



MINUTES

January 10, 2013

PRESENT: Frank Wong, Chair, John Hall, Elisa Pollino, Nick Lee

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Kate Throckmorton, Environmental Land Solutions; Aleksandra Moch, Paul Szymanski, Arthur H. Howland & Associates, Peter Millar, Neighbor, Dan Sullivan, Homeowner

ABSENT: Dennis Delaney, Elizabeth Craig (notified of intended absences)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

A. WET#2148(S) –KOTONSKI – 302 Sturges Ridge Road – “corrective action” to restore site and construct new home (cont.)

Ms. Sesto read the new documents into the record.

Ms. Moch reminded the commission that the homeowners would like to build a new house in conjunction with the corrective action for the removal of the trees without a permit. The plan includes a new permeable courtyard, a new septic behind the house, an in-ground infiltrator, and a replacement pipe under the driveway.

Ms. Moch stated that the buffer restoration proposal includes a wet meadow which will be demarcated to avoid encroachment. She described where they have shifted the original infiltrator location toward the garage and away from the restoration area. She reviewed the revised restoration plan that now includes 35 new trees of various sizes. Ms. Sesto questioned the deer browse with shadblows which are proposed to be 5 – 6 ft. Ms. Moch responded that they are big enough and that nurseries carry them in this size. Ms. Pollino added that deciduous shade trees should be 2 – 2.5 in. caliper minimum. Ms. Moch confirmed they would be more than 2 in. caliper.

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

B. WET#2147(S) – CIGANIK – 74 Cheese Spring Road – “corrective action” to rectify work done in an upland review area

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

Mr. Healy stated that there were many trees that fell and were damaged during the 2011 Halloween storm. There was also grading and disturbance in the upland review on theirs, and their neighbor’s property. Mr. Healy explained the delay in the filing an application as directed in the Cease & Desist Order as they needed to find a replacement for their environmental coordinator who dropped out just prior to the filing deadline. Mr. Healy confirmed that Ms. Throckmorton has prepared the mitigation plans and a new survey has been completed. He added that the Health Department has requested that they revise the existing down spouts so they do not discharge over the leaching fields. Mr. Healy suggested that this be added as a Special Condition of approval

Ms. Throckmorton confirmed that she wrote the narrative and drew the plans for this corrective action. She indicated that a survey was done in the fall to verify all existing features. She stated that the house sits up on a ridge and there is a wetland corridor below with a culvert for where the driveway crosses the wetland.

Ms. Throckmorton confirmed that the owners completed some work along the wetlands, including depositing one foot of fill that will be removed and replanted so that there is a minimum of 20 ft. between the new lawn and the wetlands.

Ms. Throckmorton indicated the plantings on the north side of the driveway are largely consistent with past approvals in terms of plantings. In the area south of the driveway, the buffer area previously approved will be restored via adding 6 trees and a boulder row for demarcation.

Ms. Throckmorton stated that the fill added in front of the house will be removed. The other landscape improvements they are requesting are Belgian block curbing for the driveway with breaks in the curb for discharge, a walkway in the front of the house and a walkway to the shed. The roof drains and gutters on the shed discharge to an unknown location underground.

Ms. Sesto inquired how the new planting plan corresponds to what was previously approved. Ms. Throckmorton replied that all plants are still on the property, just tightened up from the plan, and not in the proposed buffer.

Ms. Throckmorton noted the biggest area of contention is a 65 ft. x 10 ft. strip where there was an approved 15 ft. buffer of 90 shrubs. She confirmed that the shrub masses are there but they will add some bigger trees to add to the lost canopy. The previous approval called for 86 plants to be installed, they actually installed over 90, just not in the location that was approved.

Mr. Wong asked about the status of the last corrective action for this property. Mr. Healy confirmed that the last permit was for a garage addition which did not take place. He added that the mitigation plantings were installed under the last permit. Ms. Sesto added that there was a small bio-filter swale installed to compensate for the additional impervious coverage of the

garage. While the bio-swale was tied directly to the garage, the plantings were required regardless of the garage addition.

Mr. Wong inquired if the current planting plan is sufficient to offset the canopy where the 4 large trees fell. Ms. Sesto noted that the proposal is a tighter configuration than previously existed, so there is more open lawn instead of a transition from lawn to woods. Mr. Hall asked how many trees came down. Ms. Throckmorton responded that there were 13 total. She showed the post-storm pictures that show 2 trees down. Ms. Throckmorton stated that 4 canopy trees within 40 ft. of the brook also came down. Ms. Sesto suggested that the trees in the streamside buffer are repositioned to align with the boulders to better convey the limit of lawn. Mr. Wong asked where the fill would be placed. Ms. Throckmorton confirmed it would be taken off site.

Ms. Throckmorton stated there was one large tulip tree in the middle of the lawn that was removed. Mr. Lee stated that if one tree was taken out, it should be replaced in the same place. This would allow the canopy to eventually come back. Mr. Wong stated that he would prefer to see an expanded buffer. Mr. Lee asked if they would consider adding a low-lying dry wall to avoid future encroachment. Mr. Wong inquired about the new pieces of the plan that are being requested such as the gate and pillars for the driveway, curbing, legalizing the shed and the walking path from the house to the shed. Ms. Throckmorton confirmed that these are all improvements they are seeking under the resolution. Mr. Lee stated that open Belgian Blocks are preferred curbing to facilitate drainage.

Mr. Wong stated that the homeowners increased their open lawn space with the loss of the canopy and the trade-off here should be to increase the size of the buffer. He agreed with Mr. Lee that a low stone wall would be a good permanent demarcation feature given the history of repeated violations with this homeowner. Ms. Pollino agreed that a bigger buffer should be created to mitigate the unpermitted activities.

Mr. Healy consented to an extension of the public hearing.

With no questions or comments from the public, Mr. Wong MOVED to extend the date for the Public Hearing to stay open until the next meeting on January 24, 2013, SECONDED by Mr. Hall and CARRIED 4-0-0.

C. WET#2159(S) – ASML – 77 Danbury Road – construct building addition and relocate driveway adjacent to the Norwalk River

Ms. Sesto read the documents into the record. Mr. Wong, Ms. Pollino, and Mr. Hall indicated they visited the site. It was confirmed that Ms. Craig was there as well.

Mr. Szymanski, of Arthur H. Howland & Associates, described the site as being on the western side of Route 7, and the addition is being requested in the southeast corner of the main building. ASML had a new survey completed with all existing conditions noted as there have been some permits provided for work that was never completed.

Mr. Szymanski stated that they are requesting a 43 ft. x 100 ft. addition which would include a 10 ft. push out of the existing driveway to allow vehicular circulation where the loading dock currently sits. There may need to be some minor regrading in a 28 ft. long area. He confirmed that temporary erosion control blankets will be installed.

Mr. Szymanski described that they are trying to improve parking near the footbridge by removing existing pavement and adding a 4 ft. wide bituminous sidewalk. He also described the current run-off in the eastern edge of the parking lot as an issue as there is no treatment prior to entering the river. To assist with this, they are proposing a drainage swale. He confirmed the downhill side will have silt fence and hay bales and showed the construction sequence and flood plain on his plan. He stated there would be a 40 yard cut and 90 yards of fill which is considered minimal. He added that they are adding some sidewalks but not adding any impervious surface.

A discussion ensued about the parking lot and driveway plan. Mr. Wong asked if the new driveway would include curbing. Mr. Szymanski responded that it is currently curbed to a vegetated area. Mr. Wong asked about existing trees on the site. Mr. Szymanski responded that one tree, west of the proposed sidewalk will need to be removed, but can be replaced. Ms. Sesto asked that they provide a plan with tree protection details.

Peter Millar, of 27 Arrowhead Road, stated he was concerned about seasonal flooding without an entire hydrological analysis. Ms. Szymanski described that they have improved the site with reduced impervious coverage and additional storage for the run-off being added.

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

III. APPLICATIONS READY TO BE REVIEWED

The commission agreed to scramble the agenda to allow Mr. Sullivan, in attendance, to present his application.

A. WET#2161(I) – SULLIVAN – 491 Nod Hill Road – bedroom addition and associated B100a

Mr. Wong and Ms. Pollino indicated they visited the site.

Mr. Sullivan described how they would like to close their 2-story foyer to add a fourth bedroom to the home and add a portico in the front. As they are adding a bedroom, a B100a is required and it is within the regulated buffer.

Ms. Sesto asked where the new leaching field will be. Mr. Sullivan explained that it would be on the flat portion of the lawn before the drop-off. Mr. Wong asked that he place this on the drawing with the proper sediment and erosion controls noted.

Mr. Wong MOVED to APPROVE WET#2161, with the General and normal Special Conditions, and additional Special Conditions that the top of the slope be added to the drawings with associated erosion and sedimentation controls, SECONDED by Mr. Hall and CARRIED 4-0-0.

B. WET#2159(S) – ASML – 77 Danbury Road – construct building addition and relocate driveway adjacent to the Norwalk River

Mr. Wong MOVED to APPROVE WET#2159, with the General and normal Special Conditions, and additional Special Conditions that tree protection will be in place for any trees within 20 ft. of the work area, and the tree that is being removed will be replaced with a 2- 2.5 in. caliper

native shade tree, SECONDED by Mr. Lee and CARRIED 4-0-0.

C. 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 noted that the Draft Resolution was not provided to the commissioners in time for review at the meeting but that she feels comfortable with the prior testimony to have staff work with the logistics of the permitted activity.

Mr. Wong MOVED to APPROVE WET#2134, with the General and normal Special Conditions, SECONDED by Mr. Hall and CARRIED 4-0-0.

D. WET#2162(I) – LEFEVRE – 14 Hulda Hill Road – “emergency” septic repair 80 ft. from wetlands

Ms. Sesto noted that a temporary permit was issued for this emergency.

Mr. Lee MOVED to APPROVE WET#2162, with the General and normal Special Conditions, SECONDED by Mr. Hall and CARRIED 4-0-0.

IV. APPLICATIONS TO BE ACCEPTED - None

V. APPROVED MINOR ACTIVITIES

A. WET#2155(M) – LIFRIERI – 68 Cheese Spring Road – “corrective action” to remove crushed stone 86 ft. from wetlands

Ms. Sesto provided a brief overview of the minor application that has been approved since the last meeting.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. APPROVAL OF MINUTES – December 13, 2012

Mr. Lee MOVED to APPROVE the meeting minutes from December 13, 2012 as drafted, SECONDED by Mr. Hall, and CARRIED 4-0-0.

VIII. ADJOURN

Mr. Wong MOVED to ADJOURN at 8:50 p.m., SECONDED by Mr. Lee, and CARRIED 4-0-0.

IX. APPLICATIONS READY TO BE REVIEWED – Continued

The meeting was re-opened as the commissioners decided to discuss the Kotonski application at 8:52 p.m.

A. WET#2148(S) –KOTONSKI – 302 Sturges Ridge Road – “corrective action” to restore site and construct new home

Mr. Wong MOVED to approve the application the size of the flowering dogwoods increased from 5 - 7 ft. to 6-8 ft. and the shade trees shall be 2 – 2.5 caliper, SECONDED by Mr. Lee and CARRIED 4-0-0.

X. ADJOURN

Mr. Wong MOVED to ADJOURN again at 8:55 p.m., SECONDED by Mr. Lee, and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary