

Staff Report
Application #IWW/M 10961-20
8 Lone Pine Lane
Prepared: April 24, 2020
Public Hearing: May 20, 2020

Application Request: The applicant is requesting to amend wetland map # D11. The Current Town GIS map shows the wetland boundary to include portions of the yard associated with Deadman's Brook and the associated floodplain.

Soil Scientist for Applicant: Steven Danzer, PhD & Associates LLC

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

Plan reviewed:

"Zoning Location Survey Prepared for Yehuda Elias 8 Lone Pine Lane, Westport, Connecticut", Scale: 1"=20', dated October 6, 2019, prepared by Advanced Surveying Land Surveyors, LLC

Wetlands Description:

Soil Report - prepared by Steven Danzer Ph D, dated September 16, 2019, identified the following **wetland** soil occurring on the property;

Raypol silt loam (12): This soil type is consists of very deep, poorly drained soils formed in loamy over sandy and gravelly outwash. They are nearly level to gently sloping soils in shallow drainage ways and low lying positions on plains and terraces. Most areas of this soil type are wooded. The seasonal high water table and rapid permeability in the substratum limit this soil for community development. Excavations in the soil area commonly filled with water, and many areas do not have drainage outlets. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

Non-wetland soils were identified as:

Agawam fine sandy loam (29B) – This soil type consists of very deep, well drained soils formed in sandy, water deposited materials. They are level to steep soils on outwash plains and high stream terraces. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite, and gneiss. Most areas of this soil are used for community and industrial development. Some areas are used for corn, vegetable, and nursery crops, and a few are wooded. Quickly establishing plant cover, mulching, and using siltation basins help to reduce erosion and sedimentation during construction.

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

Property Description and Facts Relative to the Map Amendment Application:

- The property is 25,983.5 sq. ft. or 0.59 acres in size.
- It is located within the Dead Man’s Brook watershed. Dead Man’s Brook crosses the property as well as the associated the FEMA Flood Zone between 33’ and 35’ from west to east. This flood zone includes a floodway, which is ~30’ in width near the onsite bridge.
- The northern portion of the property exists within the Aquifer Protection Overlay Zone, but the residence lies outside of the designated area.
- Property does not exist within the Coastal Areas Management Zone.
- The Waterway Protection Line Ordinance boundary is 15’ from the 25-year flood line as shown on the survey.
- Net loss of wetland area is **6,608 sq. ft.** as determined by reviewing a 1999 survey versus the October 6, 2019 survey.

Background: The Conservation Department issued a Citation on January 17, 2020, as well as a Cease and Correct Order to the owner January 21, 2020. These enforcement actions were issued for the cutting and clearing of approximately nineteen (19) trees along Deadman’s Brook in which adversely affects the watercourse and wetlands on the property.

A payment of \$1,000.00 was received on February 3, 2020, to satisfy the assessment by the Citation Hearing Officer. The Conservation Commission held a Show Cause Hearing on January 31, 2020 to address the violation. The Commission resolved to revise the order to require: a map amendment, hiring a certified arborist to report on condition of the vegetation removed from the wetlands, and submittal of a remediation plan to restore the impacted area. As of this writing, the arborist report and remediation plan have not been received by the Conservation Department. The Cease and Correct Order shall remain on the land records until all conditions have been satisfied.

Discussion:

The applicant submitted a soils report by Steven Danzer Ph.D. that has investigated the soils on site. This report identifies the soils listed above. Additionally, a letter from Steven Danzer, Ph.D., dated February 25, 2020, notes the Zoning Location Survey submitted with the application is conforms to his flagging of wetlands onsite.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary. Ms. Jaehnig conducted an on-site investigation on March 16, 2020. Her letter/report, dated April 2, 2020, supports the findings of Dr. Danzer and recommends adoption of the flagged wetland line.

Staff recommends the Town’s wetland boundary map be amended to reflect the boundaries as flagged and concurred to by both soils scientist as shown on the Zoning Location survey. Staff recommends this wetland boundary amendment application be approved by the Commission

