



## MINUTES

October 25, 2012

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

**ALSO PRESENT:** Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Bill Kenny; William Kenny & Associates; Kate Throckmorton, Environmental Land Solutions; Doug DiVesta, DiVesta Engineering; Marc Andre, Marc Andre Architects; Aleksandra Moch, Michael Murin, Homeowner; Holt McChord, McChord Engineering; Paul Jaehnig, Wetlands and Soils Consulting; Simon White, Simon White Construction; Kristen Begor, Conservation Commission

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

Mr. Wong called the meeting to order at 7:32 p.m.

### **II. PUBLIC HEARINGS**

**A. WET#2134(S) – O'BRIEN – 1030 & 1042 Ridgefield Road** – proposed 3-lot subdivision with a common driveway that crosses wetlands, and grading within the upland buffer

Ms. Sesto reported that the applicant has requested a continuation on the hearing until the Health Department has provided approval on the subdivision.

**B. WET#2135(S) – PEPITONE – 22 Hillcrest Place** – construction of pool, patio, and grading 20 ft. from a wetland (cont.)

Mr. Kenny submitted a new plan with what he stated were substantial changes to address the questions and comments from the previous hearing. He has increased the buffer between the pool and the wetland by eliminating 4,500 sq. ft. of lawn while planting native trees and meadow grasses and wild flowers. He described this area he is giving back as 2 times the size of the pool and patio area. In addition, he reduced the patio size by 40% of the original plan while moving the pool further from the wetland, and closer to the house.

Mr. Kenny stated they are proposing a bio-detention basin which could handle a 100-year storm. This detention system ensures no increased peak discharge or water running from the proposed

patio. Mr. Delaney inquired how much the pool was shifted toward the house. Mr. Kenny responded that it was pulled in towards the house by 5 feet. Ms. Pollino inquired about the patio surface. Mr. Kenny responded that it is concrete. Ms. Sesto noted that there may be options to move the patio around and reduce the size further. Mr. Kenny responded that they pinched off some of the patio so that it is now 45 ft. to the wetland.

Mr. Kenny confirmed that the pool fence has been added to the plan, and the propane tank and other pool equipment have been shifted to the north of the house. Mr. Delaney inquired if the applicant considered a pervious patio. Mr. Kenny stated that there are issues with long-term maintenance and durability, which is why they chose a detention basin for a 100-year storm.

Ms. Craig asked for the area of the pool and patio. Ms. Sesto calculated 960 sq. ft. and asked if the pool could be pulled in tighter to the house than five feet. Mr. Kenny responded that the sun exposure would be an issue and they are trying to stay with the existing slope. Ms. Sesto questioned the conclusion of shadows from the house given the pool has ample exposure to the south.

Mr. Wong stated a concern on the separating distance from the patio to the wetlands. Mr. Kenny stated that they are improving the wetland and asked what particular impact Mr. Wong is concerned about. Mr. Wong asked if they can consider stone dust to make the patio pervious.

Ms. Sesto stated that a 2 – 2.5 in. shade tree is typical for mitigation, not the size noted on the planting plan. Mr. Wong questioned the appropriateness of a tree in proposed in the detention basin area. Mr. Kenny stated that the tree will be fine and Mr. Lee agreed. Mr. Wong asked that the limits of lawn are clear on the plan. Mr. Kenny stated they can use boulders. Ms. Sesto agreed that this plan could be approved at the staff level.

With no questions or comments from the public, Mr. Wong closed the public hearing.

#### **C. WET#2139(S) – KENNEDY – 66 Warncke Road – 2-lot subdivision (cont.)**

Ms. Sesto read the new documents into the record. Mr. DiVesta reviewed the changes with the new plan. He stated that they have decided to use a dry laid stone wall to mark the limit of lawn area. He showed where they have moved the house forward by 10 feet which also shortens the driveway. He also confirmed there will be a well placed around the maple tree that was brought up as a concern at the last hearing.

Mr. DiVesta responded to the Town Engineers questions and concerns from their memo. He confirmed that he can provide details on the pipes, access for maintenance, storage and volume, the Belgian block curbing, and site lines which were lacking information.

Mr. Lee asked if the Norway Maple would remain as this is an invasive non-native tree. Mr. DiVesta confirmed that this can be removed. Ms. Sesto asked why the stone wall was moved 3 ft. closer to the wetland. Mr. DiVesta stated that this will be the demarcation feature and he was attempting to respond to the commission's concern that the backyard was too small. Ms. Sesto noted that he is compromising the buffer further which is not the intent of the commission. A smaller house and/or moving the house towards the road would be appropriate to expand the yard. The 100 foot protective buffer is being reduced substantially without justification. Mr. DiVesta confirmed that they have some wiggle room with the health regulations. Ms. Sesto

suggested placing the septic to the north of the driveway. Mr. DiVesta stated that the drainage system would then be downhill of the leach field. Ms. Sesto suggested the infiltrator could be moved to the rear of the house.

Mr. Wong asked for the distance from the stone wall to the wetland. Mr. DiVesta responded that it is 25 ft. at its closest point. He added that the soils for the septic were not acceptable on the north side of the driveway. Ms. Moch agreed that this area is very saturated from her inspection. Ms. Sesto questioned Mr. DiVesta's conclusion regarding the lack of soil suitability given there are no test holes. Mr. DiVesta indicated his conclusion is based on a surficial visual inspection.

Ms. Craig suggested moving the garage to the south side of the house. Mr. DiVesta stated this would not provide any gain on the stormwater management but confirmed that they will move the stone wall back to its original location. This will provide the homeowners with a 55 ft. back yard area, while still being 30 ft. from the wetlands.

Ms. Sesto questioned the logic for the test holes as she thinks the soils would be similar in the north given the consistency of grades. Ms. Moch stated she saw an old farm drain in that area that may interfere with septic. She noted that she discovered imbedded stone and sink holes which would not be conducive. Ms. Sesto expressed the need to have these assumptions by the applicant's team verified.

With no further questions or comments, Mr. Wong continued the Public Hearing until the next meeting being held on November 8, 2012.

#### **D. WET#2144(S) – MURIN – 15 Whipple Road – construction of addition and B100a**

Ms. Sesto read the documents into the record. Mr. Wong, Ms. Craig, Ms. Pollino, and Mr. Delaney indicated they visited the site.

Ms. Throckmorton confirmed that this application includes an addition off the back of the house, which has been approved via variance with Planning and Zoning. She stated that this addition is triggering a requirement for a B100a. The B100a location would be across the wetland in the northern portion of the property. She indicated the site has limitation associated with a sloping front yard and the existing driveway.

Ms. Throckmorton illustrated how the two waterways convene on this property. She confirmed each waterway collects water off of Whipple Road and the associated 22 acre watershed. She noted there is a cinderblock junction box carries the run-off and discharges it to the wetland. She confirmed that there is eroded pipe outlet at the point of the junction which has sand deposits and has degraded the wetland.

Ms. Throckmorton stated there is an understory dominated with invasives and there is a tree canopy. She described the addition as slab on grade with no excavation except for the footings. She also pointed out the stockpile area. The small equipment being used for this project will have an access way off the driveway.

Ms. Throckmorton confirmed she has added a rain garden to capture and infiltrate water from the proposed addition. She has also reconfigured the plunge pools to retain road sand which is a benefit to the overall system. She noted there is some erosion there but there is no way to

contain or maintain this area. The proposal includes replacing the small deck at the entrance, including a tree in this area. There will be a temporary rubble access way which will be wrapped in fabric during construction. There will be excavation, including some tree removal, near the proposed wall. Ms. Sesto requested a new boulder row be added to the plan. Ms. Throckmorton agreed that this detail can be provided. Shade trees, understory, and herbaceous plantings are already proposed.

Mr. Lee asked if there is an official drainage easement with the town. Ms. Throckmorton confirmed that the Department of Public Works has no formal interest. Ms. Sesto questioned the sequence of construction. Ms. Throckmorton noted that she had disordered this piece and will revise to avoid requiring the mitigation work to be done first.

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

**E. WET#2145(S) – VOLLMER – 137 Olmstead Hill Road – construction of a single family residence**

Ms. Sesto read the documents into the record.

Mr. Lee recused himself from this application.

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

Mr. McChord reminded the commission of the subdivision approval for the four lots granted in 2010. He described the significant pond in the back of the lot which flows in an easterly direction. The pond is subject to an open space easement.

Mr. McChord confirmed the limits of the residential development were established when the subdivision was approved and they are staying within these limits. He illustrated the row of boulders at the limit of lawn line and how the driveway configuration has been changed to wrap around the home with a small gravel parking court.

Mr. McChord showed where the silt fence will be installed prior to construction and where the proposed pool would be, if requested by the owner. Mr. McChord noted that the septic has been moved to the west and the rain garden they propose will be slightly larger than originally planned. He indicated it will accept 600 cu. ft. and would include run-off from the roof and the garage. He also confirmed where the storage stock pile, well and septic will be placed.

Mr. Hall asked if the pool would be within the 100 ft. regulated area. Mr. McChord said that it would be, but that it is not outside of the demarcation required during the subdivision review. Mr. Wong asked what else is in the regulated area. Mr. McChord noted some of the driveway, some of the patio, and some of the pool.

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

**III. APPLICATIONS READY TO BE REVIEWED**

Mr. Lee was reseated.

**A. WET#2146(I) – PASELTINER – 15 Tito Lane – addition within a regulated area**

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

Mr. Jaehnig described this application as a partial demolition, renovation, and modification to the existing residence. He described the site as shallow to bedrock and confirmed there is ledge in the crawlspace of the existing home. The proposed house is designed to have a better flow on the existing 2 acres of land which includes the east branch of the Comstock Brook. He described the central corridor as lawn and fieldstone walls with a paved driveway with a small turnaround. The septic was shown in the north-west portion of the lawn will be abandoned and the new system has already been approved by the health department.

Mr. Jaehnig confirmed that they are using a good portion of the current footprint but changing the deck, removing a shed, reconfiguring the garage, and installing the new septic. The plan indicates the limit of disturbance and they are not changing any grades. The most excavation will occur with the small area where the new addition will sit. This includes approximately 37 cubic yards in the regulated area. They plan on using sonotubes for the deck installation. Mr. White stated modifying the leeching fields to be outside the regulated area but with minor grading not to exceed 3 ft. He added that the stockpile is shown on the plan.

Mr. Jaehnig noted the field stone wall will remain to mark the limit of maintained lawn, and the low mow lawn will be reduced near the pond with plants and border shrubbery. He added that an agreement to maintain this area may be beneficial for future owners. Mr. Wong asked about the large piles of woodchips on the property. Mr. White confirmed this is for landscaping and these pile will be distributed in due course.

Mr. Hall MOVED to APPROVE WET#2146, with the General and normal Special Conditions, SECONDED by Mr. Wong and CARRIED 6-0-0.

**F. WET#2144(S) – MURIN – 15 Whipple Road – construction of addition and B100a**

The commission discussed the plan and what special conditions would be appropriate.

Mr. Wong MOVED to APPROVE WET#2144, with the General and normal Special Conditions, and the additional Special Conditions that the Landscape Architect will oversee the construction of the plunge pool and rain garden, the west side of the property should have demarcation, the construction sequence should be re-ordered, SECONDED by Mr. Hall and CARRIED 6-0-0.

**G. WET#2135(S) – PEPITONE – 22 Hillcrest Place – construction of pool, patio, and grading 20 ft. from a wetland (cont.)**

The commission discussed the plan and what special conditions would be appropriate.

Mr. Wong MOVED to APPROVE WET#2135, with the General and normal Special Conditions, and the additional Special Conditions that the limit of lawn is delineated and staff will field verify the appropriate end of that demarcation based on the extent of woodland behind the house, SECONDED by Mr. Hall and CARRIED 6-0-0.

**H. WET#2145(S) – VOLLMER – 137 Olmstead Hill Road – construction of a single family**

residence

**I.**

Mr. Lee was again recused.

The commission discussed the previous approvals and discussed how to incorporate the record for the subdivision approval.

Mr. Wong MOVED to APPROVE WET#2145, with the General and normal Special Conditions, and the additional Special Conditions that the record and conditions of approval for WET#1985 will not be superseded by this approval, SECONDED by Mr. Hall and CARRIED 5-0-0.

**IV. APPLICATIONS TO BE ACCEPTED**

- A. WET#2147(S) – CIGANIK – 74 Cheese Spring Road** – “corrective action” to rectify work done in an upland review area
- B. WET#2151(I) – HALL – 55 Boulder Brook Road** – “emergency” replacement of failing septic
- C. WET#2152(I) – LEAHY – 990 Ridgefield Road** – demolish existing pool and expand existing deck and other site improvements

Mr. Lee was reseated.

Ms. Craig MOVED to ACCEPT WET#2147, WET#2151, and WET#2152, SECONDED by Mr. Lee and CARRIED 6-0-0.

**V. APPROVED MINOR ACTIVITIES**

- A. WET#2149(M) – LEAHY – 990 Ridgefield Road** – install above ground propane tank and AC 45 ft. from the wetland boundary
- B. WET#2150(M) – FUNG – 362 Newtown Turnpike** – replace existing deck

Ms. Sesto briefly described the Minor Applications that were approved since the last meeting.

**VI. CORRESPONDENCE**

- A. Chandra – 32 Crosswicks Ridge Road** – permit compliance

Ms. Sesto advised the commission that this homeowner would like to be relieved of the special conditions that required the roof leaders to be cut back. She confirmed that there is a 15 day appeal period which was back in January of 2012. No appeal was filed. The commission discussed coming to a compromise by asking him to cut back the leaders that would most affect the wetland, without causing his walkway to flood in heavy storms.

Ms. Pollino was concerned that the applicant would not follow his permit requirements. Mr. Wong stated that he did not want to set a precedent for others to come forward and ask for Special Conditions to be revised. Ms. Craig noted that the owner was proposing substantial

work and this was part of the plan that should be followed. Mr. Hall asked if this would be considered a field change. Ms. Sesto was not comfortable on making a recommendation based on the information provided.

The commission decided to ask the owner to submit a revised plan, with a narrative, explaining why some of the leaders should remain as they are today and then a discussion about the requirements will be at that time.

## **B. Violations**

### **1. Lifrieri – 68 Cheese Spring Road**

Ms. Sesto noted that the property owner has received a Notice of Violation and expects to receive an application shortly.

## **VII. OTHER APPROPRIATE BUSINESS**

### **A. APPROVAL OF MINUTES**

The minutes were not available at the time of the meeting so this item was tabled.

## **VIII. ADJOURN**

Mr. Wong MOVED to ADJOURN at 9:27 p.m., SECONDED by Mr. Lee, and CARRIED 6-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary