

**CONSERVATION COMMISSION
& INLAND WETLAND AGENCY
March 12, 2013 - Minutes**

I. CALL TO ORDER

II. ROLL CALL

Ms. Cherichetti took the roll call at 6:04 PM.

PRESENT: Matthew Caputo, Chair; Ed Holowinko, Robert Mercurio, Marybeth Sullivan

III. RECEIPT & DISCUSSION

There are no new receipts.

IV. DISCUSSION &/OR DECISION

- a) **#S12-423 – 3 Admiral Court – Castaneda** – Corrective Action removal of deposited landscaping debris/fill and associated restoration activities within a wetland and adjacent to a watercourse, as per Order #V12-891.

Ms. Cherichetti began with a recap of the application. She noted it is a corrective action application which was incomplete upon submission. She explained the applicant had given a 60 day extension of time, which pushed the deadline to have a public hearing or making a decision to the April 9th meeting, so that the applicant could have time to complete the application.

Ms. Cherichetti noted she mailed and emailed the applicant a letter dated February 28, 2013 letting him know that he need to submit additional information to complete his application and that the April 9th deadline was the Agency's deadline to act, not his deadline to complete the application.

Ms. Cherichetti noted she had received an email from the applicant earlier today, on March 12th.

***** THERE WAS SHORT RECESS AT 6:15.**

Ms. Cherichetti said the applicant emailed her to inform that he is withdrawing his application until further notice. She noted that he stated he needs more time to work on scheduling surveyors and other agencies.

Ms. Sullivan asked if this was a Corrective Action application and Ms. Cherichetti replied yes. Ms. Cherichetti said technically he can withdraw his application but he would be failing to meet the directives of the Order and that would be a violation.

Ms. Cherichetti said the Commission's options are to give him an extension of time or just have it sent to Corporation Counsel.

Mr. Caputo noted an Order was issued with very clear directives and he has not met those directives.

Mr. Caputo asked Ms. Cherichetti to send it to Corporation Counsel.

***** MR. CAPUTO MADE A MOTION TO AMEND THE AGENDA TO SKIP TO APPROVAL OF THE MINUTES.**

***** MR. MERCURO SECONDED THE MOTION.**

***** MOTION CARRIED UNANIMOUSLY.**

V. APPROVAL OF MINUTES

a) February 26, 2013

*** **MR. MERCURIO MADE A MOTION TO APPROVE THE FEBRUARY 26, 2013 MINUTES.**
*** **MR. HOLOKINKO SECONDED THE MOTION.**
*** **MOTION PASSED UNANIMOUSLY.**

b) February 12, 2013

*** **MR. MERCURIO MADE A MOTION TO APPROVE FEBRUARY 12, 2013.**
*** **MR. HOLOKINKO SECONDED THE MOTION.**
*** **MOTION PASSED UNANIMOUSLY.**

VI. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti discussed a permit application determination. She described where the property 31 Devils Garden Road was located and showed the Agency where the flagged wetlands are on the property. She explained the applicant is proposing a small 16' x 20' deck on the side of their property and asked the Agency if they are comfortable with the deck being a Minor Permit issued by Staff. The Agency agreed a Minor Permit was appropriate.

*** **THERE WAS A RECESS.**

*** **MEETING IN SESSION AT 7:00 FOR PUBLIC HEARING.**

VII. PUBLIC HEARINGS (TO BEGIN AT 7:00 PM)

a) **#S12-424 – 7 Bumpy Lane – Allen – Demolition of existing and construction of new residence in and adjacent to a wetland**

Mr. Caputo opened the public hearing and went over the ground rules.

Ms. Cherichetti stated she had received the certificate of mailing receipts sent to all the abutting neighbors. Ms. Cherichetti also noted the legal notice was published in *The Hour* on February 28, 2013 and March 7, 2013. Lastly, she noted the Town of Westport was sent notices of the application and those return-receipts have been returned.

Mr. Caputo asked if there was anyone from the public wishing to speak for or against the application. There was no one from the public to speak.

Mr. Bill Kenny, Principal of William Kenny and Associates, represented the applicant. The applicant Donald Allen was also present. Mr. Kenny discussed the map of the property and explained they are proposing to demolish the old building and construct a new building. He mentioned the applicant needed a Zoning Variance.

Mr. Kenny said the house is small in scale and they would like to install a rain garden to help with runoff from the driveway and roof of the building. They are also proposing in the landscaped section near the wetland to build a demarcation wall where they would propose a thick shrub planting along the

wetland.

Mr. Kenney concluded that he feels, after working with Staff, this is a feasible and prudent alternative to reestablish a dwelling on the property.

Mr. Caputo asked where the wetlands are marked on the map. Mr. Kinney pointed the wetlands and said it is in good shape for a woodland sloped wetland. He mentioned there is a functional report that was submitted with the application. There has been previous disturbance in the wetland area.

Mr. Caputo asked the size of the footprint. Mr. Kinney replied approximately 1,200 square feet with a two car garage.

Ms. Cherichetti inquired about requirements for a reserve septic system. Mr. Mark Greenawalt, Engineer, stated that they don't need a reserve system, only need a primary system for a replacement dwelling.

Mr. Caputo asked if the Agency could vote on the application if they close the public hearing and Ms. Cherichetti said yes.

***** MR. MERCURIO MADE A MOTION TO CLOSE THE PUBLIC HEARING.
*** MS. SULLIVAN SECONDED THE MOTION.
*** MOTION PASSED UNANIMOUSLY.**

VIII. DISCUSSION &/OR DECISION II

- a) **#S12-424 – 7 Bumpy Lane – Allen** – Demolition of existing and construction of new residence in and adjacent to a wetland

Ms. Sullivan stated the land looks like it will be in better condition than before and that a new septic system further from the wetland would be a benefit.

Mr. Caputo stated he also liked the proposed system. He also said the encroachment into the wetland is minimal in nature considering the physical nature of the property and he was favorably impressed by the planting plan and the rain garden.

Mr. Mercurio said it is a very well thought out plan.

Ms. Cherichetti said there is no draft resolution.

***** THERE WAS A FIVE MINUTE RECESS.**

***** MEETING BACK ON RECORD 7:21PM**

***** MR. CAPUTO MADE A MOTION TO APPROVE #S12-424 – 7 BUMPY LANE –
DEMOLITION OF EXISTING IAND CONSTRUCTION OF NEW RESIDENCE IN AND
ADJACENT TO A WETLAND WITH CONDITIONS.
*** MS. CHERICHETTI READ SIX SPECIAL CONDITIONS.
*** MS. SULLIVAN SECONDED THE MOTION.
*** MOTION PASSED UNANIMOUSLY.**

IX. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

There was nothing to report.

X. ADJOURNMENT

***** MR. MERCURIO MADE A MOTION TO ADJOURN AT 7:30 P.M.**

***** MR. HOLOWINKO SECONDED THE MOTION.**

***** MOTION PASSED UNANIMOUSLY.**