



## WESTPORT, CONNECTICUT

### CONSERVATION COMMISSION

TOWN HALL - 110 MYRTLE AVENUE

WESTPORT, CONNECTICUT 06880

(203) 341-1170 • FAX (203) 341-1088

September 24, 2020

Andrew & Michelle Ludel  
4 Hockanum Road  
Westport, CT 06880

**Re: 4 Hockanum Road, Westport, CT  
Application #IWW, WPL 11055-20**

Dear Mr. & Mrs. Ludel,

This letter serves to confirm that at the September 23, 2020 meeting, the Conservation Commission reviewed and approved the above-referenced application to relocate the existing driveway, and to construct a 2-car garage located on Tax Assessor Map: D13, Lot: 095; on the property located at 4 Hockanum Road. A copy of the Commission's findings and resolution is enclosed for your use.

According to the Governor Lamont's Executive Order 7(l) Section 19 F, these findings and resolution are being sent to you by e-mail and regular mail rather than by certified mail.

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

Sincerely,

A handwritten signature in cursive script that reads "Anna Rycenga". To the right of the signature is a circular stamp containing the initials "CWA".

Anna Rycenga  
Conservation Commission Chairperson

CC: Rob Pryor, Landtech



**WESTPORT, CONNECTICUT  
CONSERVATION COMMISSION**

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**TOWN OF WESTPORT  
INLAND WETLANDS AND WATERCOURSES AND  
WATERWAY PROTECTION PERMIT**

No. IWW, WPL 11055-20

Effective Date: September 23, 2020

This PERMIT authorizes Robert Pryor P.E., Landtech, APPLICANT, and Andrew S. & Michelle M. Ludel, OWNERS to conduct the following REGULATED ACTIVITY: To re-grade the rear portion of their property adjacent to Willow Brook, to relocate the existing driveway, and to construct a 2-car garage. The work is within the upland review area from wetlands and within the WPLO from Willow Brook on the property located at 4 Hockanum Road; Specifically, Assessor's Map #D13, Lot# 095, 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 Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport and 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

Anna Rycenga  
Chairperson

**Findings**  
**Application # IWW, WPL -11055-20**  
**4 Hockanum Road**  
**Assessor's Map: D13 Tax Lot: 095**  
**Public Hearing September 23, 2020**

- 1. Receipt Date:** September 23, 2020
- 2. Application Classification:** Plenary
- 3. Application Request:**

Applicant is requesting to re-grade the rear portion of their property adjacent to Willow Brook, to relocate the existing driveway, and to construct a 2-car garage. The work is within the upland review area from wetlands and within the WPLO from Willow Brook

**4. IWW and WPLO Regulated Areas**

IWW setbacks determined for this property include a 50' review area for additions, 30' review area for the driveway, and a 20' non-disturbance buffer for the proposed grading and drainage from wetland boundaries.

The Waterway Protection Line Ordinance dictates that the WPL boundary be located 15' from the 25-year floodplain. The work for the addition, grading and drainage are proposed within the WPL.

**5. Plans reviewed:**

- a) "Proposed Site Improvements to Alleviate Flooding for Willow Brook prepared for Andrew S. & Michelle M. Ludel 4 Hockanum Road, Westport, CT", Scale: 1"=20', dated April 29, 2019 and last revised to June 2, 2020, prepared by Landtech
- b) "Map of Property prepared for Andrew S. and Michelle M. Ludel 4 Hockanum Road, Westport, Connecticut", Scale: 1"=20', dated September 10, 2007, prepared by Hammons LLC
- c) "Stormwater Management Narrative 4 Hockanum Road Westport, Connecticut Conservation Commission Application", Dated July 23, 2020, prepared by Landtech
- d) "Draft – Floodplain Modeling for Hockanum Road Westport, CT" addressed to Robert Pryor, dated April 16, 2020, prepared by GZA Geo Environmental, Inc.

**6. Background Information:**

- Application #IWW/M 11017-20 adopted new wetland boundary location onsite by the Conservation Commission on July 15, 2020
- The existing house was built in 1957.
- The property is 1.10 acres (47,999 sq. ft.) in size.
- It is located in the Willow Brook watershed and Willow Brook flows from east to west across the rear yard. No FEMA flood zone is associated with this property as it was outside their study area. However, the property has a 100-year flood elevation taken from GZA Geoenvironmental Inc. flood study, dated April 16, 2020. The 25-year flood elevation verified by Keith Wilberg, Town Engineer is 44.1 msl.
- The property is not within the Aquifer Protection Overlay Zone.
- Property does not exist within the Coastal Areas Management Zone.
- The Waterway Protection Line Ordinance boundary is established at 15' from the edge of the 25-year flood line.
- The existing residence has flooded multiple times from stormwater and overflow from Willow Brook.
- The flagged wetland area is 4,987 sq. ft. Wetland soil types found onsite:

- Aquents (Aq): This soil type generally has less than two (2) feet of fill over naturally occurring poorly or very poorly drained soils, or are located where the naturally occurring wetland soils are no longer identifiable, or the original soil materials have been excavated to the ground water table within twenty (20) inches of the soil surface, have an aquatic moisture regime and can be expected to support hydrophytic vegetation.
- Raypol silt loam (12): This soil type is nearly level, poorly drained soil found in depressions, on plains and terraces. The soil has a seasonal high water table at a depth of 6 inches from fall until late spring
  - Existing driveway = 2,288 sq. ft.
  - Proposed driveway = 933 sq. ft.
  - Proposed garage = 621 sq. ft.
  - Difference of total site coverage pre and post construction = **-734 sq. ft.**
  - Flood & Erosion Control Board reviewed and approved this application pursuant to the WPLO on September 2, 2020

**Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations**

**7. 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 that this property has experienced repetitive flooding over the years with water entering the house by way of the lower-level garage that leads into the basement. The house is located within the 100-yr flood zone of Willow Brook as determined by the GZA Geoenvironmental Inc. flood study of 2020. The Commission finds that the particular characteristics of the house construction, if left untouched, will lead to future flooding conditions during extreme storm events unless changes occur.

The driveway area is essentially within a concave, depressed area bordered by the garage/house to the north, a retaining wall to the west, an earthen berm to the south, and Hockanum Road to the east. The existing driveway slopes from Hockanum Road (elevation ~45.0') down to the garage entrance (elevation 42.78'). An existing area drain for the driveway is located within the paved area at elevation 42.01'. The height of the berm that separates the driveway is elevation 44.0'. The elevation for the brook is ~39.6' measured at the toe-of-slope. The 25-year flood plain elevation is 44.10 and 100-year flood plain elevation is 44.36'

The Commission finds that the applicant proposes to remove the depressed portion of the driveway, fill in the area, and construct a two-bay garage adjacent to the residence at elevation 46.9'. The grading will create a gentle slope from the house to the existing berm effectively removing the 25 and 100-year flood line from intersecting with the residence. The overall impervious coverage for the site would be reduced by 734 sq. ft. The driveway entrance from Hockanum Road will be adjusted slightly and a new parking/turning area is provided.

The application materials show a breezeway connection to the residence on the site plan and, a garage sketch without a breezeway. Discussions among the applicant and the Conservation Department revealed that the owners are not positive whether or not the

garage will be detached or attached but were seeking approval for attached as of now. The Commission finds that either condition is acceptable.

**8. 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:**

Currently, the surface water from the driveway discharges to an area drain near the southeastern corner of the paved surface. This discharges directly to the watercourse onsite without any treatment for pollutants or providing stormwater storage.

The Commission finds that the proposed project for the addition and associated fill will include a level spreader to disperse the stormwater runoff from the roof leaders of the new addition. The level spreader will discharge to the planted area consisting of New England Soil Erosion Control mix, along the slope/bank of Willow brook.

The water quality classification for Willow Brook (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), is Class A water. The Class A designation indicates that this is uncontaminated surface water, is uniformly good to excellent, natural quality and is suitable for use as a public drinking water supply.

**9. 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:**

Willow Brook's natural drainage pattern flows from east to west on site. Slope disturbance can result in adverse consequences to watercourses. Erosion and sediment from construction sites can impair water supplies, the biological integrity of a waterbody and the local hydrology. The Commission finds that the applicant proposes to add water through a level spreader along the top of the slope adjacent to the watercourse. The proposed area is to be stabilized with herbaceous vegetation and grasses found in the New England Erosion Control Mix. The Commission finds that the use of trees and shrubs growing along streambanks help to bind the soil, giving the banks stability. Additionally, vegetation slows the movement of floodwater through wetland areas, reducing erosive flow velocities on floodplain. The Commission finds that the applicant shall add more plantings, in addition to the two existing spruce trees in order to add stability and help erosion of the embankment. An erosion control blanket will assist in stabilization, post construction, until the vegetation matures.

Currently the site plan indicates the sediment controls to be silt fence installed at the toe of slope surrounding the project area. Staff recommends adding an additional row of fence along the top of slope during construction to capture any sediment runoff from the work area.

#### **10. 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:**

The Commission finds that the vegetation within the riparian corridor for Willow Brook provides shelter and habitat for wildlife. The existing vegetation within this area helps shade the water to increase oxygen levels and provide cover for both fish and terrestrial animals. Additionally, plantings provide the main source of organic detritus forming the basis of the food chain. The Commission finds that every effort should be made to preserve existing woody vegetation along the streambank.

The property also contains areas that are partially manicured along streamside channel. The Commission finds that the addition of more plantings along the stream bank of Willow Brook to restore a more natural condition and increase existing habitat and shelter for wildlife onsite. The Commission finds that the applicant shall provide a landscape plan that includes more plantings along the northern bank of Willow Brook.

#### **11. 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:**

As stated in the "Stormwater Management Narrative", the applicant proposes to decrease overall impervious areas onsite reducing the amount of stormwater runoff from the property. New runoff from the proposed garage and driveway will be directed from roof leaders and as sheetflow into the 20' long level spreader south of the garage, near the top of slope. The water will be allowed to filter through the planted area leading down to the brook. The Commission finds that the applicant shall provide a landscape plan that includes more plantings along the northern bank of Willow Brook to manage the flow of water and aid with pollutant removal from discharge.

The applicant also provided a report entitled "Draft – Floodplain Modeling for Hockanum Road Westport, CT" from GZA, where it modeled the impact of construction within the 100-year floodplain for Muddy Brook. The conclusion found that the proposed condition

will result in "less than a 0.1 ft increase in water surface elevation". It also showed negligible impacts to water elevations upstream and downstream of the site. The Commission finds that this proposal is not a significant change to the flood carrying capacity of the stream.

## 12. 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 property currently does not provide public or recreational use. The Commission finds that the proposed development will not affect recreational and public uses, navigable channels and/or small craft navigation.

### CRITERIA TO BE CONSIDERED BY THE COMMISSION

In carrying out the purposes and policies of the IWW regulations for the Town of Westport Section 5.0 and Sections 22a-36 to 22a-45(a,) inclusive, of the Connecticut General Statutes, including matters relating to regulating, permitting and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to:

- (a) The environmental impact of the proposed regulated activity on wetlands or watercourses;
- (b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- (c) The relationship between the **short-term** and **long-term impacts** of the proposed regulated activity on wetland or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
- (d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity **would foreclose a future ability to protect**, enhance or restore such resource and any mitigation measures which may be considered as a condition of issuing a permit for such activity
- (e) The character and degree of injury to, or interference with, safety, health or reasonable use of property which is caused or threatened by the proposed regulated activity
- (f) 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 regulated activity **which are made inevitable** by the proposed regulated activity and which may have an impact on wetlands or watercourses. ; and
- (g) The degree to which the proposed activity is consistent with all applicable goals and policies set forth in Section 1.3 and 1.4 of these Regulations and Section 22a-36 of the Connecticut General Statutes, as amended.

## 13. Waterway Protection Line Ordinance

*Section 148-9 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface*

*water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.*

The Waterway Protection Line boundary exists 15' from the 25-year flood line onsite. The Flood & Erosion Control Board has approved this application on September 2, 2020 with standard conditions.

The Commission supports the applicant's effort to reduce the frequency of flooding in the residence. Any erosion of soils and pollutants entering the watercourse should be minimized provided the erosion controls are properly installed and maintained throughout construction. The Commission finds that long-term slope stabilization will occur by the addition of more plantings along the stream bank of Willow Brook and will benefit resources by limiting erosion and provide biofiltration of pollutants from any runoff. The Commission finds that this will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

**Conservation Commission  
TOWN OF WESTPORT**

**Conditions of Approval  
Application # IWW, WPL -11055-20  
4 Hockanum Road  
Assessor's Map: D13 Tax Lot: 095  
Date of Resolution: September 23, 2020**

**Project Description:** Applicant is requesting to re-grade the rear portion of their property adjacent to Willow Brook, to relocate the existing driveway, and to construct a 2-car garage. The work is within the upland review area from wetlands and within the WPLO from Willow Brook

**Owner of Record:** Andrew S. & Michelle M. Ludel

**Applicant:** Robert Pryor P.E., 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-11055-20** with the following conditions:

1. 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.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. 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.

14. 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.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
16. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

### **SPECIAL CONDITIONS OF APPROVAL**

17. Conformance to the plans entitled:
  - a) "Proposed Site Improvements to Alleviate Flooding for Willow Brook prepared for Andrew S. & Michelle M. Ludel 4 Hockanum Road, Westport, CT", Scale: 1"=20', dated April 29, 2019 and last revised to June 2, 2020, prepared by Landtech
  - b) "Map of Property prepared for Andrew S. and Michelle M. Ludel 4 Hockanum Road, Westport, Connecticut", Scale: 1"=20', dated September 10, 2007, prepared by Hammons LLC
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  - d) "Draft – Floodplain Modeling for Hockanum Road Westport, CT" addressed to Robert Pryor, dated April 16, 2020, prepared by GZA Geo Environmental, Inc.
18. Conformance to conditions of the Flood & Erosion Control Board approval of September 2, 2020.
19. A planting plan shall be submitted prior to issuance of a Zoning Permit, for area down slope of the level spreader along the slope that incorporates native perennial herbaceous and woody plantings in addition to the seed mix. Plan shall also include the use of an erosion control blanket.
20. All planting within 20' from the wetland area shall be installed by hand. Mulching within this area shall be done with organic leaf mulch. Plantings must be installed prior to the issuance of a CCC.
21. The site engineer shall oversee the drainage installation and certify that it is installed correctly prior to the issuance of a CCC. Test Pits must be done to ensure that it is sufficiently designed to be above the groundwater to provide water quality and proper functioning.
22. Erosion controls shall be installed prior to construction commencement just outside the limit of disturbance as shown on the site plan. An additional row of silt fence shall be installed at the edge of the top of slope near the level spreader. Additionally, staked hay bales shall be added to reinforce the silt fence. An erosion control blanket will be needed as part of final slope stabilization.

**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: Lobdell**

**Second: Carey**

**Ayes: Lobdell, Carey, Rycenga, Davis, Corroon, Cowherd**

**Nays: 0      Abstentions: 0      Vote: 6:0:0**