



MINUTES

August 8, 2013

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

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Tom Nelson, McChord Engineering; Kate Throckmorton, Environmental Land Solutions, LLC, Magdalena Szypulski, homeowner; Oskar Weder, neighbor; Tony O'Neill, Agent for Fitzgerald; Brian Fitzgerald, homeowner

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:34 p.m.

II. PUBLIC HEARINGS

A. WET#2192(S) – HALLMAN – 25 Spoonwood Road – “corrective action” for clearing a wooded area (cont.)

Ms. Sesto confirmed that she contacted Jay Fain to discuss his availability and cost for reviewing the application. Once she gets a chance to discuss the request and obtain the estimate for his services, the commission will ask the Hallman's to submit a check for this third party review.

B. WET#2197(S) – MERCADO – 235 Cannon Road – construction of a single-family residence (cont.)

Ms. Sesto read the new documents into the record.

Mr. Nelson reminded the commission that he had three items to address from the last hearing. One item was the question of the natural flow from the driveway. Mr. Nelson stated that there is a wetland to the west so the sheet flow comes across the lawn and landscape. The second item was the boulder demarcation for limit of lawn. Mr. Nelson confirmed that they would add boulders for this purpose. The third item was the location of the detention system. Mr. Nelson stated there are ledge constraints and a steep slopes that keep him from moving the system closer to the proposed house. He considered splitting the system into two locations but explained there is still a fair distance and splitting it makes for a more complicated system as a whole. He suggested moving the limit of lawn up above the system and having only select tree removal

within the area of the infiltrator. This would be a simple one-time disturbance for installation and future access will be minimal for maintenance - two times per year.

Mr. Nelson addressed the letters from the neighbors in response to their concern regarding ground water issues. Mr. Nelson confirmed that everything on the property drains in a southerly direction. As the neighbors who wrote letters of concern are up hill from the property, Mr. Nelson stated this work would have no impact to their ground water. Mr. Nelson responded to the question of the size of the home by stating that the parcel is 3.5 acres, and less than one-third of the property would be developed. He added that there is a significant buffer to the wetlands.

Mr. Lee confirmed that the boulders for the limit of lawn demarcation should be 15 feet on center, in contrast to the 50 feet noted on the plan. Mr. Nelson stated he would revise this distance and add more boulders.

Ms. Sesto stated that it is the applicant's choice whether they would like to offer a continuance on the public hearing to allow the neighbors to hire an engineer to review the plans as they requested. Mr. Nelson stated he would try to reach the homeowner and would come back to advise if the hearing would be kept open.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2166(S) – ASML – 77 Danbury Road – widening of the Norwalk River and relocation of existing pedestrian bridge

The commissioners confirmed that they received and read the draft resolution for ASML. All special conditions are acceptable.

Mr. Delaney MOVED to APPROVE WET#2166 as drafted, SECONDED by Mr. Lee and CARRIED 4-0-0.

B. WET#2200(I) – SZYPULSKI – 35 Grumman Avenue – proposed garage addition and associated B100a

Ms. Throckmorton described the property as wet in the back with the front portion being the developed area. There is a shared driveway with the neighbor. She confirmed that the Szypulski's are contracted to purchase the home contingent on being able to construct this garage as a portion of the proposed garage will sit within the 100 ft. review area.

Ms. Throckmorton confirmed the proposed garage is a little more than 700 sq. ft. that includes a new driveway to service the garage. Ms. Throckmorton noted that she could not be certain about the drainage or if there were provisions for a French drain in front of the garage until final grading is complete. She indicated that this construction has triggered a B100a for septic compliance. The home is currently two bedrooms with a system capacity for three bedrooms which is not desired at this time. The B100a proposal is close to the existing system in the lawn and will only require 45 cu. yds. of material. Ms. Throckmorton confirmed that all sedimentation and erosion measures will be in place during construction.

Ms. Sesto asked for the rationale for the drainage outlet location. Ms. Throckmorton confirmed this is the best place with the slope of the lawn and the existing landscaping. She thought the

outlet would be better than discharging to a catch basin further from the property. She added that the footing drains need to be low enough, without being an issue for the basement. She indicated that a 6 ft. x 6 ft. plunge pool may be needed. Ms. Sesto asked when this determination will be made. Ms. Throckmorton responded that she would assume it's needed so to include it in this proposal.

Mr. Lee asked if the shed would be removed. Ms. Throckmorton stated that this is the intent due to the condition of the shed. Ms. Szypulski agreed that the shed will be removed. Ms. Throckmorton added that there is prevalent knotweed in the area but it is not realistic to remove this at this time.

Mr. Lee asked if the existing driveway would remain with the new driveway being constructed. Ms. Throckmorton confirmed the intent was to keep the old driveway.

Mr. Wong MOVED to APPROVE WET#2200, with the General and normal Special Conditions, and the additional special conditions to remove the shed and have a meeting on site during installation to determine the best distance for the drainage discharge point, SECONDED by Mr. Delaney and CARRIED 4-0-0.

C. WET#2201(I) – FITZGERALD – 85 Hulda Hill Road – proposed building addition and deck within a regulated area

Mr. O'Neill explained his proposal to build an addition on the kitchen, add a new 12 ft. by 30 ft. family room, and add a new 4 ft. by 28 ft. front porch with the associated B100a. He confirmed that the home will remain as 4 bedrooms, the deck requires 12 in. sonotubes footings and the B100a will require 75 cu. yds. of fill.

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

Ms. Sesto asked where the roof drains discharged; she couldn't find the outlet on the site. She stated there may be a direct discharge to the wetland, which is not desirable. Mr. O'Neill stated he did not know. Discussion ensued about cutting back the pipe to daylight away from the wetland.

Ms. Sesto confirmed that the intent of the homeowner is to mow the stilt grass that has taken over the lawn. Mr. Fitzgerald confirmed that he would like to reclaim the lawn and in two years. Mr. Wong stated that there needs to be a clear demarcation of the lawn. Mr. O'Neill agreed to add boulder demarcations 15 ft. from the wetland. Ms. Sesto cautioned that the existing lawn is further from the wetland in areas. Mr. Wong suggested that Mr. O'Neill draw the limit of lawn on the map behind the house where there is a natural line prior to the slope. After further discussion, it was determined that reclaiming the lawn was not part of the application and Mr. Fitzgerald was advised to consult with the commission prior to undertaking this project.

Mr. Delaney asked about the large hickory tree that is very close to the house. Mr. Fitzgerald stated that his intention is to keep the tree, but in the end it may be too close to the house. Ms. Sesto asked that trees marked for removal in the area of the B100a only be cut if the system is installed. Ms. Craig asked if there was a means to add another native tree. Mr. Lee stated that soil and erosion control measures should be in place when the shed is removed. Ms. Sesto stated that a field visit would be warranted for the best place to daylight the roof drainage pipe.

Mr. Wong MOVED to APPROVE WET#2201, with the General and normal Special Conditions, and the additional Special Condition that no trees will be cut until the B100a is installed, the shed will be removed, and staff will work with the applicant to pursue cutting back the roof drain pipe SECONDED by Mr. Delaney, and CARRIED 4-0-0.

IV. PUBLIC HEARINGS (cont.)

A. WET#2197(S) – MERCADO – 235 Cannon Road – construction of a single-family residence (cont.)

Mr. Nelson was not able to reach the homeowner to conclude whether they want to keep the hearing open for the neighbors. He reviewed why the issues from the neighbors would not be affected by this construction.

Mr. Lee inquired about 4 or 5 large fallen trees in the wooded area would likely be removed, cautioning this sort of work can cause substantial disturbance with large machines. The use of large machines needs to be avoided. Ms. Craig confirmed that the yard would be about 60 ft. deep. She then asked why the house is pushed into the corner to which Mr. Nelson confirmed it is due to the steep slope which cannot be utilized as lawn. Mr. Nelson confirmed that it takes a considerable time for ground water to cause issues with well water. He noted there could be some septic failures in the area causing the water issues reported by the neighbors. Ms. Sesto provided the aerial GIS map of the property to show that the property slopes down which would carry all water in a southerly direction, away from the concerned neighbors. The commission agreed that the run-off cannot move uphill.

Mr. Nelson agreed to keep the hearing open until the next meeting on September 12, 2013 to afford the neighbors the opportunity to hire their own engineer to review the plans. The commission agreed that they were ready to approve the application but thanked Mr. Nelson for his decision to appease the neighbors which could avoid unnecessary issues in the future.

Mr. WONG MOVED to EXTEND the Public Hearing, SECONDED by Mr. Delaney and CARRIED 4-0-0.

V. APPLICATIONS TO BE ACCEPTED

A. WET#2205(I) – BAUER – 31 Deepwood Road – interior alterations and associated B100a

B. WET#2206(I) – SELL – 236 Newtown Turnpike – proposed pool and patio within an upland review area

C. WET#2207(I) – CRAW – 114 Westport Road – proposed 2-car garage on concrete slab and footings

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

VI. APPROVED MINOR ACTIVITIES - None

VII. CORRESPONDENCE - None

VIII. OTHER APPROPRIATE BUSINESS

A. Violations

- 1. Kevin Smith & Carol McDonnell-Smith – 281 Sturges Ridge Road**
- 2. Jim DeVito – 40 Honey Hill Road**
- 3. Cute Associates – 991 Danbury Road**
- 4. Chemlali – 161 Linden Tree Road**

Ms. Sesto noted that the DeVito violation has been turned over to town counsel, Cute Associates is installing their new septic, and Chemlali filled their front yard which is wetlands.

B. Inland Wetlands Fee Schedule

Ms. Sesto confirmed the last time the fees were updated was in 2000. She had emailed a suggested fee schedule and spreadsheet to the commissioners prior to the meeting which showed her analysis based on what other towns charge for applications. The commission discussed how to calculate the cost of a permit based on the timeframe it takes to complete a task. Ms. Sesto stated this is has not been goal of the Board of Selectmen who will need to approve the fees before implementation. She noted that it is difficult from the outset to know what time and issues may arise with any given application, making it difficult to establish one-size-fits-all fees. She added that staff has been very lenient about not charging for site visits which she would like to be more stringent about in the future.

Mr. Delaney stated that he would like to keep the Minor and Intermediate application fees as proposed and increase the Significant application fee. He calculated additional revenue of \$15,000 for the department with this change. Mr. Wong suggested taking a bond which would be released with a certificate of completion. Ms. Sesto stated this is difficult to administer.

A discussion ensued relating to charging for areas of impervious coverage, or per 1,000 ft. of disturbance. It was decided to leave the Minor and Intermediate application fees as proposed and the Significant level applications will be \$1,260 including the state fee. Violations will be 2 times the base fee. In addition Significant applications will be charged \$200 per 1,000 sq. ft. of disturbance.

Mr. Wong APPROVED this fee structure to be presented to the Board of Selectmen for approval, SECONDED by Mr. Delaney, and CARRIED 4-0-0.

C. APPROVAL OF MINUTES – July 25, 2013

The minutes from the July 25, 2013 meeting were not distributed to the commission so this item was tabled.

IX. ADJOURN

Mr. Wong MOVED to ADJOURN at 9:11 p.m., SECONDED by Mr. Hall, and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary