



**WESTPORT, CONNECTICUT
CONSERVATION COMMISSION**

TOWN HALL - 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1170 • FAX (203) 341-1088

October 17, 2024

Owenoke Park Partners, LLC
31 Imperial Ave
Westport, CT 06880

**Re: 14 Owenoke Park, Westport, CT
Application #WPL-12002-24**

To Whom it May Concern,

This letter serves to confirm that at its October 16, 2024 meeting the Conservation Commission reviewed and approved the above-referenced application. The applicant had requested 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 on the property located at 14 Owenoke Park. Copies of the permit, Commission's findings, and resolution of approval are enclosed for your use.

The permit, findings, and resolution are being sent to you by e-mail, regular mail and by certified mail.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

Joshua Lewi
Conservation Commission Chair

CC: Cindy Tyminski, Moon Gardens

P.O. Box 66

Greens Farms, CT 06838



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TOWN OF WESTPORT
WATERWAY PROTECTION PERMIT

No. WPL-12002-24

Effective Date: October 16, 2024

This PERMIT authorizes Cindy Tyminski of Moon Gardens, LLC APPLICANT, and Owenoke Park Partners, LLC, OWNERS to conduct the following REGULATED ACTIVITY: 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 on the property located at 14 Owenoke Park; specifically, Assessor's Map: D03 Tax Lot: 002, Westport, Connecticut; in conformance with the laws of the State of Connecticut, and the Town of Westport.

This PERMIT is issued upon application of the PERMITTEE in accordance with the Waterway Protection Line Ordinance, and the CONDITIONS OF APPROVAL listed in the Resolution adopted at the Conservation Commission's meeting convened on the above-referenced date.

Acceptance and application of this license is both an implied and expressed agreement by the holder and his agents to comply with and adhere to all terms and conditions of this permit.

No change or revision of this permit may occur without the prior written authorization of the Conservation Director, said authorization to be issued only upon submission of a written request describing the proposed deviation and supporting reason. **Similarly, this permit is non-transferable. Requests for such transfers are to be submitted in writing to the Conservation Director describing the proposed transfer, the reason for such transfer, and an acknowledgment that nothing regarding the transfer shall in any way shift or limit the liability of any other person unless and until the transfer is authorized in writing by the Conservation Director.**

In issuing this PERMIT, the Conservation Commission has relied upon the applicant's assurances, and makes no warranties, either expressed or implied, and assumes no liability with regard to the structural integrity of the design of any structures, or to the engineering feasibility of efficacy of such design.

In event that the Permit Holder becomes aware that there may be a noncompliance with any provision of the approval, the Permit Holder shall immediately inform the Conservation Director, and shall take all reasonable steps to ensure that any noncompliance is avoided, or, if unavoidable, minimized to the greatest extent possible, with such notification not excusing the noncompliance.

The holder of the PERMIT, and his agents and representatives, acknowledges that the issuance of the PERMIT does not in any way relieve or excuse said PERMITTEE of the obligation to obtain any other approvals required by applicable local, state, and federal law.

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS CERTIFICATE WILL SUBJECT THE CERTIFICATE HOLDER, TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AS PROVIDED BY LAW.

Westport Conservation Commission

Joshua Lewi
Chairperson

**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.

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

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