

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A  
REGULAR MEETING ON TUESDAY, MAY 6, 2014 AT THE AVON TOWN HALL.

Present were Cliff Thier, Chairman, Michael Beauchamp, Dean Applefield, Bryan Short, Bob Breckinridge and John E. McCahill, Planning & Community Development Specialist.

Martha Dean and Jed Usich were absent.

Chairman Thier called the meeting to order at 7:06 p.m.

**NEW APPLICATIONS:**

**APPL. # 737** – Gladys M. Walker, owner; Oak Land Developers, LLC, applicant: Requests within the 100' upland review area: 1) Construction of a driveway and a portion of the proposed house, installation of utilities, and related site grading (proposed Lot #1 parcel 2810348); 2) Construction of a driveway, installation of utilities, and related site grading (proposed Lot #2 parcel 2810354). Location: 354 & 362 Huckleberry Hill Road, existing parcels 2810354 and 2810362.

Present were David F. Whitney, Consulting Engineers, LLC, Eric & Brett Kucharczyk, Oak Land Developers, LLC, Tom Pietras, Pietras, Soil Scientist, Environmental Group, LLC, and Jeff LaChance, Site Contractor, Rick Walker, Power of Attorney.

Mr. Whitney stated that he had submitted proposed plans to the Inland Wetlands Commission (revised and dated April 28, 2014) consisting of five (5) sheets: "Map of Existing Conditions", "Feasibility Site Plan", "Erosion & Sediment Control Plan", "Details", and "Driveway Sightlines" for a proposed four (4) lot subdivision at 354 & 362 Huckleberry Hill Road. He continued by stating that he also submitted two (2) reports: "Wetland Delineation Report" (dated February 6, 2014) and an "Environmental Assessment Report" (dated April 15, 2014) from Tom Pietras, Soil Scientist. A "Site Walk Map" (received May 1, 2014) was also submitted for the Commission's review.

Mr. Whitney stated that the subject property consists of two (2) lots located on the northwest side of Huckleberry Hill Road, across from Countryside Park and slightly south of Deer Run, with a portion of the property located directly across from the Fire Station on Huckleberry Hill Road. He continued by stating that proposed Lot #1 (354 Huckleberry Hill Road) has an existing vacant house and driveway that will both be abandoned. The applicant is proposing to subdivide 354 & 362 Huckleberry Hill Road, which consists of a total 4.99 acres, into four (4) residential building lots.

Mr. Whitney, referring to Sheet 1, "Map of Existing Conditions", stated that the proposed plan reflects an accurate A-2 survey of the subject property in an R-30 zone, with a thirty thousand (30,000) square foot minimum for each of the three (3) proposed front lots and a sixty thousand (60,000) square foot minimum for the proposed rear lot, excluding the access way. He continued by stating that the property has a high point, in the northern corner of the 354 Huckleberry Hill Road property, that slopes southerly to Huckleberry Hill Road at a

slope of approximately six (6) to ten (10) percent. Mr. Whitney stated that the mature vegetation is generally around the perimeter of the subject properties. The row of large, mature trees located in the vicinity of the southern property line of 362 Huckleberry Hill Road, and on the property located at 370 Huckleberry Hill Road, will not be removed. Mr. Whitney stated that with the exception of some trees located in the Town's right-of-way along Huckleberry Hill Road, it is the applicant's intention to protect all of the existing perimeter trees.

Mr. Whitney stated that in the western corner of the property located at 354 Huckleberry Hill Road, there is approximately ten thousand (10,000) square feet (approximately ¼ acre) of wetlands. There is a watercourse that flows through the wetlands. He continued by stating that there is a small area in the wetlands that is fed by the discharge of a storm drainage pipe from Deer Run, which flows through the wetlands to a culvert on Huckleberry Hill Road, then it flows under Huckleberry Hill Road to a pond located on the property across the street at 355 Huckleberry Hill Road. Mr. Whitney stated that public water and public sewers from Huckleberry Hill Road are available for the proposed lots, eliminating the need for any septic systems or wells. Gas will be accessed from the shoulder of Huckleberry Hill Road and supplied from Northington Drive.

Mr. Whitney stated that the non-wetland soils on the subject properties are relatively well drained.

Mr. Whitney stated that Sheet 2, "Feasibility Site Plan", illustrates the proposed development of three (3) front lots and one (1) rear lot. He continued by stating that the Town of Avon Zoning Requirements state that a front lot in an R-30 zone requires a one-hundred seventy (170) foot lot minimum, width, and the lots must include a minimum of thirty thousand (30,000) square feet. The proposed front lots either comply or exceed these requirements. In addition, the applicant is proposing one (1) rear lot that totals 2.06 acres, which consists of over sixty thousand (60,000) square feet and complies with the minimum lot size required in the Zoning Regulations for a rear lot. Each of the proposed homes will have individual driveways accessed from Huckleberry Hill Road.

Mr. Whitney stated that Sheet 5, the "Driveway Sightlines" plan, is required to be submitted whenever a driveway is proposed to enter onto a Town road. The proposed plan is to ensure that there is adequate sight distance for oncoming vehicles in both directions. He continued by stating that in order to ensure compliance with the Town of Avon's sightline requirements a number of trees will have to be removed along the shoulder of Huckleberry Hill Road, including trees that are immediately adjacent to the wetlands. The trees to be removed have been flagged and are pending approval from Bruce Williams, Director of Public Works, for their removal.

Mr. Whitney stated that Sheet 4, "Details", contains the Town's standard details with regard to clean-outs, trench & bedding, driveway, construction entrance, and utilities. This sheet also contains the "Wetland Delineation Report" dated February 6, 2014.

Mr. Whitney stated that the subject of this application is a request for construction activities within the one-hundred (100) feet upland review area for activities on proposed Lot #1 & proposed Lot #2. He continued by stating that the proposed construction activities in the upland review area for Lot #1 are approximately .27 acres and for Lot # 2 approximately .10 acres. There are no activities proposed in the wetlands.

Mr. Whitney stated that the proposed plans include measures to ensure the protection of the wetlands during construction and also include measures to ensure the protection of the wetlands at the completion of all construction activities. A ten thousand seven hundred sixty (10,760) square foot conservation restriction has been proposed and it will be subject to the guidelines of Appendix E of the Town of Avon Inland Wetlands & Watercourses Regulations.

In the southeastern corner of proposed Lot #1, Mr. Whitney stated that the proposed driveway will come within seven (7) feet of the wetlands. He continued by stating that the grade of the property is relatively flat and it will require a minimum amount of fill. The goal is to locate the proposed driveway on Lot #1 without having to cross the wetlands. The total amount of disturbance on the proposed site will be approximately 3.4 acres which is under the five (5) acre threshold that requires a storm water permit from the Department of Energy & Environmental Protection.

Mr. Whitney stated that on May 6, 2014, he submitted an overall construction sequence plan for the development of the four (4) residential building lots. Phase 1 will be the development of Lot #2. Prior to the commencement of construction, orange safety fence will be installed at the limit of the proposed conservation restriction area. A row of boulders, currently present on the site, will be moved and placed on the northern side of the orange safety fence to physically establish a barrier where the conservation restriction is proposed. The total amount of disturbance for the proposed construction activities on Lot #2 will be approximately 1.3 acres. As a result of the removal of the existing house, driveway and well, there will be some grading activities which will result in excess materials which is to be placed in a temporary soil stockpile area proposed at the rear of the site. The entire site is a balanced site that will require a significant amount of grading, but will not require a lot of soil removal or imported fill. Each of the four (4) proposed lots will have standard erosion and sedimentation control measures that will include a thirty-five (35) foot anti-tracking pad, a soil stockpile area, silt fence installation, with the disturbed areas to be seeded when the grading is complete.

The proposed phasing sequence will require that the house on Lot #2 is completely stabilized prior to the development of the next two (2) lots. Phase 2 will be the development of Lot # 3 and Lot #4. Phase 3 will be the development of Lot #1. There will be approximately ½ acre of disturbance on this lot. Mr. Whitney stated that in the area where the proposed driveway construction is closest to the wetlands, there will be a double row of silt fence installed in front of the proposed location for the boulders, ensuring further protection of the wetlands. In response to the comments in Mr. McCahill's memo dated April 25, 2014, Mr. Whitney stated the following:

1. The current plans, as submitted, include only sheets #1 and #2 of 5 sheets. The remaining plans (sheets) should be submitted.

Response: Sheets #3, #4, and #5 were submitted on May 1, 2014.

2. The proposed conservation restriction should be subject to Appendix E of the Inland Wetlands and Watercourses Regulations.

Response: The conservation restriction will be subject to Appendix E. This has been noted on the proposed plans.

3. The Environmental Assessment Report (dated April 15, 2014) makes reference to a brook which runs through the wetlands. This should be shown on the plans.

Response: The brook/watercourse has been shown on the proposed plans.

4. All existing drainage structures should include the associated elevations.

Response: All the associated elevations for the existing drainage structures on Huckleberry Hill Road have been noted on the plans.

5. A site walk plan should be prepared and submitted in accordance with the "Site Walk Application Checklist – Appendix C-Addendum" of the Inland Wetlands and Watercourses Regulations.

Response: A site walk plan was submitted on May 1, 2014.

6. The Environmental Assessment Report (dated April 15, 2014) includes several photos. Photo #4 of the report shows miscellaneous metal debris and a section of clay tile culvert in the northern portion of the wetlands by Wetland Flag #12. The plans should note that this debris/tile culvert is to be removed from the wetlands.

Response: A note has been added to the plans that all existing debris & clay tile pipe will be removed in the vicinity of Wetland Flag #12.

7. The Environmental Assessment Report (dated April 15, 2014) recommends thirty native shrubs to be planted within the southern portion of the proposed conservation restriction. The planting plan, with specific species, should be included on the plans.

Response: A note has been added to the plans referencing the thirty (30) native shrubs and the proposed planting plan.

8. Proposed footing drains and foundation drains should be shown on the plans, to include proposed outlet elevations and a detail for outlet protection (to prevent any potential erosion).

Response: This has been noted on the proposed plans.

9. Orange construction fence shall be installed along the proposed conservation restriction on proposed Lot #1. This shall be installed behind the siltation control fence to prevent any potential disturbance to the proposed conservation restriction and associated wetlands. This should be noted on the plans.

Response: This has been noted on the proposed plans.

10. All required mitigation/plantings shall be installed as soon as practical; and all mitigation/plantings shall be installed prior to the issuance of a Certificate of Occupancy for proposed Lot #1. This should be noted on the plans.

Response: This has been noted on the proposed plans.

11. "General Erosion/Sediment Control Notes"; "Notes Regarding All Disturbed Areas"; a siltation control fence detail; a construction entrance detail; and the Town of Avon standard driveway detail should be included on the plans.

Response: These notes are included on Sheet # 4 of the proposed plans.

12. The proposed limits of clearing should be clearly shown on the plans. (The plans, Sheet #1 of 5, Note #12, states that "The limits of tree clearing within the 100-foot inland wetlands upland review area shall be flagged in the field and approved by Avon Town Staff prior to cutting".) It also appears that they will need to remove some trees within the Town's right-of-way, in order to provide adequate sightlines for the proposed driveways. Some of these trees may be within the 100-foot upland review area. This should be clarified, on the plans, and discussed with the Commission.

Response: The proposed limits of site disturbance have been clearly noted on the proposed plans. The limits of tree clearing within the 100-foot inland wetlands upland review area have been flagged in the field and subject to approval by Avon Town Staff prior to cutting. The trees to be removed within the Town right-of-way and within the 100-foot upland review area will be clarified on the plans after discussions with the Commission evening, and pending review from the Director of Public Works.

13. The Commission typically attempts to maintain a twenty-foot (20') non-disturbance area along wetland/watercourses. The proposed driveway for proposed Lot #1 will be located within approximately seven feet (7') of the wetlands near Wetland Flags #1 and #19. The proposed lot layout should be reviewed and redesigned, where possible, to provide added distance from the wetlands.

Response: Mr. Whitney stated that he is prepared to discuss this comment this evening. He continued by stating that the driveway has been proposed in this location as a result of Town of Avon Zoning Regulations and geometry. The access way to the rear Lot #4 has to be thirty (30) feet wide. Each of the three (3) front lots has to be a minimum of one-hundred seventy (170) feet wide and have a front yard setback of a minimum of sixty (60) feet. As a result of these calculations, the driveway has been proposed for its present location to ensure it was located out of the wetlands.

14. As requested by the Commission, to allow for adequate review time, application revisions or additions should be submitted seven (7) days in advance of the meeting.

Response: This has been noted.

Tom Pietras stated that he delineated the wetlands on February 3, 2014. He continued by stating that a poorly drained wetland is located in the northwest corner of proposed Lot #1. The wetlands system associated with this area initiates a short distance to the north of Deer Run. There is a brook that flows in a southwesterly direction towards Deer Run, then flows through a pipe for approximately three hundred (300) feet into the wetland on the subject property. The piping, which was originally constructed of clay tile, has existed from 1980 and has since been replaced with a concrete pipe. Mr. Pietras continued by stating the brook continues to flow from the wetland on proposed Lot #1 through a culvert on Huckleberry Hill Road, into a man-made pond located on the southwest side of Huckleberry Hill Road. It eventually discharges into Hawley Brook. Mr. Pietras stated that the wetland is approximately ten thousand (10,000) square feet. He continued by stating that the brook that flows through the wetland appears to receive road run-off from Deer Run and Huckleberry Hill Road. Although the wetland is small in size, it is composed of a variety of vegetation and it provides a number of wetland functions such as flood flow control, sediment entrapment, and wildlife habitat.

Mr. Pietras stated that the current proposal for residential development will have no direct impact on the wetland. The primary impacts will be clearing, grading and construction of a driveway in the one-hundred (100) foot upland review area, with the most notable occurrence (construction of a driveway) affecting Lot #1. Because the wetland is depressed, this activity will occur up slope from the wetland and outside of the wetland area. Mr. Pietras continued by stating that the vegetation had been previously cleared in the vicinity of the area where the driveway will initially enter onto proposed Lot #1. A number of larger trees had also been previously removed. As the proposed driveway progresses easterly into the property, Mr. Pietras stated that there are "several" trees that will have to be removed. Most of the vegetation that will need to be removed for the proposed driveway is very scrubby growth. A majority of the mature wooded upland is located on the north and east sides of the property and these areas will be preserved.

Mr. Pietras stated that the proposed conservation restriction will provide added protection to the wetland. The proposed planting plan will include the installation of thirty (30) native shrubs and a row of boulders that will function as a physical barrier to the wetland. He continued by stating that twelve (12) of the shrubs will be planted on the immediate western side of the proposed driveway for Lot #1, where the woody vegetation is very sparse. The remainder of the plants will be planted along the row of boulders. The exact placement of these shrubs will be determined following the placement of the boulders. He continued by stating that the driveway will not have any direct impacts on the wetland or the brook, there will be a moderate amount of clearing, and the functions of the wetland will remain unchanged with the exception of a small change to the wildlife habitat.

Mr. Applefield stated that he does not understand the conclusion that the driveway proposed to be located within seven (7) feet of the wetland will have no impact.

Mr. Pietras responded by stating that his conclusion is that the driveway will have no "significant impact".

Mr. Applefield requested further clarification of "significant impact".

Mr. Pietras responded by stating that the primary function of this wetland is associated with the brook that flows through it. He continued by stating that there is recharge to the system from the bank that is on the northeastern side of the wetland. None of this will change. He reiterated that the area where the proposed driveway will be initiated from Huckleberry Hill Road, and closest to the wetland, has already been cleared. Mr. Pietras stated that the primary activities will be the alteration of a portion of the upland review area.

As far as any direct impacts to the wetland, there will be none.

Mr. Applefield inquired if there is oil that spills from the driveway into the brook, would that be considered a "significant impact"?

Mr. Pietras responded by stating that the overall wetlands system is currently crossed by Deer Run and it receives road run-off from Huckleberry Hill Road.

Mr. Applefield stated that in his opinion it would appear that run-off from Huckleberry Hill Road would run down along the side of the road and take a path that is easier to flow.

Mr. Pietras responded by stating that there is storm water that flows into the wetland from Deer Run.

Mr. Applefield asked for clarification as to the path of the storm water that flows from Deer Run.

Mr. Whitney stated that the last catch basin on Deer Run, where Deer Run intersects with Huckleberry Hill Road, has a twenty-four (24) inch RCP storm drain that discharges into the wetland in the vicinity of WF #9.

In response to Mr. Applefield's question, Mr. Whitney confirmed that the catch basin at the intersection of Deer Run and Huckleberry Hill Road is intended to capture the runoff from Deer Run. Mr. Whitney stated that Huckleberry Hill Road is crowned and it does not have a formal storm drainage system as exists in Deer Run. He continued by stating that there is no doubt that there is some run-off that flows down the gutter of the road as well as run-off that flows onto the shoulder of the road.

Mr. Applefield stated that in his opinion there are more prudent and feasible alternatives for the development of the site to ensure that the construction of a driveway is not within seven (7) feet of a wetland. He continued by stating that it is difficult to understand why a driveway located that close to a wetland would not have a negative impact on the wetland. He inquired if an application to the Zoning Board of Appeals may be a possibility in order to facilitate a reconfiguration for the development of the site.

Mr. Whitney responded by stating, it is his understanding, that variances granted by the Zoning Board of Appeals are based on non-economic, non-self-created hardship. It is unlikely that a variance would be granted for new construction.

Mr. Whitney stated that, in response to comment #13 in Mr. McCahill's memo dated April 25, 2014, alternatives have been considered for the proposed driveway on Lot #1. In terms of how the proposed driveway may be repositioned, it would be possible to construct the driveway across the northwesterly corner of Lot #2 in an easement. This would provide an additional area of conservation restriction that would extend twenty (20) feet from the wetland. Mr. Whitney continued by stating that as a result of a conversation with Steve Kushner, Director of Planning and Community Development, Mr. Kushner indicated that the Planning & Zoning Commission does not generally favor easements across a neighbor's property because of the probability of potential problems. That being said, easements are allowed but they would require approval from the Planning & Zoning Commission. Mr. Whitney stated that going before the Planning & Zoning Commission to request a waiver for the minimum one-hundred seventy (170) foot lot width regulation would not be successful.

Mr. McCahill confirmed Mr. Whitney's statement regarding the lot width regulation.

Mr. Whitney stated that another alternative would be to consider a five (5) lot subdivision. He continued by stating that the density calculations prepared for the sites allows for 5.4 buildable lots on four and one-half (4½) acres of developable land. He continued by stating that he had prepared a preliminary proposal for a five (5) lot subdivision which would include adding a permanent Town road with a cul-de-sac. With this plan, the sixty thousand (60,000) square foot rear lot would be eliminated, freeing up extra land to enable the conservation restriction area to be increased. The proposed driveway on Lot #1 could then be relocated further away from the wetland. Mr. Whitney stated that a similar application had been previously approved for Charlotte's Court which also involved a small wetland. He continued by stating that proposing a five (5) lot subdivision would, frankly, be more disruptive as a result of requiring more site grading, clearing and additional impervious surface, but certainly an avenue to explore.

Mr. Applefield inquired why there would be a need for a fifth lot as proposed in the second alternative.

Mr. Whitney responded by stating that the fifth lot has been proposed due to the costs associated with building a Town road.

Mr. LaChance responded by stating the cost of the construction of a Town road could be approximately one-hundred eighty thousand (\$180,000) to two-hundred thousand (\$200,000) dollars.

Mr. Whitney stated that the applicant would rather not deal with the issues of building a road or the costs associated with the construction.

In response to Mr. Applefield's question regarding shared driveways, Mr. McCahill stated that they are generally not desirable by Town Staff. He continued by stating that in the past there have been problems associated with shared driveways and easements. The Town regulations currently require that the property owner own the property on which driveways are constructed. Mr. McCahill stated that sharing an apron for the driveway on Lot #1 and Lot #2 may be a possibility. The apron at the entrance of the property can be shared, but then as quickly as possible the driveway could split off into two (2) separate driveways.

Mr. Whitney stated as a result of the grade of the property up to the proposed house on Lot #1, the proposed driveway would have to have a certain length and it cannot be straight. He continued by stating that, even with the addition of an apron, an easement would still be necessary over Lot #2 for the driveway on Lot #1. If the issue is back to considering an easement, in general it is the opinion of most developers and real estate agents, that separate driveways are more desirable.

Mr. Applefield asked for a clearer explanation of the one-hundred seventy (170) foot minimum lot width requirement issue.

Mr. Whitney responded with a brief explanation for determining the location of the proposed driveway on Lot #1.

Mr. Applefield inquired if the lots could be reconfigured so that additional footage could be added to the rear of Lot #2 to allow for the proposed driveway to be moved further from the wetland for Lot #1.

Mr. Whitney responded by stating "yes" this would be a possibility. He continued by stating that another issue may arise as a result of the Planning & Zoning Commission not preferring irregular shaped lots.

Mr. McCahill stated that the concern with irregular shaped lots is that it becomes difficult for property owners to understand clearly where their property lines are located.

Mr. Applefield stated that he understands that concern, however, the lots being proposed are already irregular.

Mr. Whitney responded by stating that a segment of Lot #1 could be reconfigured, leaving Lot #2, which is already oversized, as it is proposed and would still, in his opinion, meet the Town's zoning requirements. It should be noted that Mr. Whitney would not want any reconfiguration to be interpreted as trying to circumvent the intent of the Zoning Regulations. He stated that he intends to discuss this option at the next Planning & Zoning Commission meeting.

Mr. Applefield stated that it would be more comfortable for him, as a Commissioner on the Inland Wetlands Commission, for the proposed plan to provide an increased buffer from the wetland.

Mr. Whitney stated that he clearly understands Mr. Applefield's concerns and has offered three alternatives to what has been currently proposed. He will discuss these alternatives with the Planning & Zoning Commission.

For the record, Mr. Applefield stated that he is not interested in requiring the applicant to spend additional costs to construct a road, and he would be satisfied if the proposed driveway for Lot #1 was relocated thirty (30) to forty (40) feet away from the wetland.

Mr. Short stated that he had the same concerns as Mr. Applefield who has expressed them in detail. He continued, referring to Lot #1, by inquiring as to what kind of soil is located between the proposed driveway and the conservation restriction area. Are the soils able to mitigate any run-off during and after the construction of the proposed driveway as a result of the slope of the property? Is there a need for mitigation between the driveway and the proposed conservation restriction area?

Mr. Whitney responded by stating that storm water currently flows towards the wetland. He continued by stating that the area to which Mr. Short is referring will be seeded and grassed. There will also be the additional shrubs that Mr. Pietras has proposed in the planting plan.

Mr. Beauchamp stated that he concurs with Mr. Applefield's and Mr. Short's concerns. He continued by stating that, in addition, he is concerned with fertilizers and weed killers flowing towards the wetland and into the pond located on 370 Huckleberry Hill Road. He would like to have the applicant consider other alternatives and would have difficulty approving the application as currently proposed.



Mr. Whitney stated that the applicant is not anticipating an approval this evening. He confirmed that there are several outstanding issues that need to be addressed.

Mr. Breckinridge stated that he has concerns with regard to the pond located on the property at 370 Huckleberry Hill Road. He inquired as to whether there was any way to determine if the property owner had any issues at the time that Deer Run was under construction.

Mr. McCahill responded by stating that the pond had to be cleaned out back in the early 1990's. Mr. McCahill continued by stating that these issues were associated with insufficient control of construction activities upstream of this system in the vicinity of Deer Run. He continued by stating the erosion and sedimentation control plan was inadequate and poorly executed. As a result of past experiences like this, projects have been broken down into phases so as not to inherit similar problems. He stated that Mr. Whitney has proposed an appropriate approach to phasing of this project to eliminate the potential for disturbance.

Mr. Breckinridge inquired if the property owner at 370 Huckleberry Hill Road has continued to have issues adversely affecting his pond from fertilizers, for example, that have been used on the lawns of Deer Run.

Mr. McCahill responded by stating that the edges of the pond have been recently reinforced, he suspects, as a result of a situation that was created from the geese population. A very acidic environment was created, which resulted in the lack of growth of the vegetation which aided in maintaining the structure of the pond. The issues that were a result of poor construction management in the past have since subsided.

Mr. Breckinridge stated that his concern is that similar issues will once again become evident with the proposed development.

Mr. Whitney stated, in response to Mr. Breckinridge's concern, that water drains on the site in a southwesterly direction. He stated that there is a small area in the northern portion of the site that drains to the wetland. Mr. Whitney stated that after a discussion about modifications to the driveway with the Planning & Zoning Commission, there will be an opportunity to provide an increase in the buffer to the wetland (possibly more than twenty (20) feet). He continued by stating it is very difficult to enforce the restricted use of pesticides by property owners. As a result of this, the best alternative to protect the wetland is to provide an additional buffer.

In response to Mr. Applefield's question, Mr. Whitney stated that the run-off from Lot #2 would flow straight down towards Huckleberry Hill Road. He will revisit the proposed layout for Lot #1.

Mr. Applefield inquired if the boulders will be temporary during construction or permanently placed.

Mr. Whitney responded by stating that the site is not lacking for boulders. They will be permanently placed to provide a physical barrier so the homeowner will know that his/her lawn may not encroach past the boulders.

Mr. Short inquired if the boulders will provide any mitigation or are they simply decorative. He stated that his concern is the amount of land that will help protect the wetland from any run-off from the property.

Mr. Whitney responded by stating that the boulders will be a physical barrier to prevent homeowners from expanding their lawns and encroaching into the conservation restriction areas.

Mr. McCahill stated that he had suggested at a preliminary meeting with Mr. Whitney and the applicant that as a result of the proximity to the wetland, that the proposal include a strong mitigation planting plan along with some fixed objects to clearly send the message to the future homeowner to not encroach into the area designated as a conservation restriction.

Mr. Breckinridge inquired how any encroachment issues would be enforced.

Mr. McCahill responded that there would likely be a call to Town Hall from a neighbor. He continued by stating that the property will have a conservation restriction imposed on it. He stated that it can also be noted in the approval that the boulders were placed to protect the wetlands and will need to remain.

Mr. Eric Kucharczyk stated that there will be silt fence and hay bales installed during construction. Once the house on Lot #1 is completed, the run-off will not be brown, stained water as it currently flows on the property.

Mr. Whitney stated, in response to Mr. Short's inquiry, that he could not clearly say that the boulders will slow down the flow of water.

Mr. Beauchamp, as acting chairman for the moment, inquired if there were any further questions or comments. He continued by stating that this application will be continued to the next Inland Wetlands Commission meeting on June 3, 2014.

Mr. Applefield inquired if it would be useful for the Inland Wetlands Commission to prepare a brief paragraph for the next Planning & Zoning Commission meeting stating that this Commission was concerned about the location of the proposed driveway on Lot #1 and would support a modification of the building lot line for Lot #1 to better protect the wetland.

Mr. McCahill stated that a Planning Staff meeting will be held on Wednesday, May 7, 2014. He continued by stating that he will be relaying the concerns of the Inland Wetlands Commission directly to Steve Kushner, Director of Planning & Community Development. Mr. Whitney will also be echoing the concerns of the Inland Wetlands Commission in his presentation to the Planning & Zoning Commission.

Mr. McCahill stated there is a direct line of communication for the concerns discussed this evening and there is no need to prepare a document as Mr. Applefield has suggested.

Mr. Rick Walker stated that the purpose of this application is to raise money for his aging mother who is currently in a nursing home. He continued by thanking the Commission for their time.

#### **OUTSTANDING APPLICATIONS:**

There were no outstanding applications at this time.

#### **COMMUNICATIONS FROM THE PUBLIC:**

There were no communications from the public at this time.

#### **OTHER BUSINESS:**

Mr. Thier stated that during the approval process regarding the property at 59 Waterville Road (Capitol Region Education Council), it was his understanding that the wetland located at the corner of Avonwood Road and Waterville Road was to be maintained as wetland. He continued by stating that the area has been planted with grass seed and he is concerned that the area has also been fertilized.

Mr. McCahill stated that he will review the landscape plan that was approved by this Commission.

#### **STAFF COMMENTS:**

There were no staff comments at this time.

#### **Authorized Agent Approvals:**

There were no authorized agent approvals at this time.

**APPROVAL OF MINUTES:** March 4, 2014

Chairman Thier asked if there were any corrections to the minutes. There being no corrections to the minutes, Mr. Breckinridge made the motion to approve the minutes. The motion was seconded by Mr. Applefield. The minutes were approved by Mr. Applefield, Mr. Thier, Mr. Beauchamp, Mr. Short and Mr. Breckinridge.

**NEXT MEETING:** June 3, 2014

There being no further business, the meeting was adjourned at 8:20 p.m..

Respectfully submitted,

Judy Schwartz