

TO: Town of Lewisboro Planning Board

FROM: Lewisboro Conservation Advisory Council

SUBJECT: Dedvukaj Residence -
170 Elmwood Road, South Salem

DATE: May 12, 2021

The CAC has a concern that no effective mitigation plan currently exists for the 170 Elmwood Road property. It was determined when approval was given two years ago, that an onsite mitigation plan would not be presented to the Planning Board as part of the approval. In its place the applicant proposed to contribute a sum of money towards replacing the culvert pipe under Elmwood. The culvert has been deemed to be too small in certain conditions causing flooding of Elmwood Road. This, in effect, is considered to be off-site. The Town of Lewisboro applied for a grant to cover the majority of the cost, but to date, no grant has been approved or received.

The CAC wetland code section 217-8 states that for off-site mitigation the applicant must have control of the property (see below), which is not the case for 170 Elmwood Road.

The CAC, in its role of advising on wetland activity and mitigation, has a concern that without the culvert being replaced, there is no mitigation, which is required by the ordinance. The CAC would like to see the Planning Board revisit this application via the extension request to get assurances (from the Town of Lewisboro) that the culvert will be fixed prior to construction on the property or that the applicant provide an alternative for one-to-one mitigation.

§ 217-8 *Standards for activity permit decisions.*

*For the purposes of mitigation, losses of buffer areas will be viewed as losses of wetlands and watercourses. On-site mitigation shall be the preferred approach; off-site mitigation shall be permitted only in cases where an on-site alternative is not possible **and the applicant has control of the off-site property.***