



MINUTES

March 28, 2013

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

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Kate Throckmorton, Environmental Land Solutions; Tom Quinn, Peak Engineering; Raffaele Bevilacqua, homeowner; Brian Baker, Civil1; Robert and Elizabeth Perry, neighbors; Tim Geitz, Homeowner; Charlie Steiz, Homeowner; Steven Danzer, Steven Danzer, PhD

ABSENT: John Hall

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS

A. WET#2168(S) – BEVILACQUA – 27 Antler Lane – proposed 2-bedroom addition, and replacement of failing septic

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

Mr. Baker, a licensed engineer with Civil 1, presented the plan for the Belivacquas. He described the property as 2.4 acres on the south side of the street. The home was constructed in 1973 with a fill package over ledge, which is prevalent in the area. The existing home has 3 bedrooms and a failing septic in the western portion of the property. The homeowner attempted to fix this issue with a Terralift which failed. The septic is breaking out in the southwest corner near the wetland.

Mr. Baker confirmed that Otto Theall flagged the wetlands and added them to the A2 survey as the homeowner wishes to add a fourth bedroom which requires a B100a. He stated there were no viable septic locations to the north of the wetlands due to ledge and existing soils. The only suitable location is on the far eastern side of the property which requires a 375 ft. force main, which will include a temporary wetland construction crossing to access the fields. Mr. Baker then indicated the cross-section plans.

Mr. Baker described that the homeowner is also remodeling the interior bedrooms to make one bedroom into two. They are also proposing to build a deck over the existing patio. A staging area will be created by leveling a wooded outcrop in the front of the house. This area, while within 100 feet of the wetland, drains away from that wetland. Ms. Craig suggested that the staging area be placed over the failing septic. It was determined that this would cause the drainage to flow towards the wetland which is not desirable.

Mr. Baker stated there are 11 trees slated to be removed on the property. Some of this woody material will be used to create a timber bridge access way for the 20 ft. span of the road that is needed for equipment to cross the wetland. This area will be remediated after the construction is completed. Mr. Baker confirmed this installation will take place in the dry season.

Mr. Bevilacqua's neighbor, Mr. Perry stated that he often hears pneumatic drilling from the property and many trees have been removed in a regulated area. He believes Mr. Bevilacqua was doing work on the property without the proper permits. Mr. Bevilacqua confirmed that he worked with Kaiser-Battistone and everything he did was permitted.

Mr. Wong inquired about the fill package. Mr. Baker confirmed it would be 225 cu yds of material. Mr. Wong raised concern relating to trenching through the existing septic area and asked if the fields would be exposed. Mr. Baker explained that the tank is pumped out and the fields are abandoned and left to dry before any trenching would occur. Mr. Wong asked if this was done during the dry season as he was concerned with exposure and run-off. Mr. Baker confirmed that they can provide a narrative for the abandonment but that the health department has conceptually approved the plan.

Mr. Wong asked for details about the sleeves for the pipes that are noted on the plan. Mr. Baker confirmed that the sleeve will be installed from Station 1 + 80 to 3 + 70 per the plan. If the pipe is not under at least 42 inches of fill, it will be insulated. Mr. Delaney inquired if there would be a need to blast the area. Mr. Baker confirmed that this would not be considered as it is not cost effective. Mr. Lee asked about the depth of test holes C3, C4, and C5. Mr. Baker confirmed they were 36 in., 32 in., and 48 in.

Mr. Perry asked how long the home would be unoccupied. Mr. Bevilacqua responded they are planning on being out of the home for 4-6 months. Mr. Bevilacqua confirmed the deck will be built above the existing patio and that the failing retaining wall will be rebuilt with engineered plans in the current space in due time. Mr. Delaney confirmed that the proposed septic area is not in an ideal place for the homeowner and asked if there are other alternatives. Mr. Bevilacqua agreed that this is not the ideal place, and it costing \$100,000 due to the distance, but is the only viable location.

Ms. Throckmorton described the wetland in the middle of the property and the new septic is outside of the regulated wetland buffer. She worked with Mr. Baker to specifically target an area with the least amount of tree removals. She explained that two trees are proposed for removal, but that she would replant along the edge of the disturbance road to re-establish the vegetation along the watercourse. She confirmed that there were no other viable places for the septic and that the area will only be temporarily impacted. She stated that they have added a rain garden that will receive roof and footing drains.

Ms. Throckmorton explained that there are no alternatives for the addition as there is limited access on the front and side of the home due to zoning setbacks. She confirmed that the back of the house makes the most sense as it is over a developed lawn area. Mr. Lee pointed out that the 10 spicebush are noted on the plan but not in the plant list and asked the list be revised.

Mrs. Perry, neighbor, stated that she has lived at her property for 47 years and does not believe the applicant considered the environment when he cut down many trees in his yard and has boulders stacked up under the deck. Mr. Bevilacqua stated that the deck was built 1972 and that there were some rocks he removed from the lawn for safety reasons as he has four children. He stated that he had removed trees 7 or 8 years ago, but none recently. Mr. Lee asked the Perry's what specifically in this application they are against. Mr. Perry stated that he thinks the applicant should move somewhere else as they do not love nature as they claim.

Mr. Lee asked what types of plantings will be in the rain garden. Ms. Throckmorton confirmed they will be mostly ferns.

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

B. WET#2169(S) – GEITZ – 8 Seeley Road – proposed house reconstruction and other site improvements

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

Mr. Geitz explained that he purchased the property in 2008 and quickly discovered that the land came with challenges. They wanted to redesign the house and obtained a variance in 2009 for a 3-bedroom home. He then learned he had a cesspool and would need a new leaching system. He noted they had difficulties suitable soils for a code complying system. Similarly, the Geitz's found out they have a hand-dug well so they needed to replace this, too. They continued water monitoring for almost two years and worked with Peak Engineering and the Town's Assistant Sanitarian, Jennifer Zbell.

Mr. Quinn confirmed he started monitoring the property in 2009. He stated the home was built in the early 1950's utilizing a large amount of fill. He noted that the property is along the Norwalk River and the area to the east is flat while the developed side is on the south abutting Seeley Road. He confirmed that the health code changed dramatically in January 2011 which enabled them to move ahead with a new system. He stated that the applicant is requesting a small bump out in the garage and a small kitchen addition. He confirmed that the Health Department has noted they prefer Alternate 1 along Seeley Road as there is more natural soil within the proposed location and down gradient. The construction disturbance for alternate 1 is 660 sq. ft. while Alternate location 2 has a 1,570 sq ft. of disturbance.

Mr. Quinn described the Alternate 2 plan with the septic being installed under the driveway. Mr. Quinn reviewed a summary that compares the two options relating to the disturbance, distance to the wetlands and the amount of material required for each plan. A new well will be drilled and the existing well pit will be used to infiltrate the roof drainage. The limit of disturbance is the existing top of slope. They will include a permanent boulder demarcation to avoid any encroachment. The existing driveway will be similar except for a re-configured area to turn vehicles around prior to entering the road.

Mr. Quinn noted that there are several walkways from the house to the river. They will restore some of these paths and remove some that are not needed. There will be no flagstones or poured concrete for this installation. They will replace some of the railroad ties and add gravel to these paths.

Mr. Quinn noted that there are some trees that will need to be removed. There is one tree on the south side of the house that is less than 3 feet to the proposed addition. In addition, six trees are to be removed to the east of the driveway. There is one additional tree that will need to be removed for the septic installation.

Mr. Wong inquired about a foundation behind the house. Mr. Geitz confirmed that this was a dilapidated art studio that was removed, the terrace would be pavers set in stone dust, the foundation will remain, but would be repaired when needed and there would be a new slab on top of the dirt floor in the garage.

Mr. Quinn handed out an additional plan with associated details. Mr. Wong raised concern on placing the garage that close to the wetland and asked if it could be moved south. Mr. Geitz responded that the proposed house is very quaint and he does not wish to place the garage in the front as it will take away from the character. Mr. Quinn confirmed the existing structure is 31 feet to the wetland and the proposed addition will be 29 feet from the wetlands. Ms. Throckmorton added that the tree removal is being done to allow work around the site. The canopy will be maintained and they have selected a level plateau as the limit of disturbance. Mr. Geitz added that the train tracks are 30 feet from the house and it will be good to have the garage in between the living area and the railroad to buffer the noise. Mr. Wong asked that details and specifications are provided for the driveway and pavers for staff approval.

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

III. APPLICATIONS READY TO BE REVIEWED

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

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

Mr. Steiz stated that he purchased the property in 1997. He is proposing an addition with handicapped access for an ailing family member. They would like to remove the sunroom and deck and use this area for the addition.

Mr. Danzer confirmed the construction activity is over the existing footprint. If needed, a B100a would be installed in a previously disturbed area. He described the home is on a hill with a steep slope in the front with wetlands at the bottom. He confirmed there will be no impact to habitat but two trees will need to be removed for the new septic tank and pump chamber. There is a third tree that they hope to save by protecting the roots.

Mr. Danzer described the wetlands as being split in two sections. He confirmed the northern wetlands have shallow pockets of poorly drained soil. He added that the southern portion of the property consists of a small fragmented wetland system. He confirmed that any alternates would put the field down closer to the wetlands and would require habitat removal. He noted that

another option would be to pull the line in closer to the house. Mr. Delaney asked if they could install the septic on the other side of the house from the well. Mr. Danzer stated that this would require disturbance down slope which would be more detrimental to the wetlands.

Mr. Lee MOVED to APPROVE WET#2171, with the General and normal Special Conditions, SECONDED by Mr. Delaney and CARRIED 5-0-0.

C. WET#2169(S) – GEITZ – 8 Seeley Road – proposed house reconstruction and other site improvements

Mr. Wong MOVED to APPROVE WET#2169, with the General and normal Special Conditions and the additional Special Conditions that they will provide a detailed cross-section of the patio installation, SECONDED by Mr. Delaney and CARRIED 5-0-0.

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

Mr. Wong MOVED to APPROVE WET#2147 as drafted, SECONDED by Mr. Lee and CARRIED 5-0-0.

E. WET#2168(S) – BEVILACQUA – 27 Antler Lane – proposed 2-bedroom addition, and replacement of failing septic

Mr. Delaney noted that the length of the piping needed for the septic is extremely expensive. Ms. Sesto confirmed that she inspected the property and did not note any fresh cut stumps in contrast to the comments by the neighbors. Mr. Delaney asked for Mr. Lee’s professional opinion on being able to bury the pipes with so much ledge present. Mr. Lee responded that the ledge has shale so that it can be ripped by machinery as opposed to requiring blasting.

Ms. Craig asked if the airing out of the septic is a public nuisance. Ms. Sesto confirmed that the tank is emptied first. Ms. Craig then confirmed that she is worried about the holding area in the front of the property. Ms. Sesto confirmed that the wetland drains the other way so this is not a major concern. In her opinion, this is a good repair plan.

Mr. Wong MOVED to APPROVE WET#2168, with the General and normal Special Conditions and the additional Special Conditions that the 10 Spicebush be added to the planting list, SECONDED by Mr. Delaney, and CARRIED 5-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2174(S) – WAUGH – 23 Appletree Lane – “corrective action” to restore a pasture within an upland review area

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

V. APPROVED MINOR ACTIVITIES

A. WET#2173(M) – YOVINE – 140 Catalpa Road – 500-gallon in-ground LP tank

approximately 25 feet from the watercourse

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

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. APPROVAL OF MINUTES – March 14, 2013

Mr. Wong MOVED to APPROVE the minutes as drafted from March 14th, SECONDED by Ms. Craig and CARRIED 5-0-0.

VIII. ADJOURN

Mr. Wong MOVED to ADJOURN at 9:03 p.m., SECONDED by Mr. Delaney, and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary