



MINUTES

March 14, 2013

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

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Ed Schenkel, Gregory & Adams; Dusan Ciganik and Erika Sabo Ciganik, Homeowners; Marianne Campbell, Homeowner

ABSENT: Dennis Delaney & Elisa Pollino (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#2147(S) –CIGANIK – 74 Cheese Spring Road – “corrective action” to rectify work done in an upland review area (cont.)

Ms. Sesto reminded the commission that this corrective action hearing opened in January and was not heard for the two February meetings. This meeting is the last available hearing for this application per state statute. She also reminded the commission what was requested from the applicant from the last time the agents presented; a stone wall for delineation, driveway details, and the varying of tree species.

Mr. Schenkel stated that he was representing the applicant and confirmed that they would like to present their own situation and turned the floor over to Mr. Ciganik.

Mr. Ciganik reported that they purchased the property in 2004 and wanted to make some improvements right away. He did not know what wetlands were and was not aware of any regulations or requirements for improving his property. He confirmed that the wetlands officers showed up at his home and told him he was in violation and had to spend \$40,000 to mitigate for his first offense.

Mr. Ciganik continued by stating he removed some soil in the front of the property in 2011 to eradicate snakes, skunks, and rats in the area. He then indicated the October 2011 snowstorm

created a lot of damage; a tree fell on a car and on their house. He stated they waited 2 – 3 weeks and nobody showed up so they removed the trees and fixed the house.

Mr. Ciganik stated they do not have the money to build the wall as he recently lost his job. He provided an estimate of \$80,000 from his contractor for the work the commission is requesting and said there is no way they can do this now. He indicated that their neighbors removed 20 trees on their property and asked why they are not in violation. He stated he does not understand why they can do this and he cannot, and stated that he feels the commission is being discriminatory against him.

Mr. Wong stated that storm damage is understandable and unavoidable but that the work they continue to do on the property is unpermitted. He confirmed that they have received 3 violations in recent years and have not followed through with their corrective action plans. He urged the applicant to fix the violations per the approved plans.

Mr. Hall confirmed that the commission regulates within 100 feet of wetlands or a watercourse. He commented that if there is fill placed in the regulated area, it needs to be removed. If that homeowner places fill again in the regulated area, a delineation is then requested to avoid having the same issue a third time. He confirmed that the commission is escalating the scale of need as the Ciganik's are willfully not abiding by the permits that are issued. He went further to state that there is no canopy as the trees were removed and the requirements the commission declares are for protecting a valuable community resource. He stated that is why this commission exists, not for punishment.

Mr. Lee stated his qualifications as a landscape professional and was adamant that the quote Mr. Ciganik provided for \$80,000 is grossly inflated and suggested that he get other quotes which will be one third to one half of this quote. Mr. Lee stated that there are items on the quote that are not required of the commission such as Belgian blocks and should not be considered in the quote. Mr. Hall added that the boulder demarcation did not work from the last violation so something stronger will be required. Mr. Ciganik suggested installation of mulch, trees and bushes for the delineation. Mr. Hall confirmed that the wetlands should be restored to what was there prior to any fill. He added that modest size trees are acceptable as the commission is not asking for anything cost prohibitive. He added that the commission normally asks that the property is put back to what it was before the unpermitted activity, but in this case, as it was not done properly, and would not be able to be put back. Mr. Ciganik stated he would be willing to put in woodchips 4 -5 feet off the wetland. Mr. Wong responded that this would not be enough of a buffer and that we do not want woodchips going into the wetland.

Ms. Sesto suggested that the planting plan is okay in content; they would just need to make the buffer bigger. She suggested that the Belgian block for the driveway and the pillars at the front be removed from the application given the Ciganik's stated hardship, or if they remain on the application they can only be installed after the mitigation plantings have been completed. She reiterated that the soft delineations of the buffer have not worked in the past so the stone wall and better restoration plans would be appropriate. Mrs. Ciganik stated that they did not want to have a stone wall there as she thinks it looks like a jail. Mr. Wong noted his frustration that the directives of the commission are not being followed. Mr. Hall added that the request from the last meeting was to provide a new plan with the 30in. dry laid stone wall which was not provided. He suggested that a planting plan be pulled out another 5 – 10 feet as a condition of approval. Mr. Lee confirmed the approximate length of the wall is 120 linear feet. Mrs. Ciganik

asked if mulch would be acceptable. Ms. Sesto responded that a robust planting area would be required such that mulch, in time, would not be needed.

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

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2167(I) - CAMPBELL – 97 Washington Post Drive – proposed B100a

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

Mrs. Campbell presented a plan which requests a small one story addition that requires approval for a B100a through the wetlands commission. She confirmed there will be no foundation work as there will be sonotubes underneath the new deck area and kitchen addition. Mr. Wong confirmed that an addition is also going over the existing garage. Ms. Sesto acknowledged the deck would be squared off with stairs coming down to the lawn. She also confirmed that she conferred with the Town's Assistant Sanitarian regarding the alignment of the drainage culverts. The catch basin in the road adjacent to the leaching field does not drain to the subject property. The drainage easement serves the catch basin south of the property. She added that the septic line that traverses the drainage easement will be sleeved. This has been properly approved by the Dept. of Public Works.

Mr. Wong asked Ms. Sesto if a detailed septic plan should be on record. Ms. Sesto confirmed that this will take place at the time of the installation, when needed. She suggested that a silt fence is installed prior to any activity and that they should save as many trees as feasible.

Mr. Hall MOVED to APPROVE WET#2167 with the General and normal Special Conditions and the additional Special Conditions that sedimentation and erosion controls be installed prior to installation and that any trees they want to remove are inspected first, SECONDED by Mr. Lee and CARRIED 4-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2171(I) - STEIZ – 5 Bryants Brook Road – proposed addition including B100a

B. WET#2172(S) - ADAMS – 250 Grumman Hill Road – proposed second story addition including B100a

Mr. Wong MOVED to ACCEPT all new applications, SECONDED by Mr. Hall and CARRIED 4-0-0.

V. APPROVED MINOR ACTIVITIES

A. WET#2170(M) - SAFKO – 117 Middlebrook Farms Road – two proposed stone stairs approximately 45 feet from wetlands

Ms. Sesto provided a brief description of the minor permit that was issued since the last meeting.

VI. APPLICATIONS READY TO BE REVIEWED

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

Mr. Wong MOVED to direct staff to provide a Draft Resolution of approval to include Special Conditions that a dry-laid stone wall 30 inches in height placed 5 feet closer to the house than the last buffer, the pillars and Belgian blocks are not completed until the mitigation plantings are done and details of the curbing and pillars are submitted, the stone wall shall be constructed within 12 months of permit approval, the bond shall be posted (or approved at a minimum as the bond may be paid in installments) before April 30, 2013 and the plantings shall be installed by May 15, 2013, SECONDED by Mr. Hall and CARRIED 4-0-0.

VII. CORRESPONDENCE - None

VIII. OTHER APPROPRIATE BUSINESS

A. APPROVAL OF MINUTES –February 28, 2013

Mr. Wong MOVED to APPROVE the minutes as drafted from February 28th, SECONDED by Mr. Hall and CARRIED 4-0-0.

IX. ADJOURN

Mr. Lee MOVED to ADJOURN at 8:30 p.m., SECONDED by Mr. Hall, and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary