



## MINUTES

August 11, 2011

**PRESENT:** Frank Wong, Chair, John Hall, Elizabeth Craig, Dennis Delaney

**ALSO PRESENT:** Patricia Sesto, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Keith Brown, Homeowner; Joe Cugno, Cugno Architecture

**ABSENT:** Richard Reiter, Jill Alibrandi, Elisa Pollino (notified of intended absences)

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

Mr. Wong called the meeting to order at 7:36 p.m.

### **II. PUBLIC HEARINGS**

**A. WET#2040(S) – MCDONAGH – 11 Woodway Lane** – installation of pool within an upland review area

Ms. Sesto read a letter from Gregory & Adams requesting a continuation for this Public Hearing until the next meeting on September 8, 2011.

Mr. Hall MOVED to ACCEPT the extension, SECONDED by Ms. Craig, and CARRIED 4-0-0.

Mr. Wong indicated that he visited the site. Mr. Delaney noted that he was concerned about the big tree that will most likely be removed for construction.

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

**A. WET#2008(S) – TEACHERS INSURANCE & ANNUITY ASSOC. OF SW CT – 10 Westport Road** – construction of surface parking spaces within a regulated buffer (cont.)

Ms. Sesto confirmed that the second draft approval was sent to the commissioners with the additions of soil and water quality testing per Mr. Delaney's request. She explained that this resolution will supersede the previous permit for WET#1977.

Mr. Delaney raised concern about some of the verbiage under the special conditions, asking if

specific elements of the proposal be reiterated as conditions of approval. The commission and Ms. Sesto explained that there is no need to further define what was approved; the documents of the record reflect what needs to be build. The commission decided to extend the planting plan from six months to nine months to better reflect the growing season.

Mr. Wong MOVED to approve the draft resolution as amended for WET#2008, SECONDED by Mr. Hall, and it CARRIED 4-0-0.

**B. WET#2049(I) – HIRSCH – 2 Quiet Lake Lane** – two lots to be combined and subdivided into three lots

Ms. Sesto read a letter from McChord Engineering requesting an extension.

Mr. Wong MOVED to ACCEPT the extension, SECONDED by Mr. Hall and it CARRIED 4-0-0.

**C. WET#2051(I) – BROWN – 544 Nod Hill Road** – “corrective action” to remove fill in a wetland

Mr. Wong, Mr. Hall and Mr. Delaney indicated that they visited the site.

Ms. Craig recused herself from this application.

Mr. Brown confirmed that he will remove the fill. Mr. Hall inquired about determining where the septic is located by flagging. Ms. Sesto confirmed that the septic installer, Mr. Cioffoletti, the Assistant Town Sanitarian, Jennifer Zbell, and herself met with Mr. Brown on-site to ensure that the system meets the health code. It was her impression that the applicant was proposing to remove all the fill that was not necessary to support the leaching field. Mr. Brown noted that fill associated with the septic area may have exceeded what is required by the Health Code, but would only like to remove most of the fill, leaving some to create a straight line across the rear yard. Discussion ensued regarding the lack of definition of what is being proposed. Mr. Hall confirmed that the first order of business is to define the extent of fill to be removed.

Mr. Brown agreed to have the area flagged and will set up a meeting with the Health Department to inspect. Once he gets an idea of where he needs to plant, he will meet with Ms. Sesto to obtain guidance on plantings.

Mr. Delaney asked how far down the fill will be removed. Ms. Sesto confirmed that there are older trees at the perimeter of the lawn and these provide solid guidance to determine the depth of fill. The homeowner will have to unearth the root flare, then work to connect points and use the surrounding land for visual cues.

Mr. Delaney asked Mr. Brown about the construction vehicles as he is concerned about any equipment over the septic. Mr. Brown stated that the contractor would not bring a truck onto that area of the property.

Mr. Brown asked if the commission will require a definitive planting schedule. Mr. Wong would like to have a plan to avoid ambiguity. Mr. Brown asked if he could follow the previous plans for planting to which Ms. Sesto replied no, as this disturbance is in a different area and has a

different purpose.

Mr. Brown noted his original issue with taking out a row of pine trees that the original owner installed in 1954; which started the septic issue over a decade ago. At that time, the septic repair firm stated that the pines were destroying the septic system. He was told he could not put anything back and followed the planting plan that was provided by Young's Nurseries. These plants subsequently died and he does not want to be responsible for further unhealthy plantings that will not survive in a wetland such as this. Ms. Sesto noted that these plantings are not likely to die under normal circumstances and the town cannot be responsible for his plantings not surviving. Mr. Hall noted that this is the reason the bonding was put into place with this commission.

Ms. Sesto asked Mr. Brown if his preference is to take out the pines and boxwoods and re-distribute them on the property. Mr. Brown confirmed that he would like to move the boxwoods to the edge of the lawn. Mr. Wong was concerned that 3 or 4 boxwoods constitute the entire planting plan. Mr. Brown stated that there should only be two areas that concern the commission; the newly exposed area where the pines are to be re-planted, and the edge of the property where he wants to move the boxwoods. Mr. Hall stated that he would like to see a more comprehensive plan to restore the function of the wetland.

Mr. Wong explained that he visualizes a muddy area in between the proposed plantings and stated there is not enough mitigation. Mr. Hall agreed that this area is too large to have just a couple of pine trees. He suggested the applicant create a proposal to revegetate the disturbed area. Mr. Brown argued that he should be held to the same planting plan that was approved during the last application. Ms. Sesto responded that the former plan addressed a violation with a different project area. Mr. Delaney suggested stabilizing the area with pachysandra. Ms. Sesto stated that it is inadequate to simply replant the spruce and boxwoods; a wetland seed mix would be appropriate to include. She added that it would be acceptable to re-distribute and add native shrubs, noting the shadblow is doing well at the site. She went on to say that there may not be a requirement for more plantings, however, the planting plan needs to be clearly defined to avoid ambiguity.

Mr. Brown agreed to schedule a meeting at the property with the Health Department, Ms. Sesto and the State to define the septic parameters. After the meeting, the homeowner can come up with a plan that satisfies everyone. The application was continued until the next meeting on September 8, 2011.

**D. WET#2052(I) – CAPTAIN JACK – 532 Danbury Road** – interior alterations and exterior improvements including new siding and roof

Ms. Craig was re-seated. Mr. Wong, Ms. Craig, Mr. Hall, and Mr. Delaney indicated that they visited the site.

Mr. Cugno explained that the previously approved site for the B100-a was not large enough per the septic designer so they have located an alternate site. He explained that the system needs to be moved to the side of the building. The system will be placed just below the surface running with the contours. There will be no fill required. Mr. Wong asked if the large tree will be removed from that area and Mr. Cugno said it would remain.

Mr. Cugno described the current septic which is in good shape as the building has not been filled to capacity. Mr. Hall was concerned about issues on the slope. Ms. Sesto confirmed that they system is dug deep into the ground. Mr. Cugno confirmed that the system must be far underground to aerate properly.

Mr. Delaney raised concern on the accuracy of the plan as there is a stone wall labeled on the plan where there is actually a curb. Mr. Cugno pointed to the A2 Survey prepared by a licensed septic professional and noted that the contours are accurate. Mr. Wong stated that these inconsistencies would not make a difference to the commission's decision as they do not regulate how it is installed. Mr. Delaney stated that his concern relates to encroaching on the wetland from the last approved permit. Ms. Sesto suggested a silt fence on the east side of the construction site.

Mr. Wong MOVED to approve WET#2052 with general and normal special conditions in addition to special condition to include sediment and erosion control measures, SECONDED by Mr. Hall, and CARRIED 4-0-0.

#### **IV. APPLICATIONS TO BE ACCEPTED**

**A. WET#2054(I) – ABI-KARAM – 21 Crofoot Road** – building additions 33 ft. from wetlands

**B. WET#2055(I) – HENESY – 79 Glenn Hill Road** – building additions and B-100a in an upland review area

Ms. Sesto noted that this Henesy application was filed at the intermediate level, although regulations state that this should be a Significant based on over 100 cubic yards of fill. Mr. Hall agreed that this could be considered as an intermediate as the wetlands are over 100 feet away.

Mr. Wong MOVED to accept all new applications, SECONDED by Mr. Hall and CARRIED 4-0-0.

#### **V. OTHER APPROPRIATE BUSINESS**

**A. WET#2048(I) – ASML – 77 Danbury Road** – bridge repair over the Norwalk River

Mr. Wong asked what was happening with the ASML bridge repair as he was not at the last meeting. He was concerned about the mitigation at the site. Ms. Sesto confirmed that she and Mr. Conklin will meet with ASML at the site to come up with the best plan.

**B. WET#1595 (S) – NCR, LLC/ALLEN – 225 New Canaan Road** – “corrective action” construction of a new dwelling, septic and driveway within a regulated area

Mr. Delaney asked for an update on the cease and desist order on this property. Ms. Sesto reported that the bank has taken over the property. The citations are written to the individuals, not the property.

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

**VII. CORRESPONDENCE - None**

**VIII. OTHER APPROPRIATE BUSINESS - None**

**IX. APPROVAL OF MINUTES – July 28, 2011**

Mr. Wong MOVED to APPROVE the minutes from July 28, 2011, SECONDED by Mr. Hall, and CARRIED 4-0-0.

**X. ADJOURN**

Mr. Wong MOVED to ADJOURN at 8:37 p.m., SECONDED by Mr. Hall, and CARRIED 4-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary