



MEETING MINUTES

November 10, 2016

PRESENT: John Hall (Chair), Liz Craig, Tom Burgess, Nick Lee, Rick Stow, Mark Andrews, Dan Falta

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Nick Stevenson, Property Owner; Chris Lang, Lang Pools; Doug DiVesta, DiVesta Civil Engineers; David Etzbach, Property Owner; Dennis Peters, D. Peters Designs

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:31 p.m.

II. PUBLIC HEARINGS

A. WET#2396 (S) BRUBECK TRUST – 221 Millstone Road & 67, 69, 73, 85, & 87 Hickory Hill Road – access and development of six lots (cont.)

Mr. Conklin read a letter into the record from Gregory & Adams stating the application is being withdrawn at this time.

B. WET#2407 (S) STEVENSON – 417 Belden Hill Road – construction of an in-ground pool

Mr. Conklin, Ms. Craig, Mr. Lee, Mr. Falta, Mr. Stow, and Mr. Andrews indicated they visited the site.

Mr. Lang explained the positioning of the proposed pool on the property and stated there was no other feasible location. He confirmed the area is flat and in front of the stone wall that acts as a boundary for the protected open space below. Mr. Lang added that the wetlands were staked by Jim McManus and the pool is within the 100 ft. upland review area, although consists of a drainage ditch.

Mr. Conklin confirmed the area to the west of the wall is under an easement, and the location for the pool is within the residential use area that already includes a hot tub and a fire pit. He stated the wetland is an open meadow with a functioning ditch and the wall is a good barrier.

Mr. Lee asked about the pool fence. Mr. Stevenson responded that it would be right by the wall

and will tie it into the corner for safety. Ms. Craig asked if there will be shade issues with the pool. Mr. Lang confirmed there would be no tree removals with this proposal and shade is not an issue.

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

Mr. Lee MOVED to APPROVE WET#2407, with the General and normal Special Conditions, SECONDED by Ms. Craig and CARRIED 7-0-0.

III. APPLICATIONS TO BE REVIEWED

A. WET#2424 (I) MIROTA – 21 Edith Lane – “corrective action” for unauthorized tree clearing and proposed single-family residence and associated improvements

Mr. Conklin advised that he received a complaint from a neighbor for tree work on a lot that was approved for a subdivision. The subdivision approval specified tree protections that were not followed, so a Notice of Permit Violation was issued. He confirmed he met with Mr. DiVesta on the site and discussed the new configuration of the house and the removal of a pool site. Mr. Conklin thought the house changes could be approved as a field change, but with the unauthorized tree removal, he wanted everything back for commission review.

Mr. DiVesta confirmed he worked on this subdivision back in 2008 when it was approved as two lots. He indicated the wetlands are found in the southwest portion of the pre-subdivided property and the subject lot is to the east with a new configuration as Mr. Conklin reported. Mr. DiVesta confirmed the same general footprint will be followed from the subdivision application but the new owners would like to build a self sustaining home with solar power and a flat roof.

Mr. DiVesta stated the driveway would be off Edith Lane, and the original 5-bedroom home has been reduced to a 3-bedroom home which includes a smaller septic system. He also noted the pool site has been eliminated with this proposal and a level spreader will be installed on the outlet side. Mr. DiVesta confirmed the original plan was to gain access to lot 2 through lot 1, which would require creating a road. In this new proposal, the contractor has confirmed they would be able to come through the subject property only and a new road would not be needed.

Mr. DiVesta confirmed the disturbance has been reduced from 3,100 sq. ft. with the original subdivision approval to this new plan that only has 700 sq. ft. of disturbance. He indicated the person hired for the tree removal was over-zealous and they are proposing a 1:1 replacement. Mr. Hall asked if the topography is a concern. Mr. Conklin noted that the regulated area has been extended due to the steep slope. Mr. Hall asked if any runoff would go into the wetland. Mr. DiVesta responded that the runoff goes the other direction, away from the resource. Mr. Hall asked if this approval will affect the development on the other lot and Mr. DiVesta responded it would not. Ms. Craig suggested that the tree removal will affect the area as trees act as stabilizers for the flow of water and infiltration. Mr. Hall stated the 1:1 replacement is inadequate. Mr. DiVesta countered that the trees were rotted and showed pictures of the stumps which had holes in the middle. Mr. Hall stated hollow trees can stand for 75 years, and Mr. Lee concurred.

Mr. Conklin stated he counted the stumps and 21 mature trees were removed in violation. Mr. Lee suggested using dogwoods or redbuds as trees, and ferns for ground cover to not interfere

with the solar. He added that ferns will do well in this area as the soil was denuded. Mr. Conklin stated the hillside is steep and rocky so it may be difficult to dig for a tree ball and suggested creating an edge habitat at the bottom by the forest edge. Mr. Lee stated Comptonia is a fast-growing plant that would benefit this area. He added that he was pleased to see the down-sizing of the house and a big consideration should be granted to assist with the sunlight for solar. Mr. Hall stated the septic and infiltrators are smaller than the past approval, and the smaller trees and understory make it so you can see the vegetated slope well enough. Ms. Craig stated she likes the idea of improving the edge habitat. Mr. Lee stated a variety of trees may be good such as black birch and reiterated the commission will need a more comprehensive plan with improved diversification and more edge plantings.

Mr. DiVesta asked if he could get approval for the foundation of the new home without having the mitigation finalized. Mr. Conklin confirmed they can start building as the new home is a field change but noted mitigation will be required. Mr. Andrews noted a Cease & Desist could be issued for non-compliance and confirmed the silt fence is in place. Mr. DiVesta confirmed they are double-staked with hay bales. Mr. Lee summarized what the commission would like to see for the mitigation: increase the replacement from 1:1 to 1:1.5 which do not need to be shade trees and understory on the hillside, all native trees, and about 100 1-gallon sweet ferns. He confirmed the mitigation planting plan can be approved by staff and the foundation approval will take place after the planting plan is approved.

Mr. Lee MOVED to APPROVE WET#2424 with the General and normal Special Conditions and the additional Special Conditions that the mitigation plantings will be 30 native trees (10 gallon - 15 gallon in size), 100 1-gallon sweet fern plants on the cleared slope, the planting plan shall come to staff for approval prior to foundation approval, and all mitigation shall be installed by May 1, 2017, SECONDED by Mr. Falta and CARRIED 7-0-0.

B. WET#2425(I) ETZBACH – 119 Ruscoe Road – enclose screened porch for an all-season sunroom and extend deck

Mr. Peters explained the property owners would like to enclose the screened porch with a full foundation and extend the deck on the back of the house. He confirmed the excavation will be 3 – 4 ft. for the sonotube installation. Ms. Craig asked if there would be a stockpile area. Mr. Peters responded all material will be trucked off site other than the backfill. Ms. Craig also confirmed there is no vegetation being removed.

Ms. Craig MOVED to APPROVE WET#2425, with the General Conditions, SECONDED by Mr. Andrews and CARRIED 7-0-0.

IV. APPLICATIONS READY TO BE ACCEPTED

WET#2426(S) SZE – 45 Mollbrook Drive – construction of an in-ground pool, patio, and associated activities in a regulated area

WET#2427(I) HALAN – 295 Newtown Turnpike – “after-the-fact” riprap embankment with gravel and covered walkway

Mr. Lee MOVED to ACCEPT the above applications, SECONDED by Mr. Andrews and CARRIED 7-0-0.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE – None

VII. OTHER APPROPRIATE BUSINESS

A. Violations

1. CROSS – 105 Old Belden Hill Road – Town Counsel

Mr. Conklin confirmed this is going to court in January.

2. MITCHELL – 152 Hurlbutt Street

Mr. Conklin advised there was some landscaping debris piling up so a Notice of Warning was issued in April with no response from the owner and more debris was deposited so a Notice of Violation was issued. He has since been in contact with the owners who are retaining Kate Throckmorton for their mitigation plan.

B. Approval of Minutes – October 27, 2016 Meeting Minutes

Mr. Lee MOVED to APPROVE the meeting minutes with a correction that Mr. Andrews did visit the 763 Danbury Road site, SECONDED by Ms. Craig, and CARRIED 7-0-0.

VIII. ADJOURN

Mr. Falta MOVED to ADJOURN at 8:18 pm, SECONDED by Mr. Stow and CARRIED 7-0-0.

Respectfully Submitted,

Liz Larkin

Recording Secretary, Environmental Affairs