



MEETING MINUTES
ELECTRONIC ZOOM MEETING
April 22, 2021

PRESENT: Nick Lee (Chair), Dora Pinou, Scott Fischer, Rick Stow

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Zen Herter, Environmental Analyst; Louisa Kelso, Property Owner; Brian Wood, Wood, Water, Soil; Yuen Tai, Property Owner; Hermann Behrens, Property Owner; Jane Didona, Didona Associates; Matthew Gallo, Property Owner; James McManus, JMM Wetland Consulting; Daniel O'Neill, Property Owner; Tracy Chalifoux, Tracy Chalifoux, LLC; Dana Isaacs, Property Owner; Steven Trinkaus, Trinkaus Engineering

ABSENT: Claudia Avallone and Mike Whitted (notified of intended absences)

I. CALL TO ORDER

Mr. Lee called the meeting to order at 7:32 pm.

II. SHOW CAUSE HEARINGS

A. KELSO – 64 Deforest Road – unpermitted removal of nine trees within a regulated area

Mr. Herter explained the violation and timeframe. He noted C.J. Robinson completed the work without a permit. Mr. Lee noted the Ash trees were in decline and could be a hazard to the structure if not removed. Ms. Kelso stated she wishes to correct the violation as soon as possible without the need for more heavy equipment driving on her lawn.

Mr. Fischer MOVED to LIFT the Cease & Desist on the site and to require a Minor Regulated Application by May 26th by noon, with stumps and roots to remain in the ground, SECONDED by Dr. Pinou and CARRIED 4-0-0 with all in favor.

B. SCOTT – 367 Chestnut Hill Road – 1,900 sq. ft. cleared and logs, branches, and yard waste deposited in a regulated area

Mr. Herter explained the violation and timeframe. He noted he has been working with Brian Woody who has already submitted most of the Application. He stated a complete Soil Report is missing from that submission and the wetlands are not delineated on the survey.

Mr. Wood asked the Commission to waive the requirement for a Soil Report as the entire part of the site is obvious wetlands. Mr. Herter noted the Health Department will need the survey with the wetlands marked for upcoming septic approval.

Mr. Fischer MOVED to LIFT the Cease & Desist Order and install silt fence prior to the next meeting on May 13, 2021, and submit a complete Corrective Action Application by May 12, 2021 at 12 noon, SECONDED by Mr. Stow and CARRIED 4-0-0.

C. TAI – 197 Catalpa Road – twelve mature trees cleared from a regulated area and woody debris deposited in a wetland

Mr. Conklin explained the violation and timeframe. He noted a Cease & Correct was issued so that they could begin to clean up the debris. Mr. Tai stated the inspection report from his purchase in December of 2020 noted the dangerous trees in close proximity to the structure, and he was unaware of the permit requirement.

Mr. Stow MOVED to LIFT the Cease & Correct Order and require a complete Intermediate Corrective Action Application be submitted by May 26, 2021, SECONDED by Mr. Fischer and CARRIED 4-0-0.

III. PUBLIC HEARINGS

A. WET#2654(S) BEHRENS – 220 Nod Hill Road – “corrective action” to address the unpermitted clearing of trees within a regulated area

Mr. Lee noted the SNEW Attorney provided an update that their forestry expert has agreed to review the matter in the near future. Once the water company and property owners agree to a resolution, this matter will be reviewed by the Commission. Mr. Behrens appeared to confirm there is no new information to review.

With no further questions or discussion, the Public Hearing was continued.

B. WET#2686(S) GALLO – 47 Shadow Lane – proposed regrading of rear yard for recreation area

Mr. Conklin confirmed he notified the Landscape Architect that the plan as submitted does not meet the criteria for Planning & Zoning regulations due to steep slopes.

Ms. Didona explained the proposal and site. She noted the plans may not have been clear with the slope information. Mr. Lee suggested that she look at the plant sizes on the plan and they are smaller than what is typically required.

Mr. Gallo asked for the typical plant sizes which Mr. Lee provided. Mr. McManus confirmed the soils found and typical depth to refusal.

With no further questions or comments, the Public Hearing was continued.

IV. APPLICATIONS READY TO BE REVIEWED

A. WET#2671(I) O'NEILL – 48 Sharp Hill Road – “corrective action” to address unpermitted removal of trees

Mr. O'Neill explained the violation was based on bad advice he received as a first-time homebuyer. He noted there was a hole in the ceiling with water coming through and he removed failing ash trees without realizing he needed a permit.

The Commissioners agreed that the pile of cut logs remain in place for habitat purposes.

Mr. Fischer MOVED to APPROVE WET#2671, with all mitigation plantings installed by May 31, 2021, SECONDED by Mr. Stow and CARRIED 4-0-0 with all in favor.

B. WET#2689(I) ATTANASIO – 47 Mollbrook Drive – “corrective action” to address unpermitted clearing of understory vegetation

Ms. Chalifoux confirmed burning bush and invasive vines were removed within 100 ft. regulated area. They would like to continue with invasive removal, including off-site disposal. The Conservation Office in Westport is aware of the proposal as the property sits in both municipalities.

Ms. Chalifoux asked that the Commission push the date back for the installation of plantings to the Fall. Mr. Lee confirmed the availability of plant material will be difficult during the Spring and noted it makes sense to wait until the Fall.

Mr. Fischer MOVED to APPROVE WET#2689 with normal Special Conditions and the additional Special Condition that all mitigation plantings will be installed by September 30, 2021, SECONDED by Mr. Stow and CARRIED 4-0-0 with all in favor.

C. WET#2690(I) ISAACS – 69 McFadden Drive – proposed addition and B100a within a regulated area

Mr. Trinkaus explained the proposal and B100a. The addition is being completed over an existing patio.

Mr. Stow MOVED to APPROVE WET#2690 with normal Special Conditions, SECONDED by Mr. Fischer and CARRIED 4-0-0 with all in favor.

V. APPLICATIONS READY TO BE ACCEPTED

A. WET#2696(I) GEITZ – 8 Seeley Road – “corrective action” to address eleven trees removed without a permit in a regulated area

B. WET#2697(I) GRIFFIN – 67 Borglum Road – “corrective action” to address unpermitted tree removal and wood pile and wood chips deposited within 100 ft. of a wetland

Mr. Fischer MOVED to ACCEPT WET#'s 2696 and 2697, SECONDED by Mr. Stow and CARRIED 4-0-0 with all in favor.

VI. APPROVED MINOR ACTIVITIES - None

VII. CORRESPONDENCE – None

VII. NEW BUSINESS

A. Discussion Pertaining to Emergency Septic Repair Permitting

Mr. Lee noted the Commission's current process for emergency septic repairs and replacements is under review. Property owners are required to fix failures within 10 days or they can be held criminally liable. The Commissioners agreed they need to streamline the process. Mr. Conklin noted this will be discussed in a Public Hearing after he has spoken to Town Counsel for advice.

VIII. VIOLATIONS

A. IKEGAME – 16 Rivergate Woods – unpermitted pond dredging (Cease & Desist Upheld 11/12/2020 – see below request – original Application due date 12/9/2020 – extension granted for May 12, 2021 due date)

B. SMITH – 230 Ridgefield Road – clearing trees, understory and excavation of soil (Cease & Desist Upheld 2/11/2021 – Application due date March 23, 2021 – extension granted for May 12, 2021 due date)

Mr. Lee noted both Applications are due for the next meeting.

IX. APPROVAL OF MINUTES – Meeting Minutes April 8, 2021

Dr. Pinou MOVED to APPROVE the Meeting Minutes of April 8, 2021 as drafted, SECONDED by Mr. Stow and CARRIED 3-0-1 with Mr. Fischer abstained as he was not present.

X. ADJOURN

Dr. Pinou MOVED to ADJOURN at 9:40 pm, SECONDED by Mr. Fischer and CARRIED 4-0-0 with all in favor.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs