

MINUTES OF THE REGULAR IWWC MEETING
FEBRUARY 4, 2014

PRESENT: Chairman David Stein, Dwayne Xenelis, Samantha Crowley, Mike Engels, Bruce Chappell and IWWC Enforcement Office Heidi Wallace.

ALSO PRESENT: Commission Attorney John Casey.

1. Call To Order:

Chairman David Stein called the meeting to order at 7:01 p.m.

2. Public Comment Period:

None.

3. OLD BUSINESS:

1. 2000 Boston Post Road, Assessor Map 29, Lot N146 – Car Storage Buildings:

Engineer Joe Wren was present representing applicant Richard Willard, owner of Vintage Motor Cars. Revised Plans dated 1/24/14 were submitted. The changes made were that they added a sidewalk along the frontage and added pre and post storm calculations to the plans. Mr. Wren responded to the Zoning Review letter from Woodard & Curran. They will add the specified widths of the proposed biofilter spillways on the Plans; Items 2, 3 and 4 in the letter refer to Zoning issues, but they will make the changes, as requested. They have already put silt fencing on the plans, but will add another line. They will add a Maintenance Plan for 3 years to address any fluid leaks, if it becomes necessary. A maintenance plan for the grassed swales and grass filter strip will be added. Contour lines will be added at Elevation “9”. Terminology regarding the Proposed Grassed Filter Strip will be changed and they will provide a cross section for the proposed crushed stone area. The Commission further asked that dewatering details be added to the plans for the biofilters.

There was a communication received from the Conservation Commission dated 1/8/14. They were concerned about possible oil or gas leaks from the stored cars. Mr. Wren stated that they are actually improving the situation by putting all the vehicles inside and providing absorbent mats in each storage unit. The Conservation Commission was also concern that they are reducing the amount of gravel on the property. Mr. Wren stated that they are reducing the parking area and replacing with buildings, so there will actually be a reduction in run-off. The last concern they had was the size of the biofilters. Mr. Wren stated that they do not discharge water for up to the 2-year storm.

There was discussion about declaring the application as a “Significant Activity” and have the Engineer meet with the Conservation Commission to discuss their concerns. Mr. Wren stated

that they are willing to add any necessary comments to the plans. Dwayne Xenelis stated that this matter was discussed at the last meeting and it was felt that this application was not “Significant Activity”, plus we received a very detailed letter from our own Engineer and all of their concerns and recommendations have been taken care of. Mr. Xenelis further stated that he feels that this is an improvement to what is already in existence and will be better for the wetlands.

Upon a motion by Dwayne Xenelis, seconded by Samantha Marone, it was:

VOTED: Unanimously to approve the application for 2000 Boston Post Road with the following stipulations:

1. The recommendations from the Woodard & Curran 2/4/14 letter be incorporated into the drawings.
2. That construction commence in the defined dry season of June 1st to January 31st.
3. If groundwater pumping is necessary, that a filter bag and sedimentation basin be used and shown on plans.
4. The biofilters will be constructed before the buildings are erected, and before the other site work is complete.

At this time, Chairman David Stein stepped down and appointed Samantha Marone as Acting Chairman.

2. 684 West Pond Meadow Road, Assessor Map 125, Lot 021 – in-ground pool/gazebo:

Engineer Joe Wren was present, as well as applicants Kenneth and Jennifer Capano and their Attorney Jeffrey Godley. Acting Chairman Samantha Marone stated that a request for Intervenor Status was received from Belinda Jones of 632 West Pond Meadow Road. The Commission has to act on the request and asked Ms. Jones to give a brief summary of the issues she has regarding this application. Ms. Jones stated that she has 5 areas of concern, but to summarize, she is alleging that the application will cause impacts to the wetlands. The change in the property from previous construction and clearing of the land has damaged the drainage on her property. There is so much more water on her driveway than there used to be. When it rains, she gets a lot of standing water. There is no natural flow of water into the wetlands and there is a lot more standing water on adjoining properties. The work done has changed the natural pathways of water flow in the wetlands. Commission Attorney John Casey asked Ms. Jones if the work previously done was in the wetlands. She answered “yes”.

Attorney Jeffrey Godley, attorney for the applicant, objected to granting intervenor status because she is trying to address things that were done in the past and not this application. He referred to the case of Finley vs. The Town of Orange IWWC. He also read the State Statute regarding this matter for the record. He feels that this petition does not meet the requirements to be granted intervenor status.

There was discussion by the Commission and it was stated that if the Commission grants the petition to Ms. Jones, she will have to prove that the application will cause harm to the wetlands. If granted, both sides will get to give a presentation. Attorney Casey read the Statute for “Request to Intervenor Status” for the record. It stated that the Intervenor has to prove “unreasonable pollution, impairment or destruction of the environment”.

Upon a motion by Samantha Marone, seconded by Bruce Chappell, it was:

VOTED: Unanimously to accept the petition for Intervenor Status from Ms. Jones based on Issue #1 (Wetlands and Drainage/Flooding and Issue #3 (In-ground pool construction and pool discharge near wetlands). Issue 2, 4 and 5 do not apply to wetland issues.

Engineer for the applicant Joe Wren submitted revised plans dated 1/20/14. An aerial photo was provided to show that the area where the pool is proposed is grass lawn area and there is no disturbance to the wetland. Any proposed activity is 50' from the wetland. Also there is a vegetated buffer between the rock wall and the wetland area. This will be a salt pool so there will be less chemical usage. A letter from the Pool company was provided for the record that states there will be no waste water put into the ground. Mr. Wren stated that there will actually be a reduction in run-off and any excess water would be removed by evaporation. The maximum depth of the pool will be 5' to 6'. They are proposing silt fencing and 66' of hay bales.

A letter dated 1/8/14 was received from the Conservation Commission and was read for the record. They stated concern of the amount of back wash and run-off that the proposal will create. Mr. Wren stated that these matters have already been address and repeated that there will actually be a decrease in run-off. Mike Engels asked how the pool would be winterized. It was stated that it just needs to be covered and if there is any pumping that needs to be done, it would go into a tank and be taken off-site. The pool will be maintained by a professional pool company and any storage of chemicals will be in the garage. IWWC Enforcement Officer Heidi Wallace stated that her concerns from the last meeting minutes need to be added to the plans. Mr. Wren stated that the closest the silt fencing will be to the wetlands is 22' and there will be hay bales there also. The rest of the silt fencing is an average of 32' from the wetland. The limit of disturbance is the same as the silt fence line. Dwayne Xenelis recommended bring the silt fence in a little bit. Mr. Wren stated that could do that but they don't want to limit the movement of the equipment. Mr. Xenelis stated that he would recommend that the silt fencing be moved 10' to 12' further away from the wetlands as a stipulation of approval, if approved. Another stipulation he would recommend, if approved, would be for erosion control fabric to be used on any 3' or more slopes.

Intervenor Belinda Jones of 632 West Pond Meadow Road stated that the wetland between all the properties has already been damaged. The water is going over the culvert and the wetland is already over-burdened. She stated that the house on the Capano property sits up on a manmade knoll and everything flows downward. The pool will be 1/3 of an acre. She feels that the pool will e another major impact and will affect her property. The proposed silt fencing is only temporary. The house elevation of the Capano's is elevation 228 and her property is elevation 216 to 213. She would like answers run-off and stormwater issues. What would a retaining wall do. She quoted a remark made on the original survey of the area done by McDonald & Associates. She would like to see more regulations in writing because saline pools are new and there is not a lot of information on them available. What will the pool drain be connected to. Ms Jones stated that she feels that this is a lot of groundwork and feels that it deserves a site walk.

Ms. Jones asked if there is a buffer zone around the wetland. Mr. Wren stated that there is an existing rock wall that will be a buffer. IWWC Enforcement Office Heidi Wallace stated that she visited the property in September of 2012 and all documentation is listed in her September 2012 Staff Report). She asked questions about the run-off. Mr. Wren stated that any excess water will evaporate prior to getting to the wetland and any water from splashing will go right back into the

pool. Mr. Wren stated that was an approved subdivision and referenced a statement from Angus McDonald that ground water will not be an issue. Mr. Wren stated that he would like the location of the culvert that Ms. Jones referred to. Mr. Wren stated that the proposal is within Zoning Regulations and Storm Water Management. Ms. Jones stated that her map shows more wetlands than Mr. Wrens. She stated she will supply a copy of her map to the Commission. Mr. Wren stated that the wetlands that she is referring to is a small percentage of the entire wetland. Acting Chairman Marone asked Ms. Jones if she has any documentation that the run-off will increase if the pool is approved. Ms. Jones stated that she did not. She stated her concern is the ground work and run-off during and after construction. Mr. Wren stated that the pipe or culvert in her driveway may be clogged. Ms. Jones stated that the pipe she is referring to is only 2 years old. Commission Members stated that they have no recollection of an application for this pipe to be installed. Mr. Wren requested all the information on the installed pipe/culvert that Ms. Jones is referring to. Ms. Jones stated that she would like to hire her own professionals to get their opinions. Attorney Casey stated that Ms. Jones has the right to review all provide information and she should be able to come back to present her evidence.

The applicants attorney stated that the intervenor should have presented all of her evidence tonight and requests that the application not be continued. The Commission stated that there is time for the application period to continue to the March meeting because the applicant, if approved will not be starting work until a later time. Dwayne Xenelis stated that he does not feel the intervenor proved her case. Attorney Casey stated that she should have the opportunity to submit her information. All information provided by both parties are to be submitted by February 25, 2014 in order for all parties to review the material in a timely manner.

Upon a motion by Samantha Marone, seconded by Mike Engels, it was:

VOTED: To table the application for 684 West Pond Meadow Road until the March 4, 2014 meeting. All information to be submitted by February 25, 2014 by both parties.

VOTE: Ayes: Samantha Crowley, Bruce Chappell and Mike Engels. Abstentions: Dwayne Xenelis.

At this time, Chairman David Stein returned to the meeting.

3. 66 Brookwood Drive, Assessor Map 153, Lot 025 – single family dwelling with barn and in-ground pool:

Applicant Brad Porter was present and submitted revised plans dated 1/21/14. The changes include grading of the pool and more specific fixed elevations with retaining walls. A letter dated 1/8/14 was received from the Conservation Commission which states their concern regarding the fact that the majority of the proposed construction is in the 100' review area and the closeness of the barn to the wetland in regards to any animals that are to be housed and waste pollution reaching the wetlands. They recommend moving the house or downsizing it. Mr. Porter stated that the barn is really going to be a garage and there will not be any animals in there. He further stated when this lot was approved as part of a subdivision back in 1987, the review area was 50' nit 100' as it is now. The proposed pool is 70' from the wetland at its closest spot. Heidi Wallace asked if the applicant could move the barn further away from the wetland. The applicant stated that he is willing to do this.

Upon a motion by Bruce Chappell, seconded by Mike Engels, it was:

VOTED: To approve the application for 66 Brookwood Drive with the following stipulations:

1. The barn will be moved 10' east toward the proposed house.
2. Hay bale check dams are to be installed during construction.
3. Erosion control material is to be used on any 3to1 or greater slopes.

VOTE: Ayes: David Stein, Samantha Marone, Bruce Chappell and Mike Engels. Abstentions: Dwayne Xenelis.

4. Property of Ketelsen, proposed 6-lot Subdivision (Conservation Design) with road improvements located at 990 E. Pond Meadow Road, Parcel ID116/034:

The Public Hearing for this application is set for March 4, 2014. The site walk is re-scheduled for Thursday, February 27 at 4:00 p.m.

4. NEW BUSINESS:

1. 23 Beverly Road, Assessor Map 193, Lot 078 – tear-down and rebuild of existing home to be raised on concrete piers:

Architect Sabrina Foulke of Point One Architects was present representing applicants David and Celeste Borg. Plans dated 1/27/14 were submitted. The wetlands are located on the Beach Association property. They will be using hay bales and any other erosion control that is necessary. The property is very sandy and will be good drainage. The home will be built on piers. They are conforming to get out of the flood zone. The wetlands have not been flagged because they are not on this property and belong to someone else. There is a tiny portion of the home in the review area. They will be hiring a soil scientist to check the wetlands. They will be moving the house over from where it is now located so they will be improving the setbacks. It was decided that if the wetlands are flagged, then IWWC Enforcement Officer Heidi Wallace can handle this administratively.

5. REGULAR BUSINESS

A. Minutes of the Previous Meeting – Regular Meeting – 1/7/14:

Upon a motion by Dwayne Xenelis, seconded by Bruce Chappell, it was:

VOTED: To approve the minutes of the Regular Meeting of 1/7/14, as amended.

B. Chairman's Comments:

Chairman Stein stated that he has spoken with Public Works Director John Riggio regarding the work done on McVeagh Road in the wetlands. Mr. Riggio has stated that he would contact the Commission prior to doing any work on Town Roads as long as it wasn't an emergency. Mr. Riggio stated that he forgot and that he is very sorry and he will contact the Commission in the future.

C. Correspondence:

None.

D. Staff Report:

Distributed and discussed.

Enforcement Officer Heidi Wallace stated that it was discovered that there were no applications for the Army Corps of Engineers for Phase 1 through 6 of Toby Hill. She is helping the State getting information. All Town IWWC permits are fine and there is no implication to the Commission regarding this matter.

E. Commission Member Reports:

None.

F. Bills:

Regular bills: Upon a motion by Dwayne Xenelis, seconded by Mike Engels, it was:

VOTED: Unanimously to approve payment of the following bills:

\$34.66 to Katie Kelemen for Secretarial duties for January, \$33.59 to W.B. Mason for Office Supplies.

Special Accounts:

150% Accounts:

None.

G. Elections:

Upon a motion by Mike Engels, seconded by Samantha Marone, it was:

VOTED: Unanimously to appoint David Stein as Chairman of the Commission.

Upon a motion by Mike Engels, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to appoint Samantha Marone as Vice Chairman of the Commission.

Upon a motion by Mike Engels, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to appoint Bruce Chappell as Secretary of the Commission.

Adjournment:

Upon a motion by Dwayne Xenelis, seconded by Bruce Chappell, it was:

VOTED: Unanimously to adjourn at 10:27 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary