



## MINUTES

April 11, 2019

**PRESENT:** Liz Craig (Chair), Rick Stow, Karen Silverberg, Nick Lee, Claudia Avallone

**ALSO PRESENT:** Mike Conklin, Director Environmental Affairs; Zen Herter, Environmental Analyst; Aleksandra Moch, Green Roof Concepts, LLC; Robert Doerflinger, Hoffman Landscapes

**ABSENT:** Scott Fischer, Kathie Mandel (notified of intended absence)

### **I. CALL TO ORDER**

Ms. Craig called the meeting to order at 7:30 pm.

### **IV. PUBLIC HEARINGS**

#### **A. WET#2553(S) BEMA GROUP, LLC – 338 Westport Road – “corrective action” to address encroachment past approved limit of disturbance and to install a pool (cont.)**

Mr. Conklin stated that he and the Town Engineer had received an updated plan for the proposed project. The Town Engineer submitted a memorandum requesting that two (2) conditions be added to the plan in the event the project was approved. Mr. Conklin noted that he had forwarded the memo to Ms. Aleksandra Moch, project representative. Ms. Moch acknowledged receipt of the documentation. Mr. Conklin presented three (3) plans related to the approval of the house construction, as requested by the Inland Wetland Commission at the previous public hearing. Mr. Conklin reviewed the three (3) plans identifying that the location of the septic system and stormwater detention system had changed. He explained that the current project information demonstrates that the stormwater detention system had not been installed to date.

Mr. Stow asked for clarification on the location of the wetlands. Mr. Conklin advised that the wetlands, and stream, were located on the neighboring property. He added that because of this issue the wetlands were not able to be flagged. Mr. Lee asked if there was a Certificate of Occupancy (CO) granted for the property. Mr. Conklin stated the CO was granted and explained that the CO was not dependant on the Inland Wetland Permit. He noted that the stormwater detention system was connected to the Inland Wetland Permit and not a requirement of the Zoning Department. Mr. Conklin identified that the original stormwater detention system was proposed to support the roof leaders and now the applicant is proposing to include the driveway

as well. Ms. Moch acknowledged that the current stormwater management system was designed to handle the driveway and all of the roof leaders. Ms. Craig asked if there was an assumption that the stormwater detention system wasn't working or wasn't built. Mr. Conklin stated that he did not believe the stormwater detention system had been built. Ms. Craig asked if the applicant was trying to have the stormwater discharged from the property into the Town's drainage system. Mr. Conklin explained that the Town Engineer may have originally thought the applicant was going to direct the stormwater towards a stormwater catch basin in the Town roadway. He noted that the applicant appeared to be discharging the stormwater overflow into the subject property front yard area. Ms. Craig asked if the stormwater would be contained on site. Mr. Conklin stated that the Town Engineer did not see a problem with the stormwater being discharged onto the property. Mrs. Silverberg asked if the stormwater detention system had been approved as part of the original plan. Mr. Conklin stated it had been. Mr. Stow asked where the excess stormwater is going to flow. Ms. Moch stated that currently the site would be required to soak up the excess stormwater, though a stormwater detention system is proposed to be completed. Mr. Conklin identified that the plan did not show the roof leaders going into the drainage system. He explained that the plans only show piping from the driveway into the stormwater detention system, there is only language noting that it would happen, not how. Ms. Moch stated that the Town Engineer would be able to confirm the work was completed based on his final inspection and the final as-built plan. Mr. Lee noted that the roof leaders are never depicted on an as-built plan which would limit the Town Engineer's ability to confirm the work was completed as required. Ms. Moch stated that the information would be put on the plans. Mr. Lee stated that was what the commission was asking for, that the roof leaders and drainage pipes connecting them to the infiltrators be depicted on the proposed plans.

Ms. Craig asked Ms. Moch to explain the proposed plans for the driveway. Ms. Moch stated that a portion of the driveway would be maintained as permeable and a portion would be converted to asphalt. Ms. Craig asked if the applicant would be using pervious pavers. Ms. Moch replied that the pervious portion of the driveway would be gravel. Ms. Craig asked if they could just pave the gravel portion over in the future. Mr. Conklin advised that the applicant had originally been approved to have a gravel driveway, and once the CO was issued, the applicant paved the gravel area, creating a coverage issue for the site. Ms. Craig asked if the proposed pool would cause zoning coverage issues. Mr. Conklin advised that that issue was not the purview of the Inland Wetland Commission. He elaborated by noting that though a pool is not pervious, it does function in holding some excess stormwater. Ms. Craig noted that the pool would limit the amount of tree cover for the property. Ms. Moch explained that the proposed area for the pool is the location of the removed residence, and so, the soils in that area would not be suitable for growing. Ms. Craig replied that most of the soils on the property were not native soils.

Ms. Craig identified that there were large fill material piles located along the outer portion of the fencing. Ms. Moch stated the applicant was willing to address the material piles along the property border after the installation of the stormwater detention system as the clearing of the soil would require large excavation equipment. Ms. Craig noted that removing the soil stockpiles would create issues related to soil stabilization and asked the applicant how the area would be stabilized after the work is completed. Ms. Moch replied that the area would be stabilized as lawn area with grass seed. Ms. Craig asked how much soil would be removed. Ms. Moch stated the Inland Wetland Commission could instruct the applicant as to how much soil should be removed. Ms. Craig identified that the subject soil was predominantly construction rubble. Mr. Conklin explained that it appears that a fence was installed along the property border and then

the construction rubble was dropped over the fence. He added that the area along the property line and Popular Road was originally a 2:1 slope and was now much steeper because of the soil stockpiles which will create erosion problems. Mr. Herter asked how the work would be completed if large equipment was required. Ms. Moch stated the majority of the work could be completed by hand and the larger material removed with an excavator. Mr. Conklin opined that the fence would need to be removed in order to use an excavator to clear the area. Mr. Conklin stated that the areas that have excess fill should be shown on the plans.

Mrs. Silverberg asked what was planned for the excess soil that was placed at the Northwestern most portion of the property. Ms. Moch stated that that material was planned to be used to level the area for the proposed pool. Mrs. Silverberg expressed her concern over the reintroduction of this material to the site. Ms. Moch stated that she did not believe the Inland Wetland Commission had jurisdiction over the soil stockpiles as they did not sit within the regulated wetland buffer area. Mr. Conklin responded that the Inland Wetland Commission did have jurisdiction as the Inland Wetland Commission issued a permit for work being completed on the entire site and that all sediment and erosion controls were under the purview of the Inland Wetland Commission at that time and there are still portions of the site that are still not stabilized.

Ms. Craig noted that the Inland Wetland Commission had requested the presence of the project engineer in order to clarify issues related to the proposed plans. Mr. Conklin reiterated that the Inland Wetland Commission has requested that the proposed stormwater management for the home, i.e. roof leaders, and the soil stockpiles to be removed from the border of the property should be shown on the plans. Ms. Moch asked if the Inland Wetland Commission could show the applicant what soil should be removed. The Commission discussed the issue with the applicant and identified the subject area. Ms. Moch asked how much soil should be removed. The Commission directed the applicant to have all excess soil removed down to the original grade. Mr. Stow asked if that material was outside of the regulated area. Mr. Conklin stated it was but advised that the work would still fall under the jurisdiction of the Commission as the proposed work was related to sediment and erosion controls. Mr. Conklin elaborated that this matter was related to a Cease and Desist Order whereby the applicant continued to alter the site after the Order was granted. Mr. Stow asked whether the soil was on the applicant's property. Mr. Conklin stated that the soil was on the applicant's property and constituted an eyesore, noting that this issue was the subject of comments made by a neighbor who appeared during a public hearing for the project. Ms. Craig noted the area is a steep slope and there are Wetlands below. She added that the excess soil was more than likely contaminated fill.

Mr. Conklin explained that the application requires completion by May. Ms. Craig stated the applicant's engineer would need to be present for a meeting so that the commission could address the current issues with the project. She added that a sequence needs to be shown for addressing the excess fill located along the border of the property and stormwater management. Ms. Craig stated that the project would continue at the next meeting, on April 25, 2019.

## **V. APPLICATIONS READY TO BE REVIEWED**

### **A. WET#2565(I) O'HALLORAN – 262 Hyland Road – “corrective action” to address unauthorized tree clearing**

Mr. Doerflinger, representative for the applicant, gave a brief overview of the violation noting it was related to unauthorized tree removal around a small pond on the applicant's property. He added that the application proposes to remove four (4) additional dead, or dying, trees from the subject area and re-plant twelve (12) trees of a native variety. Mr. Doerflinger described the proposed planting plan to the Commission.

Ms. Craig asked that a canopy tree be added to the proposed planting plan as the trees to be removed are mainly canopy trees. Mr. Doerflinger stated that he would add a canopy tree and identified on the plans where the tree could be placed. Mrs. Silverberg asked why trees were not proposed to be planted on the eastern portion of the pond, as trees had been removed from that area. Mr. Doerflinger replied that area was already heavily forested, and so, canopy trees would not survive there. Mrs. Silverberg asked if shrubs could be placed there instead. Mr. Conklin explained that there is a considerable amount of deer in the area making planting shrubs a problem as the deer will eat the shrubs. Mr. Conklin asked Mr. Doerflinger if he believed the proposed plantings would be able to thrive in the existing site conditions. Mr. Doerflinger reviewed the types of plantings proposed and stated that he did believe the proposed plantings will be able to survive in the area. Ms. Craig asked how lawn care would affect the plants. Mr. Doerflinger identified that there was no grass in the area proposed to be planted. Mr. Lee noted two (2) discrepancies with the plans. He identified that: (1) there was no planting plan included on the plans; and, (2) the types of plants to be planted were incorrect. Mr. Doerflinger stated that he would update the plans.

Mr. Stow MOVED to APPROVE WET#2565, with the normal special conditions and the planting plan shall be corrected and include one additional shade tree to be approved by staff, SECONDED by Mr. Lee and CARRIED 5-0-0.

Mr. Lee MOVED to AMEND the approval of WET#2565 to include a planting plan installation deadline of May 31, 2019, SECONDED by Mr. Stow and CARRIED 5-0-0.

## **VI. APPLICATIONS TO BE ACCEPTED**

### **A. WET#2566(S) DANYLYUK – 81 Kensett Drive – “corrective action” to address unauthorized tree removal**

Mr. Lee MOVED to accept WET#2566 and schedule it for the next available meeting, SECONDED by Mrs. Avallone and CARRIED 5-0-0.

Mr. Lee MOVED to AMEND the agenda to include WET#2567 under “Applications Ready to be Accepted” and ACCEPT WET#2567 and schedule it for the next available meeting, SECONDED by Mr. Stow and CARRIED 5-0-0.

## **VII. APPROVED MINOR ACTIVITIES - None**

## **VIII. CORRESPONDENCE - None**

## **IX. OTHER APPROPRIATE BUSINESS - None**

### **A. VIOLATIONS**

- i. **BIVONA – 115 Pine Ridge Road** – unauthorized site work in a regulated area
- ii. **DANYLYUK – 81 Kensett Drive** – unauthorized removal of ten trees and understory
- iii. **1&25 PIMPEWAUG ROAD LLC – 25 Pimpewaug Road** – unauthorized dumping of wood chips

**B. Approval of Minutes – March 28, 2019 Meeting Minutes**

Mrs. Silverberg MOVED to APPROVE the March 28, 2019 Meeting Minutes as written, SECONDED by Mrs. Avallone and CARRIED 5-0-0.

**X. ADJOURN**

Mr. Stow MOVED to ADJOURN at 9:30 pm, SECONDED by Mrs. Avallone and CARRIED 5-0-0.

Respectfully Submitted,  
Zen Herter  
Environmental Analyst, Environmental Affairs