



MINUTES

January 24, 2013

PRESENT: Frank Wong, Chair, John Hall, Nick Lee, Elizabeth Craig

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Kate Throckmorton, Environmental Land Solutions; Ed Schenkel, Gregory & Adams

ABSENT: Elisa Pollino, Dennis Delaney (notified of intended absence)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

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

Mr. Schenkel addressed the commission and stated that they have prepared responses to the questions and comments that were discussed at the last hearing.

Ms. Throckmorton confirmed that she adjusted her plan based on the previous public hearing comments. She indicated where she shifted the proposed trees to extend the buffer on the site. She confirmed that four clustered trees were removed in violation, and six are being planted, with a better space in between as mitigation. She also explained that they plan to rectify the fill deposit violations on the two adjacent neighbor's property by hauling it off site and replanting the area.

Ms. Throckmorton noted that shade trees will be planted right along the edge of the buffer with additional understory plantings underneath, including a new tree where a large Tulip Tree was removed. A discussion ensued about the buffer delineation and how to measure this in the future. It was decided that the buffer would be 75 feet off the house and five feet from the property line. Ms. Throckmorton agreed that the mitigation planting plans for past violations were shifted toward the stream, creating a smaller, denser buffer. She counted 85 shrubs currently in the buffer, as previously required, but confirmed they were closer to the wetlands than approved. She proposed a demarcation line of trees and boulders along the buffer. The

boulders stay in line with proposed trees, and reference can be made with the measurement of 75 feet off the house.

Mr. Wong stated that he remembers a long discussion about a need for demarcation the last time this homeowner was before the commission with a violation. The commission required a line of trees as the limit of lawn and they have since been removed and replaced with lawn. He noted that he is skeptical to allow a tree demarcation when they did not formerly adhere to this directive. He suggested that stonewall should be installed as a hard demarcation. Ms. Throckmorton stated that she would speak to the homeowners for their consideration. Mr. Wong suggested building a dry wall and expanding the buffer as mitigation for the current violation. Ms. Sesto confirmed that the violation was focused on the unpermitted deposit of fill, and the front yard transition to lawn.

Ms. Craig asked what types of trees will be replanted. Ms. Throckmorton stated they are red maples. Ms. Craig asked if there was a reason she picked this tree. Ms. Throckmorton responded that they are readily available and less expensive than oaks. Ms. Craig pointed out that this mature tree will not be as big as the tulip that was removed. Ms. Throckmorton stated the canopy would be the same, but not the trunk size. Ms. Sesto stated that she believes the buffer depth should be expanded to compensate for the formalization of the lawn and loss of trees. She added that the front was cleared allowing sunshine, and the buffer is the same depth which seems like a reward to the homeowner, not mitigation. Ms. Throckmorton countered that only four trees were taken out and six trees are being planted. Mr. Wong suggested that the Belgian blocks should be pervious and not closed.

Ms. Sesto commented that there is a series of violations on this property. She is unsure whether the boulders and trees are sufficient for the demarcation. Should suggested installing breaks as warranted as the trees should be both behind and in front of the demarcation line. She went further to state that this applicant has shown a willful disregard to the commission and its directives, and she is concerned about their willingness to bring in the machines to enable this mitigation.

Mr. Hall recalled the last time the owners came through with a violation there was a lengthy discussion about them giving back based on the history; and now a lawn was advanced in this area. He commented that four trees were recently taken out, moving the tree line on site. He added the overall theme was that we wanted to get some compensation with the expansion of the buffer. Mr. Lee stated that they may want to consider a dry wall, in front of the line of trees. Ms. Sesto confirmed a stone wall could act as a filtration berm for water flowing off the new lawn, which is an improvement. Mr. Lee stated it would be attractive and most likely what the homeowners would want. He also suggested that the buffer is extended five or ten feet. Mr. Wong agreed with this distance and suggested following the drip line. Mr. Lee asked if this can be approved with staff review. Mr. Wong thought the commission should iron out these requirements in advance, to avoid any further encroachment issues.

Ms. Throckmorton confirmed she would like to keep the hearing open to provide the details on a plan that have been discussed, including the pavers. Ms. Craig asked if the commission could ask for more variety in the plantings with native trees. Ms. Sesto stated it would be warranted if it is better for the wetland. Ms. Craig stated that oaks were removed and Ms. Sesto confirmed that the commission could ask for something comparable to those lost trees.

Mr. Lee stated is comfortable with the proposal south of the driveway. Mr. Wong confirmed the only disturbance was south and west. Mr. Lee added that he is not opposed to giving them the patio and the garden which is on the plan in the northern portion of the property.

Mr. Lee MOVED to allow the hearing to remain open until the next hearing, SECONDED by Mr. Hall and CARRIED 4-0-0.

III. APPLICATIONS READY TO BE REVIEWED - None

IV. APPLICATIONS TO BE ACCEPTED - None

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. WET#2161(I) – SULLIVAN – 491 Nod Hill Road – leeching field location

Ms. Sesto reported that she learned Mr. Sullivan's testimony was incorrect at the January 10, 2013 meeting. The permit was issued based on the owner's confirmation that the leaching fields would be situated at the top of slope in lawn when they are in fact down grade in woodlands. She confirmed that the statutes do not accommodate permit modifications, as was confirmed by legal counsel. She stated they would be required to re-submit their application. Mr. Wong suggested that the application fee be waived in the case. He added that he would like to see details of the fill package. Ms. Sesto confirmed that the fill was not suitable where they did the original testing at the top of the slope. She added that they could have tested further away from wetland, but the homeowners did not want that expenditure.

B. APPROVAL OF MINUTES – January 10, 2013

Mr. Wong MOVED to APPROVE the meeting minutes from January 10, 2013 as drafted, SECONDED by Mr. Lee, and CARRIED 4-0-0.

VIII. ADJOURN

Mr. Wong MOVED to ADJOURN at 7:59 p.m., SECONDED by Mr. Lee, and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary