



MINUTES

September 22, 2011

PRESENT: Frank Wong, Chair, John Hall, Elizabeth Craig, Dennis Delaney, Elisa Pollino, Rich Reiter

ALSO PRESENT: Patricia Sesto, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Kate Throckmorton, Environmental Land Solutions; Tucker McDonagh, homeowner; Cheryl Russ, Glen Gate Pools; Tony Ramadani, owner, Portofino's; Asim Polozani; Criss Busnel

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:34 p.m.

II. PUBLIC HEARINGS

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

Ms. Sesto read the new documents into the record.

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

Ms. Throckmorton explained the plans and layout of the property. The property is a rear lot with a long driveway. The proposed pool location is in the northwest corner of the property. The septic is located in the eastern portion. The watercourse starts in the northwest and flows down over 50' to the southwest of the property. Ms. Throckmorton stressed that the proposed area is the only viable area to place the pool in that it is below the watercourse and the only choice per town zoning and health departments.

Ms. Throckmorton noted previous improvements that were made to the property with the mitigation plantings after they added a garage and sunroom in 1997. Some of these improvements will be removed during construction. There are 2 retaining walls and 2 stairways that will be removed for construction and then reconstructed. Ms. Throckmorton noted that 6 trees will be removed and will be replaced with pines for screening purposes. There is one large oak tree that will be removed.

Ms. Throckmorton noted that it is difficult to imagine the area of the pool from the plans. The

area is described as grassy and straddling two fences. She explained that there is no patio surrounding the pool. She described the reasoning for planning the construction route on the eastern portion of the property instead of spanning the length adjacent to the wetlands.

Mr. Hall noted that there is already an intense use on this lot with a large house within a wetland buffer. He would not approve the home in this location if the application was before him today. He added that this defies the entire intent of a setback.

The commission asked for Ms. Sesto's position regarding this application. She responded by stating that the pool is impervious but has no runoff. She added that the use is in a down-slope section in one part, and up-slope of another. An additional concern was the close proximity of the proposed pool to the trees and large shrubs lining the watercourse. In her experience, the pool owner, either the current one or future owners, would pursue taking these trees and shrubs out.

Ms. Craig, after noting that she is a swimmer, was concerned about the seemingly abnormal location of the pool with lack of sunlight and removal of healthy trees. She raised concern about the tree removal destabilizing the area.

Mr. McDonagh, speaking on his own behalf in response to the commissioners questions, noted that this corner of the property gets sunlight all day long. He added that the existing trees to be removed are not native to the area, with the exception of the oak tree. In his opinion, the oak tree is a hazard to his home. He stressed that he is a good steward of the property as he has improved the area with lawn and garden and he is not taking any area away. He is simply using a lawn and a rock garden for the pool.

Mr. Hall expressed that he could not find any additional mitigation measures that would alleviate the burden on the wetland and does not think this application would be approved at this time. Ms. Sesto added that this is an irretrievable commitment to the resource and she noted that this application is only half of the project as she expects further requests will be made to clear trees. One of her examples was the need to cut back and/or removed vegetation as it is so close it would be in the way of someone relaxing by the pool. Mr. Hall added that you can fix any change with drainage, but the over intensification is a concern.

Ms. Throckmorton and Mr. McDonagh requested a continuation of this hearing to respond to the concerns of the commission. The continuation was granted.

B. WET#2053(S) – 190 DANBURY ROAD ASSOCIATES – 190 Danbury Road – construct new car showroom in an upland review area (cont.)

Ms. Sesto noted that the applicant has requested a continuation until the next meeting being held on October 13th.

III. APPLICATIONS READY TO BE REVIEWED

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

Ms. Craig is recused from this application.

Ms. Sesto noted that Mr. Brown, his wife, nor his attorney could attend the meeting. She described the plan she prepared at their direction that shows exactly what the commission would like him to do with the fill material illegally deposited in a wetland.

Ms. Sesto asked the commission if they would like to continue this application to give the homeowner an opportunity to present. The commission agreed to continue this application.

B. WET#2056(I) – CUNNINGHAM – 14 Snowberry Lane – installation of septic in new location for building additions

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

Mr. Cunningham spoke on his own behalf. He described his proposed building addition which includes raising the second floor and enclosing the portion underneath this area. This enclosure would not be compliant with the health department as it would be too close to the existing septic tank. The proposal is to move the tank 10 ft. and increasing its size to accommodate an additional bedroom.

Ms. Sesto confirmed with Mr. Cunningham that the septic system is already code compliant and therefore, a B100a is not required. Mr. Hall noted that he could see the brook on the plan but thinks it is outside of the 100 ft. regulated area. Ms. Sesto noted the drainage ditch is the watercourse in this case. Ms. Sesto estimated the distance from the activity to this trench is 55 ft. and no matter where he chooses it will be within the 100 ft. regulated area.

Mr. Delaney raised concern on what is happening on the abutting property to the east as there could be some resources to protect that are not shown on the plan. Ms. Sesto noted that the proposed septic relocation is only 10 ft. away from the existing location.

Mr. Wong vocalized concern about the altered wetland and asked that the homeowner delineate the limits of the lawn. Mr. Cunningham reiterated that no trees will be removed. Ms. Sesto suggested photo documenting the limit of lawn as providing delineation may be a disproportionate response to the limited proposed activity.

Ms. Pollino MOVED to APPROVE WET#2056, with the General and normal Special Conditions and the additional Special Condition to provide photo documentation for existing conditions , SECONDED by Mr. Hall and CARRIED 6-0-0.

C. WET#2057(I) – RAMADANI – 10 Center Street – installation of removable doors and windows in existing roofed area

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

Ms. Sesto noted that she would like to incorporate the site plan and documentation from WET#1856.

Mr. Busnel reviewed the patio dimensions and noted that the approved patio was for 17 ft and they only built it out to 15 ft. He described how they are proposing to add doors that slide and fold to open that patio section of the building to the outside. There will be no change to the

impervious area. He indicated that there is no request to have additional outdoor dining.

Ms. Sesto noted the previous commission was hesitant to approve the former application that requested an addition over the patio. Ultimately, the commission approved a permanent roof structure in lieu of the awning due to encroachment. She asked Mr. Busnel for the distance between the roof and the river. He responded that it is about 35 ft. and Ms. Sesto clarified that the patio area is at the top of a slope.

Mr. Wong asked about other improvements they are proposing. Mr. Busnel noted that they are building a garbage enclosure. He also noted that curbs are being reinstalled. They have added a 1,500 gallon grease trap and they previously constructed a sand filter drain for any run-off from the dumpster area. They have also built storage to be outside of the easement location. Ms. Sesto confirmed that the take-out area is wider by about 4 ft.

Mr. Polozani, the contractor, described the doors in detail as being bi-fold. They have 6 panels per door, or 3 per side. He explained where the doors would be placed in relation to the building and the river and expressed the intent to have the door opening routinely, thereby perpetuating the previously issued permit. Mr. Hall noted that we could not regulate when or how often the doors would be open. Mr. Delaney stated that this should not matter as it is no change in the footprint. Mr. Hall stated that approving this application undermines the previous commission's role and that they could lose credibility by trying to get something approved with a new board.

Ms. Sesto confirmed that this application should be considered an addition to the building, and not simply adding removable doors. She noted that there are flood plain issues with the proposal that have not been addressed.

Mr. Hall stated that the commission is trying to preserve the watercourse and it is as built up as it can be without the removable doors. He added that the commission needs to remain consistent. Mr. Ramadani responded by stating that he is trying to keep it aesthetically pleasing and promised this would be the last application he will bring before this commission for this property.

Mr. Busnel stated that they looked into reconfiguring the site but the parking lot is not conducive to other options. He added that they want to do the right thing by the commission and that there will be no more additions to this site in the future. He then noted that the concrete slab that was installed is higher than previous. Ms. Sesto questioned the height as it was done without authorization from the town. Mr. Ramadani stated that he brought everything up by 4 to 5 in. As this is in a flood plain, Ms. Sesto noted that this is the commission's purview. This consumption of the flood plain changes the pattern.

Mr. Hall stated that he is inclined to deny the application, even with mitigation included, as he is concerned about the flood plain. He said that they should come up with a plan to maintain the flood plain. Mr. Delaney thought it would be helpful to see the site again as they have new information to consider.

The application was continued until the next meeting on October 13, 2011.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2060(S) – LEE – 15 Walnut Place – additions to residence within a regulated area including B100a

Mr. Wong MOVED to accept this application, SECONDED by Mr. Hall and CARRIED 6-0-0.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. 2011 Municipal Inland Wetland Commissioners Training Program: Segment 3 – Ms. Sesto notified the commission of the upcoming UCONN training for experienced wetland members. Ms. Craig and Mr. Delaney indicated that they would like to attend. Ms. Larkin will complete the registration on their behalf.

B. Leinberger Phasing Plan Review – Ms. Sesto reported that the Leinbergers have requested phasing the project on their property under WET#2045. They have asked to break out the detention basin and do the other pieces first. The homeowners would like to correct the water coming into the garage and fix the front yard at a later time. Mr. Delaney asked if the town would take any responsibility for the poor road drainage. Ms. Sesto confirmed that there are state statutes stating that the town does not fix private property drainage problems. In addition, this catch basin is a dry-well and has limited capacity. The commission agreed that phasing the site work is acceptable for this property.

VIII. APPROVAL OF MINUTES – September 8, 2011

Mr. Reiter noted that there is one period missing on page 2. Ms. Larkin will correct this for the final version.

Mr. Hall MOVED to APPROVE the minutes from September 8, 2011 with the correction noted per Mr. Reiter, SECONDED by Mr. Delaney, and CARRIED 6-0-0.

IX. ADJOURN

Mr. Reiter MOVED to ADJOURN at 9:40 p.m., SECONDED by Mr. Hall, and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary