



MINUTES

October 27, 2011

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

ALSO PRESENT: Patricia Sesto, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Gary Clark, Clark Construction; Kate Throckmorton, Environmental Land Solutions; John McCoy, JFM Engineering; Tony Ramadani, owner, Portofino's; Asim Polozani; Criss Busnel; Rob Sherwood

ABSENT: Richard Reiter (notified of intended absence)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

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

Ms. Sesto reminded the commission that the applicant requested an extension at the last meeting until the next meeting on November 10, 2011.

B. WET#2058(S) – PALMA – 16 Lynlee Lane – solve flooding issues and new addition adjacent to a watercourse

Ms. Sesto read the new documents into the record.

Mr. Clark, owner of Clark Construction, reminded the commission that the hearing was continued to obtain tighter grading on the plan. He noted two points of clarification about the new plan; 1.) The area of grading has been reduced and is now more precise. There will be no re-grading on the stream side of the garage and some foundation plantings will be installed. He added that the driveway is 2.5 ft. higher so the grading will be at a 2 to 1 slope. The original fill was estimated at 41 cu. yds. initially and is now reduced to 38 cu. yds. 2.) The excavation will include dewatering and the discharge area will include a silt fence to manage for erosion and

sedimentation.

Mr. Delaney asked Mr. Clark if the revised plan is better in his opinion by accommodating our request to for tighter grading. Mr. Clark responded that this revised plan has less disturbance, which is always better for the wetlands. He added that the previous plan was not exact in terms of grading and now it has been “nailed down”.

Mr. Wong asked if there was any consideration to compensate for a flood storage area lost. Mr. Clark responded that they are eliminating a berm that is on site now and that they do not want to create ponding through further excavation. The site is 18 – 24 in. below the 100 year flood elevation. Mr. Wong questioned the feasibility of utilizing hollow pipes or otherwise creating voids in the fill to maintain some flood storage. After discussion it was concluded that the size of this fill package did not avail itself to such solutions.

Ms. Craig asked if a portion of the paved driveway is to be removed. Mr. Clark replied that they are proposing to remove the impervious surface associated with the existing back around. No other pavement will be removed. Previous references to this potential are tied to the construction of the B100 a.

Mr. Clark drew the attention of the commissioners to a site plan revision, noting that they propose widening the front stoop by 3 – 4 ft with a covered roof.

With no further questions from the commission or the public, Mr. Wong closed the Public Hearing.

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

Ms. Sesto read the new documents into the record including the Staff Report verbiage.

Mr. McCoy handed out revised plans to the commission members. He noted that the addition has been cut back 1.5 ft. in the back of the home, a couple inches have been removed in the front addition and addition #3 is smaller by 1 ft. The buffer area has also been expanded. The new plan includes all drainage and water quality information. He confirmed 793 sq. ft. of added impervious surface, but this is offset by the removal of a portion of the patio and driveway. The total additional impervious area proposed is 370 sq. ft. He added that this area is currently lawn so no trees will be removed.

Mr. McCoy noted that there is more of a vegetated buffer than originally proposed. They have also removed the trench drain and roof leaders that previously discharged to the watercourse. Ms. Sesto asked if he thinks the water can infiltrate through the rain garden if the base elevation of this and the wetland are the same. Mr. McCoy responded yes.

Ms. Throckmorton handed out a revised planting plan. She noted that the plantings have expanded laterally toward the house. She has incorporated plantings all the way to the house leaving just a walk around the building.

Ms. Throckmorton confirmed that she has eliminated wetland impacts by planting around the pond and using Best Management Practices. She noted that there is mitigation on the additional

370 ft. of impervious area and they are improving the site by removing the roof leaders and the driveway runoff that currently exists. She added that they are eliminating 2,000 sq. ft. of lawn and that the current buffer is still in-tact with mulch beds ready for plants.

Ms. Pollino raised concern about construction vehicles and compaction. Ms. Throckmorton confirmed that the construction vehicles work outward to not disturb areas already completed. Mr. McCoy added that small machines will be used as this is not a full foundation plan.

Ms. Sesto stated that approving this application is sacrificing a permanent resource. She reminded the commission of their charge: avoid, minimize, mitigate. She questioned the risk; the additions will always be there, but the mitigating rain garden and plantings may not be. She added that the last planting plan was not successful and the bond is still being held. Ms. Sesto stated that once an application such as this is approved, there is a lack of control from the town for long-term planting plans. In her experience, most people do not want a rain garden and other plantings close to the house so a subsequent owner may not stick with the plan.

Mr. Hall stated his position that he has strong reservations on this “small bite” commitment. He noted that the space between the house and the pond is tight and the idea of approving an addition on the pond side is surprising, especially for a large house that just had a significant addition in 2002. Mr. Hall referenced the plantings, endorsing the benefits of having lawn converted to a natural area.

Ms. Sesto responded clarifying that the planting beds will not be natural, rather they will be maintained planting beds. They will effectively be an extension the foundation plantings. Ms. Sesto added that mitigation is not a trade-off for additions. Ms. Throckmorton stated that her purpose is to install native plantings which will be easily maintained and that she disagrees with Ms. Sesto’s statement.

Mr. Delany suggested hiring an outside consultant to get a third opinion on the mitigation measures. Mr. Hall asked why the homeowner wouldn’t choose the side away from the pond for the additions. Mr. McCoy stated that the architect could not be here but there are flow issues and they would have to relocate their kitchen. Mr. Delany stated that the commission needs to look at the science and not the architecture.

Mr. Wong noted that the existing home would not be approved with current regulations and he does not believe that mitigation makes that much of a difference for the increase of the permanent commitment of the buffer for a building structure. He questioned why the home is not functional as it is. Mr. McCoy stated that in his opinion, these items they are proposing as a whole will be improvements to the property. He added that there will be no fertilizer required for plantings and the only upkeep is the rain garden. Ms. Throckmorton added that they are staging the area, installing control measures and mitigating. Mr. Hall countered with the order of the commission charge where it should start with avoidance, then minimize the impact, then mitigate the area. Mr. Hall noted that the applicant is starting with the mitigation piece.

Ms. Sesto questioned the agent’s argument that indirect impact is less consequential. Ms. Throckmorton countered that car oil spills on the road from vehicles and that has impacts.

Mr. Wong advised the agents that the problems he has with the application relating to the patio and addition #2 noted on the plan as these are closest to the resource. Ms. Sesto stated that an

ecological assessment should be required.

Mr. Wong MOVED to direct staff to obtain an environmental assessment and legal assistance for clarification on the loss of buffer to impervious surfaces, SECONDED by Mr. Hall and CARRIED 5-0-0.

III. APPLICATIONS READY TO BE REVIEWED

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

Mr. Goven spoke on behalf of the homeowner. He noted that the application was originally proposing 390 sq. ft. of impervious surface with the majority of the addition to the rear of the garage. The Health Department was not able to approve a 4-bedroom home due to Health Code so the project has been significantly decreased. The application now includes a playroom/office over the existing garage and a three season room. The playroom/office addition will overhang 2 ft. over the existing garage.

Mr. Goven noted that the entire property is within the wetland buffer and no improvements have been made since it was built in 1986. The office/playroom proposal has a 91 sq. ft. increase in space and the three season porch is 130 sq. ft. in total. There will be no site disturbance unless the B100a is needed. If needed, they would need to bring in 90 cu. yds. of fill. For the addition, there will be no heavy equipment used and one sonotube needs to be installed for the porch.

A discussion ensued relating to the plantings they have proposed. Ms. Sesto asked if they could delineate the planting areas so there is no mowing. Mr. Goven confirmed a defined mulch bed but agreed to install some boulders to blend with these plantings. The B100a plantings will only be done if needed.

Mr. Delaney MOVED to approve WET#2054 with General and normal Special conditions and the additional Special Conditions to intersperse boulders in B100a plantings, and pull back roof leaders to flow away from the wetland, SECONDED by Mr. Hall and CARRIED 5-0-0.

B. WET#2057(I) – RAMADANI – 10 Center Street – construction of an addition 25 ft. from the Norwalk River

Mr. Sherwood reported that he was hired to create a mitigation plan to compensate for construction activities and noted that there is not a lot of area for plantings. He stated that he could put some native understory trees on the slope near the back side of the garbage enclosure and picked pockets of open space for perennial installations. He added that there is a riprap slope that would create erosion issues if planted there. They plan on defining the walkway with landscaping and will use ferns near the addition in the back.

Mr. Delany asked Mr. Sherwood if there was any plans to rip out the concrete in between the two buildings, which was discussed at the last meeting where Mr. Sherwood was not present. Mr. Ramadani confirmed that he would be happy to take this out if the commission wishes. Mr. Hall added that any opportunity to change impervious areas to pervious should be considered. He explained the previous discussions to Mr. Sherwood and said the commission had requested an aggressive planting plan, including the lessening of impervious coverage, which need to be

clearly marked on a plan. Ms. Sesto added that the easement offered by the applicant outline should be drawn as well.

Mr. Ramadani requested an extension on the application to be able to provide a more comprehensive plan. Mr. Wong MOVED to grant the extension, Mr. Hall SECONDED, and it CARRIED 5-0-0.

C. WET#2063(I) – SCHAEFER – 43 Sharp Hill Road – replacing a shed 3 feet from a wetland

Mr. Schaefer presented his application on his own behalf. He described 3 old sheds on his property that are in need of repair. He is proposing to remove these sheds and build one shed in their place. The footprint of the new shed is 22% less than the combined footprint of the existing sheds. He showed his two adjacent lots on his plan. The house is on lot #1 and the existing sheds are on lot #2. He described how Bryants Brook comes through the property and there is no area on his two parcels that are outside the 100 ft. buffer.

The alternatives Mr. Schaefer presented were labeled “A” and “B”. Location “A” is a slope with pachysandra and this incline would make access difficult. In addition, this location is on the property line which would not be approved per zoning. Location “B” is in the backyard but this location is very close to the road where there is a blind corner creating a safety concern.

Mr. Schaefer reported that he stores mostly lawn and garden equipment for the lower end of the property. Mr. Wong questioned how he plans to construct the proposed shed as it is in a flood zone. Mr. Schaefer responded that he was planning on putting it at the same elevation as the ground but can install six 8 in. sonotubes piers to elevate the shed. Mr. Delaney noted that the sheds that exist are rotting and placing this one higher up will avoid this issue in the future. Mr. Hall added that part of the shed will need to be raised as it has a flat bottom being placed on a gentle slope. Mr. Schaefer conceded that the highest point will define where the other three corners will stand.

A discussion ensued about being consistent with shed installations near a wetland. As this proposal has less of a footprint, this is better for the wetlands. In addition, these three sheds to be removed were installed prior to wetland regulations so these are considered pre-existing non-conforming and cannot be forcibly removed.

Mr. Hall MOVED to APPROVE WET#2063, with General and normal Special Conditions and an additional Special Condition that the shed is elevated at a minimum of 6 in. at its lowest point, SECONDED by Mr. Delaney and CARRIED 5-0-0.

D. WET#2058(S) – PALMA – 16 Lynlee Lane – solve flooding issues and new addition adjacent to a watercourse

Mr. Wong MOVED to approve WET#2058 with General and normal Special Conditions and an additional Special Condition that the berm be removed, SECONDED by Mr. Hall, and CARRIED 5-0-0.

IV. APPLICATIONS TO BE ACCEPTED

- A. WET#2068(I) – LIPSCOMB – 58 Glen Hill Road – “emergency” repair of septic system**
25 ft. from a wetland and watercourse

Mr. Wong MOVED to accept this application, SECONDED by Mr. Delaney and CARRIED 5-0-0.

V. APPROVED MINOR ACTIVITIES

- A. WET#2065(M) – RAPKIN – 29 Olmstead Hill Road – installation of generator and buried**
LP tank within a regulated area

VI. CORRESPONDENCE

- A. BLAIN/LOMBARDI – 115 Pine Ridge Road -** Ms. Sesto noted that this applicant has requested a 5-year extension on their permit that expires October 31, 2012.

Mr. Wong MOVED to APPROVE this extension, SECONDED by Ms. Craig, and CARRIED as the law allows 5-0-0.

B. Violations:

- 1. WET#1417(S) - Peto – 35 Vista Road –** The planting plan is underway.
- 2. WET#1545(S) – Altus – 40 Honey Hill Road –** The applicant is requesting their bond be returned but not all conditions have been met.
- 3. WET#1822(S) – Favarolo – 61 Mayflower Drive –** The plants were due to be installed last May and now has a date of November 1, 2011
- 4. WET#1973 & 1974(S) – Sound Management Group – 3 & 21 Trails End Road -** rectify landscaping and construction in and adjacent to wetlands. Ms. Sesto noted that this property is coming under compliance in that they have removed the kennel and fill as required. A notice of violation will be sent for the dam that was constructed.

Ms. Sesto noted these may be turned over to town counsel.

VII. OTHER APPROPRIATE BUSINESS

- A. CACIWC Annual Meeting –** Ms. Sesto reported that the Annual Meeting is being held and it is very good for commissioners to attend. Mr. Craig indicated she would attend. Ms. Larkin will complete her registration.

VIII. APPROVAL OF MINUTES – September 22, 2011, and October 13, 2011

Mr. Wong MOVED to approve the minutes for September 22nd and October 13th, SECONDED by Mr. Hall and CARRIED 5-0-0.

IX. ADJOURN

Mr. Wong MOVED to ADJOURN at 10:25 p.m., SECONDED by Mr. Hall, and CARRIED 5-

0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary