



## MINUTES

September 24, 2015

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

**ALSO PRESENT:** Mike Conklin, Environmental Analyst; Liz Larkin, Recording Secretary; Tom Quinn, Peak Engineers; Kate Throckmorton, Environmental Land Solutions; Fred English, Property Owner

**ABSENT:** Dan Falta (notified of intended absence)

### **I. CALL TO ORDER**

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

### **II. PUBLIC HEARINGS**

A. **WET#2341(S) – LEVI – 135 Olmstead Hill Road** – remove existing septic system and install new system 86 ft. from wetlands and construct pool and spa partially within an upland review area (cont.)

Mr. Conklin noted that the documents were read into the record at the last hearing. Ms. Craig, Mr. Burgess, Mr. Lee, and Mr. Hall indicated they visited the site.

Mr. Quinn stated that this property was approved under a sub-division application in 2008 and the residence was built in 2010. He confirmed the property owners are requesting to remove the existing septic system to allow room for a pool and patio behind the home. He stated that there is some grading that would be involved due to the steep slopes in the area. He then confirmed that the pool and patio are in an extended review area due to these steep slopes.

Mr. Quinn stated that the septic system serves a 5 bedroom home and will be installed in grade, which will be raised approximately 9 inches. The new system will be 85 feet from the wetland and the pool will be 120 ft. from the wetlands.

Mr. Quinn confirmed there will be some mitigation plantings installed with this proposal to increase the buffer strip along the southern edge of the property. There will also be a drain installed from the new patio area for a 2 inch rain event. In addition, the boulder demarcation line will be reinforced with additional plantings. He indicated there is a bond on file from the original home construction and the sparse plantings around the exiting rain garden will be

enhanced as there was a low survival rate from the original plantings. Mr. Quinn stated stronger language would be included on the meadow being mowed only 1 or 2 times per year as he does not think this directive is being followed. Mr. Quinn confirmed the construction sequence addresses the original permit requirements first, and then this new septic and pool construction will be installed later.

Ms. Craig asked what is currently in the location of the proposed pool and patio. Mr. Quinn responded that it is currently lawn. Ms. Craig stated that it seems the pool and patio addition will be as large as the footprint of the house. Mr. Quinn stated there was an approved pool location sited on the right side of the driveway, which is not a desirable location. Ms. Craig suggested that the stairs be tightened up to reduce the overall footprint.

Mr. Quinn confirmed he performed soil testing around the entire property and much of it is unsuitable for a septic due to ledge. He noted he could design a septic in grade but this would require a 3 foot lift and require more site disturbance, which is not desirable.

Mr. Hall inquired about the flow of water off the proposed deck. Mr. Quinn stated the design has not been finalized yet but they will use scuppers to catch the runoff. Mr. Quinn then confirmed there will be no tree removal for this project. Ms. Craig asked if the land was being built up at the time of the subdivision approval. Mr. Quinn responded that there was some terracing. Ms. Craig asked if the patio would be constructed with pervious materials. Mr. Quinn confirmed the material is impervious.

Ms. Throckmorton stated she would like to supplement the existing rain garden as some of the original plantings did not survive. She will utilize more deer resistant plants that require less maintenance. In addition, she has added some dogwoods at the top of the slope to close out a space where mowers are fitting through. Ms. Throckmorton confirmed the dogwoods would be added at the natural grade with the existing trees and more grasses will be added to the meadow area. Mr. Lee asked if the rain garden is adequately sized. Ms. Throckmorton responded that there is an infiltrator in the driveway. She added that some of the paved driveway will be removed for coverage reasons. Mr. Quinn added that the driveway drainage goes to the cultech system. Ms. Craig stated a pervious driveway is okay for a while until it gets clogged.

Mr. Burgess asked if there was a better way to bond as the previous bonding did not make a difference with the plantings. Mr. Conklin confirmed that the commission cannot double bond. He added that the Conservation Commission has asked for increased habitat and a give back of an equal buffer to the project. Ms. Craig stated that there is a serious invasive problem next door. Ms. Throckmorton responded that there is one multi-flora rose on the subject property will be removed. Ms. Craig confirmed that the owners are only allowed to mow the meadow once or twice per year.

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

Mr. Burgess MOVED to APPROVE WET#2341, SECONDED by Mr. Lee and CARRIED 6-0-0.

### **III. APPLICATIONS TO BE REVIEWED - None**

### **IV. APPLICATIONS READY TO BE ACCEPTED**

**A. WET#2350(S) – SPIEWAK – 22 Old Wagon Road – “emergency” septic replacement**

Mr. Lee MOVED to ACCEPT this new application, SECONDED by Mr. Burgess and CARRIED 6-0-0.

**V. APPROVED MINOR ACTIVITIES**

**A. WET#2340(M) – RODRIGUEZ – 131 Old Kings Highway – proposed addition 80 ft. from a wetland**

**B. WET#2342(M) – ASML – 77 Danbury Road – construct addition to expand the existing cafeteria and new loading dock**

**C. WET#2345(M) – KOVACH – 354 Hurlbutt Street – proposed 7' x 7' wood deck approximately 80 ft. from the wetlands**

**D. WET#2346(M) – MARA – 32 Hemmelskamp Road – installation of a generator 15 ft. from wetlands and above ground propane tank**

**E. WET#2347(M) – SHIMMEL – 44 Powder Horn Hill Road – installation of two propane tanks**

**F. WET#2349(M) – FEUER – 46 Clover Drive – rebuild deck 75 ft. from wetlands**

**G. WET#2351(M) – ABI-KARAM – 21 Crofoot Road – “after-the-fact” outdoor kitchen and patio extension**

Mr. Conklin briefly reviewed all of the above minor applications that have been approved by staff.

**VI. CORRESPONDENCE – None**

**VII. OTHER APPROPRIATE BUSINESS**

**A. Ongoing Violations**

- 1. English – 189 Westport Road –** Mr. Conklin confirmed he received photos from the owner and stated he took some additional photos during a recent site visit. He stated that some of the trees that were topped are showing signs of new growth. Mr. Conklin noted that this new growth is helping with the shading of the wetland and it would be hard to find places to plant new mitigation trees.

Ms. Craig asked about the understory trees. Mr. Conklin confirmed there are some younger oaks in the area that serve as the understory. Ms. Craig stated that she did not want to minimize the seriousness of topping trees and asked what the next violation may be. Mr. Lee countered that the shading on the wetlands is unaffected as the wetlands are due north. Mr. Conklin added that there are other mature trees in the area and he had to hunt for the trees that were topped as they

are no longer evident. Ms. Craig stated that the removal of trees affects the depth, habitat, and water retention in the area. Mr. Lee concurred that there is nothing that can be done to mitigate this area. Ms. Craig asked how many tree poles were created in this violation. Mr. Lee stated ten trees were affected; eight that were topped and two that were obvious storm related falls. Mr. Conklin added that the oaks installed after the last violation are still thriving.

Mr. Hall asked Mr. English if he is planning on hiring someone to help with the application. Mr. English stated that the cost is prohibitive. Mr. Hall suggested that he hire some sort of environmental professional to help with the science piece. Mr. English stated that he has a survey coming shortly. Mr. Lee suggested that he shop around for a professional as the owner indicated Ms. Throckmorton wanted more money than he thought was necessary for this application. Mr. Conklin confirmed he has taken Mr. English as far as he can without writing his application. Mr. Hall told Mr. English he is going to have to retain someone to help him with the application since Mr. English is expressing the process is too cumbersome. Mr. Hall added that the commission is truly putting forth a large amount of effort to help him.

The commission confirmed they will accept the Intermediate level corrective action application. Mr. Conklin provided Mr. English with this application form. Ms. Larkin confirmed he would be required to complete the entire application after several questions about the process from Mr. English. The commission told Mr. English the corrective action application is due at 3pm on Wednesday, October 7, 2015.

#### **B. APPROVAL OF MINUTES – September 10, 2015**

Mr. Lee MOVED to APPROVE the minutes as drafted, SECONDED by Mr. Burgess, and CARRIED 5-0-1 with Mr. Andrews abstaining as he was not present.

#### **VIII. ADJOURN**

Mr. Lee MOVED to ADJOURN at 8:25 pm, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs