any impacts from construction will be remedies prior to obtaining a Zoning Certificate of Compliance.*"

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:

Intermittent watercourses on the property eventually drain to the Aspetuck River, State Surface Water ID: CT7202-00_01. The surface water quality classification for The Aspetuck River (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), is Class A water. The Class A designation indicates that the water quality is suitable for habitat of fish or other aquatic organisms, wildlife, and recreation activities. referenced UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin (ID: ID #7202-13) for Aspetuck River has a combined condition index (CCI) score of 0.15. A CCI score of less than 0.29 indicates the watershed basin may be significantly impaired. The Tool defines Aspetuck River's Recovery Status as "Mitigation", identifying that the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones and enhancing tree canopy.

There is no existing stormwater storage on 10.3% (6,784 sq. ft.) of impervious coverage and the proposed site coverage is 8.09% (5,325 sq. ft.). The application proposes two new areas of stormwater storage. The drainage report states the proposed stormwater management system is designed to treat the first 1" of rainfall from all the proposed development (water quality volume) and the additional volume produced during a 25- year storm event. Roof drainage will be conveyed to the stormwater galleries beneath the driveway. Stormwater runoff from the patio will be collected by the drains within the patio surface and conveyed toward the galleries adjacent to the patio. The stormwater retention area is sized with a volume of 577.8 cu. ft., which is greater than the 389.33 cu.ft. required. The stormwater galleries can overflow and discharge downgradient across the lawn. A detail for the drainage units is provided on the site plan and details.

In a memo from the Town's Engineering Department to the Conservation Commission dated October 9, 2024, Edward Gill stated "*The storm water drainage system as depicted on the plans substantially complies with the Town of Westport Engineering Department Drainage Standards.*"

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

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

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 S&E plan provides details for the silt fence and construction entrance. Proper installation and continued maintenance of these features should be adequate to control sedimentation. Groundwater was encountered in test holes 101, 103 and 104 at 75", 51", and 58" below ground surface, respectively. The groundwater is encountered around el. 167' - el. 170'. The Commission does not anticipate that work will encounter groundwater during the excavation activities for the residential crawl space or stormwater basins. The site plan does not specify a dewatering method or location. The Commission requires a dewatering plan be included as a contingency if groundwater is encountered. The revision to the plan shall be approved by Conservation Staff prior to the issuance of a Zoning permit.

The Commission finds the greatest risk of potential impacts from sedimentation is construction of the rear patios. Stormwater can transport loose sediments downgradient towards the wetlands. The silt fence and tracking pad should be adequate to controlling sedimentation in the wetlands and associated watercourses.

In a memo from the Town's Engineering Department to the Conservation Commission dated October 9, 2024, Edward Gill stated "*The plan depicts silt fencing and an anti-tracking pad construction entrance. Thus, the project substantially complies with Sedimentation & Erosion Control requirements.*"

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 intermittent watercourse could provide habitat for aquatic macroinvertebrates and amphibians.

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

The "Conservation Planting Plan" proposes to install 19 native trees and 79 native shrubs and 58 native herbaceous perennials within buffer areas upgradient of wetlands. Most of the plantings are concentrated around the driveway and residential addition. The trees include shadblow, river birch, Florida dogwood, and American holly. The shrubs include summersweet, fragrant sumac, and smooth arrowwood. The inclusion of this planting should help reestablish some vegetated upland, demarcating the limit of lawn from sensitive wetland habitat. The trees and shrubs provide some habitat and forage value. The other part of the plan is to plant native trees around the property. The Commission finds this will have positive effects on the sites capacity to enhance stormwater runoff as well as provide low lying habitat for birds, small mammals and pollinating insects.

6.5 DISCHARGE AND RUNOFF

- a) the potential for flood damage on adjacent or adjoining properties will not be increased;
- b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
- c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
- d) flooding upstream or downstream of the location site will not be significantly increased;

- e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

Discussion:

The proposed stormwater management system is sized to handle the first inch of runoff for water quality as well as meeting the Town of Westport Drainage Standards for a 25-year storm event. The Commission finds this proposed system will be an improvement over the existing site condition without drainage. The site grading around the proposed house will generally follow the existing site grades and therefore, it is not anticipated to have an impact to the adjacent or adjoining properties, as shown on the site plan.

The stormwater retention of roof and patio runoff should significantly reduce the amount of runoff volume and energy into the wetland. The proposed grading may minimally change how the site transmits flood water, but the density of vegetation within the restoration planting will provide some water quality treatment and energy dissipation through the riparian corridor during storm events. Additionally, the approved planting should enhance the existing wetland and watercourse function.

In a memo from the Town’s Engineering Department to the Conservation Commission dated October 9, 2024, Edward Gill stated “The proposed grading as depicted on the plans substantially complies with the Town of Westport Zoning Regulations, Sec. 32-8: Excavation and Filling of Land.”

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.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW-WPL/E-11984-24
28 Charcoal Hill Road
Assessor’s Map: E15 Tax Lot: 033
Public Hearing: October 16, 2024

Project Description: To construct a two-story garage addition with new entry to second floor, reconfigured driveway and new patios with associated site work within the upland review area setbacks of wetlands and watercourses.

Owner of Record: Vivian Hsu

Applicant: Cindy Tyminski, 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-11984-24** with the following conditions:

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

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a.) **Environmental Assessment of the Wetlands & Watercourses**, Located at 28 Charcoal Hill Road, Westport, CT, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated February 6, 2024.
 - b.) **Improvement Location Survey**, prepared for Survey for Vivian Hsu, 28 Charcoal Hill Road, Westport, Connecticut, prepared by Land Surveying Services, LLC, dated December 28, 2023, last revised to February 02, 2024, Scale: 1" = 20'.
 - c.) **Site Plan, Details & Notes**, Site Improvements Plan for a Proposed Addition to an Existing Single Family Dwelling and a Proposed Pool, prepared for Vivian Hsu, 28 Charcoal Hill Rd, Westport, CT, Chappa Site Consulting, LLC, dated July 25, 2024. Scale: 1" = 20'
 - d.) **Drainage Computations (report)**, for the Proposed Garage, Pool, Patios and Site Improvements at 28 Charcoal Hill Rd, Westport, CT, prepared for Vivian Hsu, prepared Chappa Site Consulting, LLC, dated July 26, 2024.
 - e.) **Conservation Planting Plan**, Hsu Residence, 28 Charcoal Hill Road, Westport, CT 06880, prepared by Kelly McGovern Garden Design dated August 3, 2024, Scale: 1" = 10'
 - f.) **Hsu Residence, Additions and Renovations** (Architectural Renderings), 28 Charcoal Hill Road, Westport, CT, prepared by CD Design, dated September 11, 2024, dated June 26, 2023, revised October 25, 2023.
 - x. Existing First Floor Plan Sheet X-1
 - xi. Existing Second Floor Plan Sheet X-2
 - xii. Demolition Plans Sheet D-0
 - xiii. Partial Foundation & First Floor Plans Sheet A-1
 - xiv. Second Floor & Roof Plans Sheet A-2
 - xv. Proposed Elevations Sheet A-3

xvi.	Proposed Elevations	Sheet A-4
xvii.	Sections	Sheet A-5
xviii.	Sections	Sheet A-6

17. The design engineer shall witness and certify the construction of all site drainage proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
18. A planting performance bond shall be submitted prior to the issuance of a Zoning Permit. The bond shall be held for one full growing season to ensure the vitality of the plants.
19. 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.
20. 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 and sediment and erosion controls prior to the issuance of a Zoning Permit.

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

Motion: Lewi **Second:** McDowell
Ayes: Lewi, McDowell, Whiting, Carey- Moody
Nays: None **Abstentions:** None **Vote:** 4:0:0

6. **14 Owenoke Park:** Application #WPL-12002-24 by Cindy Tyminski of Moon Gardens LLC on behalf of Owenoke Park Partners LLC for a new single family residence with attached garage, driveway, pool, patio, underground propane tank, drainage, and associated site improvements. Work is within the WPLO area of Gray’s Creek.

Cindy Tyminski presented the application on behalf of the property owners. The proposal is for a new single family residence, driveway, pool, patio, underground propane tank, drainage and associated site improvements. She oriented the Commission to the site. The site is entirely within the WPLO. Pervious driveway, walkways and patios are proposed. She reviewed the proposed planting plan.

Mr. Hally asked about the DEEP permit for moving riprap.

Ms. Tyminski stated the rip rap is currently there but was never permitted. DEEP requiring that some of the smaller stones be removed and taken off site.

Mr. Hally stated this is a very good planting plan and will provide very good habitat. The proposed drainage system will be an improvement from what is there now. He suggest a 3-year monitoring of invasive management and a bond for the plantings. He also asked for a construction sequence.

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

Motion to close the public hearing.

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

**Town of Westport
Conservation Commission
FINDINGS
Application #WPL-12002-24
14 Owenoke Park
Assessor's Map: D03 Tax Lot: 002
Public Hearing: October 16, 2024**

- 1. Application Request:** Applicant is proposing to construct a new FEMA-compliant, single-family residence with pool, patio, porch, walkways, and house associated site improvements. The proposed work is occurring within the WPLO (elevation 9') area of Grays Creek and the Saugatuck River.
- 2. Plans Reviewed:**
 - a. **Improvement / Location Survey Map of Property**, prepared for 14 Owenoke Park Partners, LLC, 14 Owenoke Park, Westport, Connecticut, prepared by Walter H. Skidd Land Surveyor LLC, dated July 29, 2024, Scale: 1" = 20'.
 - b. **Site Plan Details and Notes, Proposed Site Improvements Plan for a Single Family Dwelling**, prepared for 14 Owenoke Park Partners, 14 Owenoke Park, Westport, CT prepared by Chappa Site Consulting, LLC, date September 5, 2024, Scale: 1" = 20'.
 - c. **Conservation Landscape Plan** (includes E&S plan), for 14 Owenoke Park, Westport, CT, prepared by Moon Gardens, LLC, dated September 6, 2024, Scale: 1" = 10'
 - d. **Drainage Computations (report)**, prepared for 14 Owenoke Park Partners, 14 Owenoke Park, Westport, CT prepared by Chappa Site Consulting, LLC, date September 6, 2024.
 - e. **New Single Family Home 14 Owenoke Park (Architectural Renderings)**, 14 Owenoke Park, Westport, CT 06880, prepared by Tanner White Architects, dated August 20, 2024.
 - i. Arch. Notes & Basement Plan Sheet A-100
 - ii. 1st Floor Architectural Plan Sheet A-101
 - iii. 2nd Floor Architectural Plan Sheet A-102
 - iv. Attic Architectural Plan Sheet A-103
 - v. Roof Architectural Plan Sheet A-104
 - vi. Exterior Elevations Sheet A-201
 - vii. Exterior Elevations Sheet A-202
 - viii. 3D Views Sheet A-203
- 3. Previous Permits Issued:** None
- 4. Property Description:**
 - a. **Location of 25-year flood boundary:** 9 ft. contour interval. A portion of the property is within the Waterway Protection Line Ordinance (WPLO) boundary.
 - b. **Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013. The proposed work will occur wholly within the flood zone.
 - c. **Proposed First Habitable Floor:** 15.2 ft.
 - d. **Proposed Porch Elevation:** 10.5 ft.
 - e. **Proposed Garage Floor Elevation:** 6.5 ft.
 - f. **Proposed Equipment Platform Elevation:** 14.1 ft.
 - g. **Lot Size (above mean high water):** 0.73 acres (31,574 sq. ft.)
 - h. **Base Lot Area:** 0.67 acres (29,225 sq. ft.)
 - i. **Proposed Site Coverage:** 20.97% (6,135 sq. ft)
 - j. **Proposed Building Coverage:** 11.52% (3,371 sq. ft.)
 - k. **Sewer Line:** The existing residence is serviced by municipal sewer.
- 5. Aquifer:** Property underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
- 6. Area Management:** The subject property is located within the Coastal Area Management (CAM) zone. The coastal resource is identified as Coastal Flood Hazard Area. Coastal Flood Hazard Areas are defined as land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events.

Coastal Hazard Areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.

- 7. Proposed Storm Water Treatment:** The applicant proposes a drainage system that consists of a driveway stormwater reservoir and two (2) additional underground stormwater storage basins constructed of trap rock stormwater reservoirs. Roof leaders will be directed towards the underground stormwater retention areas.

- 8. Discussion:**

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

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

The property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property abuts intertidal of Grays Creek, a tidal embayment of the Saugatuck River. The site survey depicts the tidal wetland line along the far northern part of the property and much of the northeast corner of the property. The intertidal zone is on the property boundary. The mean high water line is established at elevation 3.3' (NAVD88), and the coastal jurisdiction line (el. 5.3') is located on the property. The property is situated within the flood zone AE (el. 13'). The residential dwelling is not within the VE zone.

Based on the existing spot elevations shown on the site survey, the property gradually slopes downgradient from the center of the property northerly towards Grays Creek. The topography of the land around the proposed residence is generally flat. The site development plan depicts very minimal grade change around the proposed addition, maintaining the average building grade of el. 8.5' while regrading the 8' contour west of the property. The modified shoreline, consisting of stones placed along the tidal limit will be altered. Some of the stones will be removed while 60 cubic yards of the stone will be retained. The work is captured within a State of Connecticut DEEP Certificate of Permission.

The pre-existing house was demolished. At present, the property is only improved with a driveway entrance. The project proposes to construct new single family residence, an inground swimming pool (18'x36'), pervious driveway, pervious walkway, pervious patios, with landscape walls, covered porch, and an underground propane storage tank. A stormwater management system will be installed with three areas of subsurface stormwater storage. The driveway surface will be constructed of 2" of crushed stone or gravel. The proposed dwelling will be built to conform to FEMA standards with the first habitable floor (el. 15.2') established above the 100-year base flood elevation (el. 13'). The new utility equipment pad will be established at elevation 14.1'. The Town's Engineering Department found this design to be compliant. A Conservation Landscape Plan proposes to remove invasive plants and restore native plants within the tidal wetlands. The Flood and Erosion Control Board approved the application on **October 9, 2024**, with no special conditions.

Water Quality Considerations:

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

The site plan depicts one layer of perimeter silt fence beyond the limit of disturbance. A detail for typical silt fence installation is provided with the construction details and notes. The plan depicts minor grading immediate area of

the new development. The site plan specifies the utilization of a soil stockpile area enclosed by a single row of silt fence, immediately east of the driveway footprint. An anti-mud tracking pad will be installed at the existing driveway entrance on the Owenoke Park travel way. Due to the close proximity and wide envelope of development on the property, The Commission requires a construction sequence be approved by Conservation Staff prior to the issuance of the Zoning permit.

The site is currently vacant and does not contain any site drainage infrastructure. The site plan proposes a pervious patio, walkway and driveway. The Commission requires that the pool patio, walkway, and driveway remain pervious in perpetuity with a restriction placed on the land record.

The applicant provides drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV) and the 25-year storm event. Stormwater calculations are provided in the "Drainage Computations" report. The calculations demonstrate the proposed driveway stormwater detention system, including the all three trap rock reservoirs (193 linear feet), has a storage volume of 868.50 cu. ft. which is greater than the 679 cu. ft. required by Town drainage standards for the first 1" of runoff from the new development. The drainage plan demonstrates that the stormwater runoff volume from the roof will be collected by roof leaders and conveyed through underground pipes towards the underground detention area. Runoff from the driveway surface will be collected by the driveway surface and stored within the stone driveway reservoir. The pool patio will collect water within the patio surface and edge drain and convey it to the adjacent reservoir. The Commission considers the proposed additional drainage and stormwater storage as a benefit by reducing the amount of stormwater drainage sheet flowing toward the tidal wetland. 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 Commission finds that test pit data for relative ground water elevations were recorded at 32" to 40" below ground surface across the site. The Commission anticipates that the excavation for the pool will encounter groundwater. The Commission finds the site plan identifies a dewatering area adjacent to the pool excavation. The dirtbag will filter any silt-laden water and discharge it into the stormwater basin.

The architectural drawings demonstrate that the lower level (elev. 6.5) will include a garage area for three cars, a mud room, and storage area. The "Proposed First Floor Plan" demonstrates the lower level will be outfitted with the required number of flood vents.

The Commission finds stormwater quality across the property has the potential to improve with the inclusion of the driveway drainage and roof runoff being conveyed to a three oversized stormwater detention areas. The feature should help mitigate any potential impacts to surface water quality within the Saugatuck River from lawn and driveway runoff. The Commission finds that the new development may improve the way the site transmits flood waters by capturing more overall site stormwater runoff.

Natural Habitat Considerations:

The Conservation Commission references a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential habitat for following state species of special concern; Northern diamondback terrapin (*Malaclemys terrapin terrapin*), yellow-crowned night-heron (*Nyctanassa violacea*), glossy ibis (*Plegadis falcinellus*), Atlantic seasnail (*Liparis atlanticus*), blueback herring (*Alosa aestivalis*), sand tiger shark (*Carcharias taurus*), radiated shanny (*Ulvaria subbifurcata*), and little blue heron (*Egretta caerulea*). The review listed two state threatened species: great egret (*Ardea alba*) and snowy egret (*Egretta thula*). There is no proposed development immediately adjacent to the water or within the water column, there is minimal potential impact to any listed aquatic species. The Commission finds that the landscape plan aims to maintain the existing mature trees which would benefit potential coastal bird nesting habitat. The Commission expects there will no impacts to listed coastal birds. The Commission finds the proposed

Conservation Landscape Plan will significantly enhance habitat value of the tidal wetlands and intertidal zone. At present, the Commission does not recommend further consultation to evaluate impact to listed species.

The landscape plan indicates the removal of non-native and invasive plants such as Ailanthus, bittersweet vine, English ivy and grape vines. The landscape plan identifies spruce, arborvitae, red oak, and northern bayberry to be retained. The Commission requires an invasive management plan with up to three (3) years of post-removal monitoring to ensure the invasive plants do not reestablish. The landscape plan indicates that the tidal wetland will be restored with 750 plugs of saltmeadow cordgrass. A wetland buffer will be planted 15 feet wide with 100 shrubs and 127 herbaceous perennials.

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 nearest proposed limit of disturbance from the installation of the pool and driveway is ~35' from the tidal wetland boundary and ~40' from the intertidal zone of Grays Creek. The Commission finds that the risk of sediment release into the resources is mitigated by the utilization of the row of silt fence and hay bales around the project area and a row of silt fence around the soil stockpile, perimeter silt fence, construction entrance and dewatering area. With the mitigating controls and designs, the potential for short term and long-term adverse impacts from the proposed development to the natural habitat is minimal.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-12002-24
14 Owenoke Park
Assessor's Map: D03 Tax Lot: 002
Public Hearing: October 16, 2024

Project Description: to construct a new FEMA-compliant, single-family residence with pool, patio, porch, walkways, and house associated site improvements within the WPLO (elevation 9') area of Grays Creek and the Saugatuck River.

Owner of Record: Owenoke Park Partners, LLC

Applicant: Cindy Tyminski, Moon Gardens, LLC

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-12002-24 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 **October 9, 2024**.
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 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 14 Owenoke Park Partners, LLC, 14 Owenoke Park, Westport, Connecticut, prepared by Walter H. Skidd Land Surveyor LLC, dated July 29, 2024, Scale: 1" = 20'.
 - b. **Site Plan Details and Notes, Proposed Site Improvements Plan for a Single Family Dwelling**, prepared for 14 Owenoke Park Partners, 14 Owenoke Park, Westport, CT prepared by Chappa Site Consulting, LLC, date September 5, 2024, Scale: 1" = 20'.
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- e. **New Single Family Home 14 Owenoke Park (Architectural Renderings)**, 14 Owenoke Park, Westport, CT 06880, prepared by Tanner White Architects, dated August 20, 2024.
- ix. Arch. Notes & Basement Plan Sheet A-100
 - x. 1st Floor Architectural Plan Sheet A-101
 - xi. 2nd Floor Architectural Plan Sheet A-102
 - xii. Attic Architectural Plan Sheet A-103
 - xiii. Roof Architectural Plan Sheet A-104
 - xiv. Exterior Elevations Sheet A-201
 - xv. Exterior Elevations Sheet A-202
 - xvi. 3D Views Sheet A-203
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. The reconfigured driveway, walkways, and patios shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
20. Underground storage tanks shall be anchored in compliance to FEMA regulations.
21. The applicant shall submit a performance bond for the wetland planting plan and invasive plant management plan, to be held one full growing season to ensure vitality of the plants. A portion of the bond shall be held for three years (monitoring period) to ensure the success of the restoration of the wetland meadow. The bond shall be paid prior to the issuance of a Zoning Permit.
22. The permittee shall submit a construction sequence to be approved by Conservation Staff prior to the issuance of the Zoning Permit.
23. The dock shall be applied for in a separate WPL application.
- 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: Carey-Moody
Ayes: McDowell, Carey Moody, Lewi, Whiting
Nays: None Abstentions: None Vote: 4:0:0

Work Session:

1. Receipt of applications

Mr. Kelly stated there were no applications to receive. There will be a meeting on November 20, 2024. The submission deadline is October 17, 2024.

2. Approval of September 11, 2024 minutes.

The September 11, 2024 meeting minutes were approved as submitted.

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

3. Approval of September 24, 2024 Show Cause Hearing minutes.

The September 24, 2024 Show Cause Hearing minutes were approved as submitted.

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

4. Compliance Report update

Mr. Kelly asked that the item be tabled until the November 20, 2024 meeting. Mr. Hartshorne will be at the meeting to present and to give a workshop on the staff's study of vernal pools.

5. **2 Owenoque Park:** Request for bond release as required by Permit #WPL-11555-22 for buffer plantings.

This request was continued at the applicant's request.

6. **105 Harbor Road:** Request for bond release as required by Permit #WPL-11630-22 for the plantings.

Mr. Hally stated he inspected the site on October 11, 2024 for bond release. The plants are thriving and meet a greater than 80% threshold for vitality. He recommended the release of the bond.

Motion to release the bond.

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

7. Discussion of a working group for fee schedule changes.

Mr. Kelly stated Ms. Johnson and he are working on drafting a new fee schedule. The fee schedule is a part of the Town Code. The Town Code requires that the fees are looked at every three years, but the Conservation fees have not been changed since 2015 and then it was only minimal. Staff has all the research of surrounding communities. When they have the draft complete, they will first reach out to Mr. Lewi and then go forward to the Commission.

8. Other Business

- a. Mr. Kelly stated the staff is going to put together mini training sessions since we have so many new members. The beginning of those sessions will be the Vernal Pool workshop by Mr. Hartshorne in November.
- b. Mr. Kelly reminded members that the CACIWC Annual Meeting is scheduled for November 16, 2024. It is a great training and networking opportunity for members. He asked if anyone was interested to let Ms. Johnson know what classes they are interested in taking and she will handle sign-up.

The October 16, 2024 Public Hearing of the Westport Conservation Commission adjourned at 10:30 p.m.

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