



MINUTES

May 12, 2016

PRESENT: John Hall, Chair, Liz Craig, Rick Stow, Tom Burgess, Mark Andrews, Nick Lee

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Scott Bellino, Property Owner

ABSENT: Dan Falta (not notified of absence)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

A. WET#2382(S) ASML – 77 Danbury Road – construction of a 3-story employee parking garage 90 ft. from a wetland and repaving existing parking area 4 ft. from a wetland

Mr. Conklin read the letter from the applicant's agent requesting a continuation on the Public Hearing as the third party consultant has not had the opportunity to review and comment on the application.

III. APPLICATIONS TO BE REVIEWED - None

IV. APPLICATIONS READY TO BE ACCEPTED

A. WET#2390(I) LUTHER – 101 Kent Road – “corrective action” to address filling of a wetland

Mr. Lee MOVED to ACCEPT WET#2390, SECONDED by Ms. Craig and CARRIED 6-0-0.

B. WET#2391(S) BELLINO – 20 Old Driftway – “corrective action” for unauthorized clearing and grading

Mr. Conklin explained that this property owner has prepared their corrective action application and are asking for a reduction in the \$10,620 application fee.

Mr. Conklin stated he visited the property one year ago at the request of the homeowner. Mr.

Bellino asked Mr. Conklin look at some trees they wanted to remove due to safety concerns. He told the owner they could cut a few trees based on his concerns for safety based on eyeing the slope. Mr. Conklin confirmed subsequent to this meeting, Planning & Zoning placed a Cease & Desist Order for unauthorized site work including grading on the property. In order to move forward with their project, the Planning & Zoning Commission required a site development plan. Once this was received by Planning and Zoning, the Zoning Officer brought the grades to the attention of the Inland Wetlands Staff. Mr. Conklin stated due to the steep slopes, the entire re-grading has been completed within a regulated area which increases the fees.

Mr. Bellino stated that he was told that they can bring 100 cu. yds. per year without a permit and that the permit is good for 5 years. He added that some of the trees they removed were hollow and a danger to the family. Mr. Craig asked how many trees were removed. Mr. Bellino did not know the number of trees but stated he paid a flat fee of \$8,000. Mr. Conklin noted the 20,400 sq. ft. of disturbance was in a previously wooded area. Mr. Hall asked Mr. Conklin how many trees he thinks were removed. Mr. Conklin stated that there was a lot and a logging truck was used. Mr. Bellino stated that the contractor had brought trunks to his property that were not his, presumably to fill up the truck prior to cashing in on the lumber. Mr. Bellino also noted that the contractor had suggested they remove the additional trees as he was there and it made sense visually and financially.

Mr. Conklin stated he knew of 4 to 5 trees that were removed as they were leaning over the house. He then noted that if the proper format was followed, they would have come in to the office with a plan and routed through the departments. Once in wetlands, with the slopes on a plan, it would have been obvious that a permit would be required for the activity in the regulated area.

Mr. Bellino stated that he was under the impression that the tree removal was not an issue based on his meeting with Mr. Conklin but his neighbor told him to stop the work and check back with the town. He confirmed he contacted the town's Tree Warden, Paul Young, immediately to determine what he was doing was okay. Mr. Burgess stated he was trying to understand where the line was that was agreed with Mr. Conklin for the tree removal. Ms. Craig asked if the trees were marked in any way. Mr. Conklin confirmed the trees were not marked but the clearing went beyond the safety of the house. Mr. Hall stated that it looked like eight trees were removed. Mr. Conklin stated it was much more than eight as an entire hillside was cleared.

Mr. Andrews asked what the slope is on this hill. Mr. Conklin confirmed it is 20%. Ms. Craig asked if the contractor that cut the additional trees could be liable for this violation. Mr. Conklin stated that he was not made aware of the individual that completed the work. Mr. Hall stated that the contractor should be somewhat responsible as he suggested to the owner that they take additional trees down while he was there. Mr. Stow stated there seems to be enough ambiguity to approach this violation as a mistake. Mr. Lee inquired about the status of a silt fence. Mr. Bellino confirmed a silt fence is in place.

Mr. Burgess MOVED to ACCEPT WET#2391, with a reduced application fee of \$5,340, SECONDED by Mr. Stow and CARRIED 5-1-0 with Ms. Craig voting against the reduced fee.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE – Mr. Conklin advised that the “corrective action” application for Cross

at 105 Old Belden Hill Road was not received on the due date.

Mr. Lee MOVED to send the matter to Legal Counsel, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Mr. Conklin also alerted the commission that a Notice of Violation was sent to nine property owners who have interest in an Open Space where a violation from an adjacent home construction was taking place.

VII. OTHER APPROPRIATE BUSINESS

A. 2016 Municipal Inland Wetlands Agency Training – Ms. Larkin advised that the training is open to all commissioners. Mr. Stow indicated he would be interested in attending.

B. Approval of Minutes – April 28, 2016

Ms. Craig MOVED to APPROVE the minutes as drafted, SECONDED by Mr. Lee, and CARRIED 6-0-0.

VIII. ADJOURN

Mr. Lee MOVED to ADJOURN at 8:26 pm, SECONDED by Mr. Stow and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs