



MINUTES

November 14, 2013

PRESENT: Frank Wong, Chair, Liz Craig, Nick Lee, John Hall, Dennis Delaney, Dan Falta

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Otto Theall, Soil & Wetland Science, LLC; Hamid Chemlali, Homeowner, Kate Throckmorton, Environmental Land Solutions, LLC; Tara Kovach, Homeowner, Donna Merrill

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

A. WET#2192(S) – HALLMAN – 25 Spoonwood Road – “corrective action” for clearing a wooded area (cont.)

Ms. Sesto read the new documents into the record. She explained that she notified Mr. Hallman that failure to respond to the commissions directives can lead to a denial of his application and possible legal action.

Ms. Sesto confirmed that she met with Ms. Throckmorton out at the site since the last meeting to discuss the situation however, the homeowner did not authorize Ms. Throckmorton to provide a new planting plan for this meeting.

Mr. Theall stated that he was the soil scientist that was hired to stake the wetlands on the Hallman's property. He also obtained approval for the neighbors' soil scientist, Mary Jaehnig, to look at the subject property and confirm the wetlands extend over the property line. Ms. Sesto stated that the homeowner is having a difficult time with the concept that the 100 foot regulated area extends from the neighbors property onto his property, regardless of where the wetland ends. Mr. Theall confirmed that he has not received a response from Mr. Hallman to his recent email request for direction. Ms. Sesto stated that Mr. Hallman was aware that the plan he submitted was inadequate. Mr. Theall conceded that there is no new plan for him to present as Ms. Throckmorton was not authorized to create one.

Mr. Wong MOVED to CLOSE the Public Hearing for statutory time reasons, SECONDED by

Mr. Delaney and CARRIED 6-0-0.

Mr. Hall MOVED to direct staff to draft a resolution of denial for insufficient and inadequate plans in the timeframe allowed, SECONDED by Mr. Wong, and CARRIED 6-0-0.

B. WET#2228(S) – CHEMLALI – 161 Linden Tree Road – “corrective action” for unauthorized clearing and grubbing in a wetland

Ms. Sesto read the file documents into the record, including the staff comments and Conservation Commission memo in its entirety. Mr. Wong, Ms. Craig, Mr. Lee and Mr. Delaney indicated they visited the site.

Mr. Chemlali explained that he purchased the home 16 months ago just before strong storms hit the area. During these storms, branches fell near the garage and around the side and back of the property. He indicated that a new home was being built next door on his garage side so they decided they wanted to gain privacy by changing the layout of their driveway to be in the front of their home, away from the potential new neighbors.

Mr. Chemlali stated that he did not know what wetlands were and did not realize he would need to obtain permission to remove trees from the property. Once he was made aware, he hired Soil & Wetland Science to flag the wetlands, and Environmental Land Solutions was hired to create a mitigation plan. He stated that the proposed retaining wall is important to him to create a space in the front of the house that they can treat for ticks as the family has suffered from tick bites. He noted that he was informed by Environmental Land Solutions to remove a portion of the driveway for some give back. In addition, the current wood chip pile will be removed from the current area and redistributed on the property.

Ms. Sesto asked how wide the driveway in the front is meant to be. Mr. Chemlali confirmed it is 16 feet wide. Mr. Delaney asked why the trees were removed in the front of the home when the storms brought down trees in other areas, not in the front. Ms. Sesto agreed that a previously forested area 25 feet away from the front of the house has been 100% cleared. Mr. Chemlali did not agree with that statement however, Ms. Sesto showed the GIS maps from 2003 and 2008 which show the extent of the clearing. Mr. Delaney added that the area is dirt at the current time, so all the trees and bushes were obviously removed.

Mr. Lee asked if the clearing extended onto the neighbor’s property per the plan. Mr. Chemlali was not certain if work was completed off his property. Mr. Lee suggested hiring a surveyor to determine if the neighbor should be a co-applicant. Mr. Chemlali stated that he hired someone to come out and measure from his neighbor’s property. Mr. Lee reiterated that a surveyor would need to determine the property boundary.

Mr. Delaney explained that the wetlands are environmentally sensitive areas and asking permission to put in a paved driveway in close proximity to the wetland is not the mitigation that the commission would expect to see in this situation. Ms. Craig added that it is not desirable to install a paved area in this sensitive zone and that she saw two piles of wood chips that should be removed. Mr. Chemlali agreed that these would be redistributed in the back portion of the property.

Mr. Delaney asked Mr. Chemlali if he would consider a gravel driveway in the front. Ms. Craig

countered that this is acceptable for approval, but could be changed in the future without commission designation. The commissioners asked Ms. Sesto if this driveway would be approved if it came in on its own merit, without a violation. Ms. Sesto stated that it would not likely be approved. Mr. Lee suggested that the driveway be pulled closer to the front of the house. Mr. Wong stated that many houses were built without driveways in front during that time period. Mr. Hall stated that there are reasonable alternatives that need to be addressed for this plan. Mr. Chemlali stated that he is asking for these improvements for safety reasons. Mr. Hall agreed that safety is important but he will need to come back with other options that will address the violation.

With no further questions or comments, Mr. Wong continued the Public Hearing until the meeting being held on December 12, 2013.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2230(I) – SHAH – 45 Boulder Brook Road – “emergency” septic repair

Ms. Sesto noted that the Shah’s received a temporary emergency permit for this activity.

Mr. Delaney MOVED to approve WET#2230, SECONDED by Mr. Hall, and CARRIED 6-0-0.

B. WET#2231(I) – KOVACH – 354 Hurlbutt Street – construction of a free-standing 24’ x 24’ garage with studio above

Mr. Wong, Ms. Craig, and Mr. Delaney indicated they visited the site.

Ms. Throckmorton confirmed Ryan & Faulds completed the survey map and the proposed garage is within the current gravel driveway. She also noted that the homeowner has added a request to place an 8ft. x 8 ft. slab for a hot tub on the property.

Ms. Throckmorton confirmed that the shed currently on the property will be removed. The new garage runoff will be contained within the gravel below the structure, and no gutters are proposed. She added that a masonry wall exists between the area of the construction and the wetland.

Ms. Throckmorton mentioned the three alternatives that were considered. She noted there are areas to the west of the garage that were considered but would require additional earth work and removal of a significant tree. They also considered having the garage built in the front, but this was discounted due to the septic in this area. The third alternative would place the garage within the wetland which is not desirable. Ms. Throckmorton pointed out that the debris pile in the back of the retaining wall will be removed during the construction phase.

Mr. Delaney asked if runoff currently sheet flows towards the shed. Ms. Throckmorton responded that it does not as the runoff infiltrates into the ground so there is no standing water. She explained that the water will sheet off the garage and go where it does today, which is why they chose no gutters in the proposal. Ms. Sesto asked if there was a concern of the water coming into the garage and Ms. Throckmorton confirmed that they are not concerned. Mr. Wong pointed out that the planting bed is the low point. Mr. Wong also confirmed that the garage will be on a slab with a frost wall.

Mr. Delaney asked if there will be a bathroom in the garage. Ms. Kovach responded there is a half bath proposed. Ms. Sesto asked if a B100a was required by the Health Department. Ms. Throckmorton stated the approved location is beyond the regulated buffer.

Ms. Craig asked what kind of give back could be added to the proposal. Ms. Throckmorton responded that the landscape debris will be removed. Ms. Craig asked about the understory characterization. Ms. Throckmorton stated that the canopy is well developed in the rear of the property. Ms. Craig suggested adding spicebush or other native plants. Ms. Throckmorton agreed 5 or 6 spicebushes could be planted once the debris is removed. Ms. Sesto asked if the excavation for the frost wall will undermine the retaining wall. Ms. Throckmorton responded that it would not.

Mr. Delaney stated the existing shed is 100 sq. ft. and the garage is 600 sq. ft., leaving a net increase of impervious surface. He raised concern about the remaining area being able to handle the increased flows. Ms. Throckmorton responded the four foot wall has pervious material and is essentially a dry wall. Ms. Sesto stated the equation would be better if the garage is moved in closer over existing impervious cover. Ms. Throckmorton stated she could move the garage forward five feet which would mean less material would be removed. She added that a 5ft. x 35 ft. area of driveway pavement could be removed and still allow enough room for cars to back out of the garage.

Mr. Wong MOVED to APPROVE WET#2231, with the General and normal Special Conditions and the additional Special Conditions that the debris pile will be removed and five native shrubs, such as spicebush shall be planted, SECONDED by Mr. Hall and CARRIED 6-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2232(I) – SMITH – 26 Lovers Lane – deck addition, new gravel parking area and connection to sanitary sewer system within an upland buffer

B. WET#2234(I) – LUSSIER – 347 Thayer Pond Road – “corrective action” for unauthorized clearing in and adjacent to wetlands and a stream

Mr. Delaney MOVED to ACCEPT WET#2232, and WET#2234, SECONDED by Mr. Hall and CARRIED 6-0-0.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE

A. CUTE ASSOCIATES, LLC – 991 Danbury Road – request to lift Cease & Desist Order

Ms. Sesto confirmed that the final as-built has been received and the town has issued the Certificate of Discharge so the Cease & Desist Order can be lifted.

Mr. Hall MOVED to LIFT the Cease & Desist Order, SECONDED by Ms. Craig, and CARRIED 6-0-0.

VII. OTHER APPROPRIATE BUSINESS

A. Violations

1. Kevin Smith & Carol McDonnell-Smith – 281 Sturges Ridge Road

Ms. Sesto noted that the Smiths provided soil reports from two soil scientists who indicated the stream is an outgrowth of the footing drains and sump pump. As the area was not found to be wetlands, the violation is lifted from this property.

2. Jim DeVito – 40 Honey Hill

Ms. Sesto confirmed that town counsel is waiting for the appeal period to be completed and will move forward with legal action.

B. 2014 Meeting Schedule

Mr. Hall MOVED to APPROVE the meeting schedule as drafted, SECONDED by Ms. Craig, and CARRIED 6-0-0.

C. APPROVAL OF MINUTES – October 24, 2013

Mr. Lee MOVED to APPROVE the minutes, as drafted, SECONDED by Mr. Wong and CARRIED 6-0-0.

VIII. ADJOURN

Mr. Wong MOVED to ADJOURN at 8:46 p.m., SECONDED by Mr. Lee, and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary