

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A  
SPECIAL MEETING ON TUESDAY, JULY 15, 2014 AT THE AVON TOWN HALL.

Present were Cliff Thier, Chairman, Bryan Short, Dean Applefield, Jed Usich, Martha Dean and John E. McCahill, Planning & Community Development Specialist.

Michael Beauchamp and Bob Breckinridge were absent.

Chairman Thier called the meeting to order at 5:33 p.m.

**OUTSTANDING APPLICATION:**

**APPL. # 739** – Stephen P. Miller, owner/applicant: Requests within the 100' upland review area associated with Secret Lake: 1) Construction of a small house addition (227 s.f. on piers); 2) Construction of a portion of a proposed driveway (with retaining wall), portion of garage, one parking space and related grading (fill); 3) Proposed grading (earth removal) to compensate for proposed fill below 100/500 year flood line. Location: 165 Secret Lake Road, Parcel 3890165.

Present were David F. Whitney, Consulting Engineers LLC, Fred Osorio, Builder, and Stephen P. Miller, owner/applicant.

As requested by the Commission, Mr. Whitney stated he will present a brief summary of the proposed project for the benefit of those Commissioners that were not present at the previous Inland Wetlands Commission meeting on July 1, 2014. He continued by stating that the subject property is sixteen thousand (16,000) square feet in an R-15 zone. There is an existing one story single family dwelling on the property and the lot is below the grade of Secret Lake Road. There is a steep (approximately 16% - 17%) grade which leads down to a gravel parking area located in the northeasterly portion of the property. The applicant would like to make some improvements to the property to enable him to retire in his home.

Mr. Whitney, in response to Mr. Applefield's question, explained the designation of the colored lines on the proposed plan. He continued by stating that the pink line represents the 100/500-year flood zone. Most of the site, including the house, is below the flood zone. The green line represents the one-hundred (100) foot upland review area. The existing house, the shed, and most of the site are within one-hundred (100) feet of Secret Lake, which is the western boundary of the property. The purple lines represent the twenty (20) foot sewer easement located on the western boundary of the property. The existing house does not have an attic, basement or a garage.

Mr. Applefield inquired in which direction the grade currently slopes for the gravel parking area.

Mr. Whitney responded by stating that the grade for the gravel parking area slopes down approximately ten (10) feet lower than Secret Lake Road and continues to slope westerly towards Secret Lake, ultimately resulting in an approximate eight (8) foot downward slope. Mr. Whitney stated that the proposal is to 1) add a fourteen foot (14') by sixteen foot (16')

addition to the existing house; 2) construct a garage for two (2) vehicles and storage; and 3) construct a new driveway. He continued by stating that the proposed driveway grade, as recommended by the Town of Avon, will be under ten percent (10%). The proposed driveway will also include a turn-around area.

Mr. Whitney stated that the red line on the proposed plan represents the building envelope in an R-15 zone. He continued by stating that, as defined in the Town of Avon Zoning Regulations, the setbacks for an R-15 zone are as follows: forty foot (40') front yard, thirty foot (30') rear yard, and fifteen foot (15') side yards. With regards to zoning, most of the house is an existing non-conforming structure. Variances were received from the Zoning Board of Appeals to allow construction of an addition twenty-six feet (26') from the front property line, and to allow the garage to be less than three feet (3') from the front and side property lines. In order to minimize the amount of fill below the flood plain, and to maintain a balance of cuts and fills below the flood plain, the location of the garage was proposed for the highest point on the subject property. Mr. Whitney continued by stating that the cuts and fills below the flood plain will be reviewed at the Planning & Zoning Commission meeting immediately following the Inland Wetlands Commission Special Meeting this evening.

Mr. Whitney stated that the applicant is requesting within the one-hundred foot (100') upland review area associated with Secret Lake: 1) construction of a small house addition (227 s.f on piers); 2) construction of a portion of a proposed driveway (with retaining wall), portion of garage, one parking space and related grading (fill); 3) proposed grading (earth removal) to compensate for proposed fill below the 100/500-year flood line. Mr. Whitney stated that the storm water that presently flows underneath the house and towards Secret Lake, with the proposed plan, will flow down the driveway to a proposed paved leak-off. The storm water will go through a rip rap plunge pool that will allow it to dissipate during large storm events and flow overland towards Secret Lake.

Referring to John McCahill's memo dated June 17, 2014, Mr. Whitney stated Mr. McCahill had requested that "a detail should be provided for the proposed plunge pool". Information regarding the detail for the plunge pool has been noted on the proposed plans revised July 8, 2014. Mr. Whitney continued by stating that an anti-tracking pad detail and a proposed planting plan have also been noted on the revised plans. Mr. McCahill's comment #4 stated that "the proposed silt fence should be backed up with staked hay bales in order to provide a stronger sediment control barrier (given the close proximity to Secret Lake)". Mr. Whitney stated that this has been noted on the plans, as well as, a detail for staked hay bales.

Mr. Whitney stated that the applicant had received a letter from his neighbor, Mr. Brian Ford, dated June 24, 2014, granting permission "to access my adjacent property for a three car garage foundation 2.7 feet from the property line we share". Mr. Ford also granted the applicant permission "to grade the soil subsequent to the foundation to slope the rainfall in the direction of the lake". The applicant will restore the chain link fence and re-seed the area at the completion of the proposed project as needed. This has been noted on the revised plans.

Mr. Whitney stated that a sequence of construction narrative has been added to the revised plans, beginning with a note stating that a pre-construction meeting with the owner, contractor and Mr. McCahill will held prior to the start of any construction. He continued by stating that a special note was also added to the proposed revised plans stating that "prior to

the issuance of a Certificate of Occupancy, a complete final “as-built plan” (including topography) shall be provided to the Town of Avon to document compliance with the proposed locations of the proposed structures as indicated on the plan, and to verify that the on-site grading results in a net cut within the FEMA 100-year flood zone area”. This was requested in Mr. McCahill’s memo dated June 17, 2014 and by Larry Baril, Town Engineer, in his email memo dated June 23, 2014.

Mr. Whitney has a letter signed by Mr. Miller stating that Mr. Miller agrees that a final “as-built” will be provided as requested.

Mr. Whitney stated that, as a result of the application submitted to the Zoning Board of Appeals, Mr. Miller’s nearby neighbors wrote letters to the Zoning Board of Appeals stating their support of the proposed project.

Referring to Mr. McCahill’s comments in his memo dated June 17, 2014 and revised July 15, 2014, Mr. Whitney stated that “The plans as revised (through July 8, 2014) have addressed my previous comments dated June 17, 2014 and concerns expressed at the July 1, 2014 Inland Wetlands Commission meeting”. He continued by stating that he had received an email memo on July 9, 2014 (dated June 23, 2014) from Larry Baril, Town Engineer stating that all their (Engineering) concerns have been addressed “with a letter from the owner at 171 Secret Lake Road”, and “with a new site plan revised July 7, 2014 by David Whitney, Consulting Engineers, LLC” that relocated the proposed retaining wall that was shown in the Secret Lake Road right-of-way.

Ms. Dean stated that she did not have any concerns regarding regulated activities in the regulated area associated with the wetlands, but did express some concern regarding the proximity of the driveway to the road and the potential for runoff in the case of a large storm event.

Mr. Whitney stated that the proposed driveway will be paved and that the property currently has a large gravel area that is subject to being washed out.

Mr. Miller indicated that the previous property owner did not maintain the subject property for more than a decade and continued by stating that there was a spill from an oil tank.

The Environmental Protection Agency designated a company to address the spill which, consequently, brought in large amounts of fill so that their trucks could access the property.

Mr. Miller stated that the existing steep slope of driveway was created at that time.

Mr. Osorio, the Builder, stated that the proposed retaining walls will address the issue of runoff from Secret Lake Road.

Ms. Dean inquired if a permit would be needed from the U.S. Army Corp of Engineers.

Mr. Whitney responded by stating that no permit would be required as there are no activities being proposed in the wetlands. All of the proposed activities are within the one-hundred foot (100’) upland review area.

Mr. McCahill added that the issue of the cuts & fills within the flood plain fall under the local jurisdiction of the Planning & Zoning Commission. The Planning & Zoning Commission is authorized to make modest adjustments to the flood plain as long as there is a balance of cuts & fills. He continued by stating that the proposed addition to the dwelling and the proposed garage are above the flood plain elevation, and they are subject to local jurisdiction.

Mr. Miller stated that his property has a "Sanford & son" appearance and he would like his property to be more "presentable".

Mr. Short stated that the revised plans have addressed all the concerns he had at the July 1, 2014 Inland Wetlands Commission meeting.

Mr. Usich stated that the revised plans are a complete improvement. He stated that he has no issues of concern.

Mr. Applefield stated he would like a clearer understanding of the current flow of water from Secret Lake Road to Secret Lake.

Mr. Whitney responded by stating that the contours of the subject property run parallel to Secret Lake Road. He continued by stating that Secret Lake Road has some changes in elevation which help to cut off some of the flow of water from the opposite side of the road. The water that flows from Secret Lake Road towards the house flows straight down slope from Secret Lake Road. It then flows underneath the house and in a westerly direction.

Mr. Applefield inquired where the flow of water will be channeled once the proposed retaining wall is constructed.

Mr. Osorio responded by stating that Secret Lake Road actually pitches away from Secret Lake. The only flow of water during a normal rain event would only be coming from in front of the house.

Mr. Whitney clarified that Secret Lake Road drains in a northerly direction. He continued by stating that the shoulder of Secret Lake Road has a curb along the edge of the road that directs the water in a northerly direction. The only water that flows towards the house is a very small amount that flows from the shoulder of the road in a westerly direction.

Mr. Applefield inquired as to where the water from the shoulder of the road, once it reaches the retaining wall, will be directed.

Mr. Whitney responded by stating that the water will flow from the shoulder of Secret Lake Road, to the retaining wall, and then it will flow in a southerly direction to the proposed paved leak-off and into the proposed rip rap plunge pool.

Mr. McCahill stated that the southerly tail of the driveway slopes away from the property at 171 Secret Lake Road and it will direct water towards the plunge pool.

Mr. Whitney stated the lowest point of the driveway is at the center of the plunge pool. He added that there will be a slight rise in the elevation of the driveway at the entrance from Secret Lake Road to assist in preventing more water from flowing from Secret Lake Road onto the subject property. The gutters and downspouts on the garage will also direct water towards the plunge pool.

Mr. Whitney stated that he wanted to make it clear that there is a swale on the southern side of the subject property that will ensure that water will not be directed onto the neighbor's property at 171 Secret Lake Road.

Mr. Applefield, referring to the Mr. Osorio's statement in July 1, 2014 draft minutes, that referred to the drain pipe underneath the retaining wall and the grading proposed at the rear of the proposed garage, asked for clarification.

Mr. McCahill stated that he believes that Mr. Osorio's statement in the July 1, 2014 draft minutes was referring to a drain pipe proposed to be installed behind the proposed retaining wall to release potential water pressure against the retaining wall.

Ms. Dean inquired how drainage will be affected if snow accumulates in the area designated as rip rap.

Mr. Whitney responded by stating that the snow would be pushed off to the north and south of the rip rap. If there is an occasion in the spring when snow still is present, and there is a rainfall causing the leak-off to be blocked, he would anticipate that the applicant would remove the snow from the leak-off with a snow shovel. The drainage will not back up on the neighbor's property.

Mr. McCahill stated that all the comments from him, and the Engineering Department, have been addressed in the revised plans.

Mr. Applefield made the motion to approve application #739 with the conditions stated in Mr. McCahill's memo dated June 17, 2014 and revised memo dated July 15, 2014, and standard conditions.

Mr. Short seconded the motion.

Mr. Applefield, Mr. Usich, Mr. Short, Mr. Thier and Ms. Dean voted unanimously to approve the application.

There being no further business, the meeting was adjourned at 6:02 p.m..

Respectfully submitted,

Judy Schwartz  
Inland Wetlands Commission, Clerk