



MINUTES

January 8, 2015

PRESENT: John Hall (Chair), Liz Craig, Tom Burgess, Nick Lee, Rick Stow

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Kate Throckmorton, Environmental Land Solutions; Tom Quinn, Peak Engineers; Mimmo Caratozzolo, Caratozzolo Stone Design; Romi Leska, Property Owner

ABSENT: Dan Falta (notified of intended absence)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

A. WET#2290(S) – STEPHENSON – 109 Highfield Road – installation of pool, patio, and a B100a within an upland review area (cont.)

Ms. Sesto read the new documents into the record.

Mr. Quinn provided a new plan based on comments and suggestions at the last meeting. The development has decreased in scope which is evident with the pool fencing being pulled in to coincide with the wetlands line. The planting plan has increased in area covered, and the patio has been decreased by 620 sq. ft.

Mr. Quinn explained that the perimeter of the patio has been reduced by 1 – 1.5 ft. and the existing wood deck, which was previously proposed to be removed, will remain as is. This change will give back 500 sq. ft. of impervious area from the patio installation previously proposed.

Mr. Quinn confirmed that the rain gardens have been redesigned. The patio is being raised by 18 inches, increasing the separation between the bottom of the garden to existing grade. The rain garden on the southwest corner of the patio is designed to create water quality volume with 12 inches of a mulch/sand mix which allows the remaining depth of 9 inches for reservoir purposes. There will be a masonry rubble wall constructed with mortar that will wrap around the rain garden.

Ms. Sesto raised concern about dewatering the pool excavation during construction. Mr. Quinn did not have any details on this potential issue. Ms. Sesto also asked about protection for the pipe during construction. Mr. Quinn stated that only 35 yards of material will be removed, which is less than originally proposed due to the raised pool configuration, and only a skid steer will traverse over the pipe. Mr. Lee confirmed that the revisions to the pool fence address his concerns.

Mr. Hall asked if the proposed pool area is currently lawn and if the proposal is making the wetlands better. Mr. Quinn replied the pool is proposed in lawn and with the mitigation plantings and stormwater management, the wetland will be better off.

Ms. Craig asked if the pool location was revised to shift it further from the wetland as was discussed at the at last meeting. Mr. Quinn confirmed that only the perimeter was reduced.

Mr. Burgess asked what changed on the soil report. Ms. Sesto described the difference between the 1988 wetland delineation and that of Mary Jahenig. Ms. Jahenig was asked to speak to the difference, which she attributed to fill being placed in the wetland at the time the house was built.

Chairman Hall asked for questions from the public. Having none, the public hearing was closed.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2280(I) – MONTANARO – Wampum Hill Road – proposed driveway across a wetland (cont.)

Ms. Sesto indicated the new information about the wetlands for this proposal changes the extent of regulated activities and it now qualifies as a Significant Regulated Activity. In order for the legal notices to be posted, this application was given a public hearing opening date of February 12, 2015. The attorney for the applicant, Richard Gibbons, emailed Patricia Sesto to convey his request for an extension.

Mr. Lee MOVED to EXTEND the time for the Public Hearing, SECONDED by Ms. Craig and CARRIED 5-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2296(I) – GRIPPANDO – 35 Cavalry Hill Road – relocate existing septic tank in order to accommodate deck expansion

B. WET#2298(I) – LEPORE – 44 Saddle Ridge Road – proposed addition and B100a within a regulated area

C. WET#2299(S) – ADZ CONSTRUCTION – 290 Mountain Road – construct new home, code complying septic, and storm water detention system within an upland review area

Nick Lee made a MOTION to accept all new applications and schedule them for the next appropriate meeting of the commission, SECONDED by Tom Burgess, and CARRIED, 5-0-0.

V. APPROVED MINOR ACTIVITIES

- A. WET#2293(M) – JANKUS – 11 Blue Ridge Lane** – install generator 50 ft. from wetlands and propane tanks 40 ft. from wetlands
- B. WET#2290(M) – MARAFIOTI – 7 Dark Pond Trail** – install generator 50 ft. from wetlands
- C. WET#2294(M) – McKAY – 74 Horseshoe Road** – build garage with 1st and 2nd story addition within 100 ft. of Horseshoe Pond
- D. WET#2297(M) – SULLIVAN – 66 East Meadow Road** – additions 90 ft. from wetlands

Ms. Sesto provided an overview of the above approved Minor Regulated Activities.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

- A. Show Cause Hearing – Leska – 50 Sunset Pass** – redistribution of fill in regulated areas banks

Ms. Sesto read the file documents into the record. She explained that trees were removed in and around a watercourse without a permit, and subsequent work on the property was completed after receiving a Notice of Violation. This work entailed redistributing fill in and adjacent to the wetland. As unpermitted work continued, a Cease and Desist was issued for the property. The commissioners need to determine if this Cease and Desist should be upheld, withdrawn, or modified. Ms. Sesto noted that Bill Kenny was hired to flag the property's wetlands and prepare the corrective action application. Two deadlines have already been missed.

Mr. Leska explained that he purchased the property and did not know that wetlands were present so he went ahead and cleared an area of trees that were dead or dying. Mr. Hall asked how many trees were removed to which Ms. Sesto responded 8 – 12. Mr. Leska indicated that the trees he removed were dangerous for his property as limbs were falling on the driveway.

Ms. Sesto stated that work continued in the wetland after the Notice of Violation was received. Mr. Leska stated that his soil scientist, Bill Kenny, told him he should get rid of these piles, along with some old wood that was present. Ms. Sesto commented that this should not have taken place without permission from the wetlands office.

Mr. Leska provided a receipt for the removal of soil from his property which did not coincide with the date that an anonymous call came in to the office about potential fill being moved in the stream. Commissioners questioned this inconsistency. Mr. Leska could not explain this discrepancy.

Mr. Burgess MOVED to UPHOLD the Cease & Desist Order, SECONDED by Ms. Craig and CARRIED 5-0-0.

Ms. Sesto spoke about the fine schedule for violations. She explained the first violation does not

include a fine. The second violation has a fine of \$500 and any subsequent violations carry a fine of \$1,000 per offense. She indicated the fine can be levied at the discretion of the commission since it is a local ordinance and asked the commission what they felt would be appropriate.

Mr. Hall and Mr. Lee stated they did not think the owner intentionally completed the work after the Notice of Violation so no fine should be imposed. Ms. Craig stated that a fine should be imposed as it is clear that fill should not be placed in a wetland. She added that the fine is a vehicle for commanding respect. Mr. Leska recounted that Mr. Kenny told him to spread the fill.

Mr. Lee MOVED to WAIVE the fine and the motion FAILED as no Second was heard.

Ms. Craig MOVED to fine the owner \$250, half the typical fee, SECONDED by Mr. Burgess and CARRIED 3-2-0, with Mr. Lee and Mr. Stow voting against.

B. VIOLATIONS

1. DeVito – 40 Honey Hill

Ms. Sesto confirmed the court date is February 26th and the Town Attorney, Phil Pires, will confirm the status of any intention to submit a corrective action application with the owner's attorney.

2. English – 189 Westport Road

Ms. Sesto stated this is a new violation where the homeowner topped 14 trees to allow light to shine on his illegal above ground pool. She confirmed this information came to the department through an anonymous letter. Mr. English has been made aware of the situation and a Notice of Violation was issued.

C. APPROVAL OF MINUTES – December 11, 2014

Ms. Craig made a MOTION to approve the minutes as drafted, SECONDED by Mr. Burgess, and CARRIED, 5-0-1, with Mr. Lee abstaining.

VIII. APPLICATIONS READY TO BE REVIEWED

A. WET#2290(S) – STEPHENSON – 109 Highfield Road – installation of pool, patio, and a B100a within an upland review area (cont.)

Mr. Lee MOVED to APPROVE the application with the normal General Conditions, normal Special Conditions, and the additional Special Conditions that a dewatering detail will be provided and an as-built of the rain garden needs to be signed off by a professional engineer, SECONDED by Mr. Burgess and CARRIED 5-0-0.

IX. OTHER APPROPRIATE BUSINESS

A. WET#2289(I) – KERNER – 358 Belden Hill Road – proposed addition to existing house 60 feet from a wetland

Ms. Sesto reminded the commission that this application was approved at the last wetlands meeting. When the applicant was asked if they needed a B100a they said that the proposed system was outside of the regulated areas. It became evident they were apparently unaware a new tank and pump chamber were part of the system when the Health Department submitted a referral to the commission. The new features are proposed adjacent to the existing tank. Ms. Sesto asked the commission if they would approve the addition of the B100a as a field change rather than having them go back to the commission. The consensus of the commission was this can be a field change.

X. ADJOURN

Mr. Lee MOVED to ADJOURN at 8:31 pm, SECONDED by Mr. Burgess and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs