

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
September 7, 2011
7:30 P.M.
Room 206, Town Hall

Chairman Tone called the meeting to order at 7:30 P.M

Commission Members Present: Michael Tone, Wynne Shapiro, Ed Sweeney, Keith Kearney and Pete Kenyon

Staff : Jacobson

Court Reporter: Syat

Recorded by Channel 79

Mr. Tone introduce Keith Kearney as a newly appointed member of the Commission,

Mr. Tone called the following agenda item:

EPC-30-2011, Urstadt Biddle Properties, 25 Old Kings Highway North, proposing to maintain irrigation system installed in an upland review area, and remove sediment from the Goodwives River.

John Grillo, V.P. of operations for Urstadt Biddle represented the applicant.

Mr. Grillo said he met with Craig Flaherty and Rich Jacobson and revised the application to include additional areas of material to be removed. They are proposing to remove the material in three phases over a three year period.

Mr. Sweeney made a motion to approve the application. Mr. Tone seconded then application and it passed 5-0.

Mr. Tone called the next agenda item:

EPC-33-2011, Todd Gjervold, 138 Mansfield Avenue, proposing drainage improvements in a regulated area.

Peter Finkbeiner, P.E. represented the applicant. He said they would like to withdraw the application and submit a plan showing no activity within 50 feet of the wetland.

The Commission considered the application withdrawn and no further action is required.

Mr. Tone called the next agenda item:

EPC-34-2011, Ian M. Duncan, 87 Nearwater Lane, proposing extension of existing dock within 100 feet of Holly Pond.

Attorney Bruce Hill represented the applicant.

Mr. Kearney said he has an attorney client relationship with the applicant but does not feel he has a conflict participating in reviewing the application.

Mr. Hill described the plan as a modification of the dock permit for EPC-7-2009. He said they are proposing to protect the tidal wetlands by elevating the dock and they have addressed this with the DEEP.

Mr. Tone asked if the pilings would be creosoted. Mr. Hill said that would not be permitted by the DEEP.

Mr. Sweeney asked about open spaces on the decking. He said there is flow through decking that would allow water and light to reach the wetland. Mr. Hill said they would probably match the existing deck material.

Mr. Kenyon made a motion to approve the application. Mr. Tone seconded the motion and it passed 3-2. Mr. Sweeny and Ms. Shapiro were opposed.

Mr. Tone called the next agenda item:

EPC-35-2011, Alex Salgan, 549 Hoyt Street, proposing shed construction within an upland review area.

Mr. Salgan represented himself. He described the shed to be installed on blocks within 50 feet of the watercourse on the adjoining property. The vegetation along the stream will be undisturbed.

Ms. Shapiro asked if the stream caused the property to flood in the recent storm. Mr. Salgan said there was some water on the property but not where the shed will be.

Mr. Tone asked if any excavation was required. Mr. Salgan said no.

Mr. Tone made a motion to approve the application. Ms. Shapiro seconded the motion and it passed unanimously.

Mr. Tone called the first public hearing item:

EPC-20-2011, Dale & Hillary Miller, 5 Tokeneke Beach Drive, proposing to amend the Regulated Inland Wetlands and Watercourses Map. (Continued from August 3).

Attorney Robert Maslan represented the applicant. He said the hearing was left open for the Commission to review the materials provided on August 3. He said their presentation is complete. He said he would like to clarify the minutes of August 3 regarding a response to Mr. Rohr's statement about the difference in tide elevations. He said Mr. Roberge intended he statement to refer to the difference between Pond Gut and the pond and not Butler's Island Creek.

Mr. Tone asked about the tide data table provided by Roberge Associates, and the terms raw and corrected data. Mr. Maslan said the raw data referred to the measurements taken and the corrected data is related to the tidal elevation datum.

Mr. Kenyon said he watched the August 3 DVD. He asked about the definition of deep water not being in the U.S.F.W.S. classification. Todd Ritchie said the pond is more estuarine in nature. Michelle Ford, Biologist, said she intended the term as a biological term to indicate it is not a marsh.

Mr. Tone asked if there was any additional public comment. There was none.

Mr. Tone made a motion to close the public hearing. Mr. Sweeney seconded the motion and it passed 5-0.

Mr. Tone called the next public hearing item:

EPC-26-2011, William Morehouse, 15 Morehouse Drive, proposing new house construction, and related activities in an upland review area. (Continued from August 3).

Ted Milone, P.E. represented the applicant. He said they have revised the plan to move the house out of the 50 foot upland review area and they raised the basement elevation above the groundwater. He said they increased the stone demarcation to a minimum of 20 feet.

Mr. Milone addressed comment from the public. He said the Town wetland often shows wetlands larger than in the field. The regulations require a soil scientist define the wetland which was done. He said they have addressed runoff concerns by reducing peak flows for all storms 2-5 year leaving the site and at the confluence point downstream. He said there is a natural ridge between their site and the Granaston Lane properties. He said they are minimizing impacts to wetlands and enhancing the wetlands.

Matt Popp described the planting plan. He said they are proposing to remove multiflora rose, Japanese barberry, and bittersweet and planting native species to improve wildlife habitat and a buffer to the residential property.

Mr. Tone asked about the basement elevation depth. Mr. Milone said the previous basement was 1 to 1 ½ feet into the water table. He said the basement is now above groundwater.

Mr. Tone asked if there would be a sump pump. Mr. Milone said no, there would be only a gravity line.

Mr. Tone asked if the only activity remaining in the upland review area is the rain garden. Mr. Milone said the rain garden, the drainage discharge and the boulders.

Mr. Tone asked for public comment.

Jim Bogie, Granaston Lane said the Commission is assuming a correct wetland delineation and 5-10 years ago the delineation would have been different.

Mr. Kenyon asked how many trees are proposed to be removed. Mr. Milone said 8 trees 12" or greater, 4 in the regulated area.

Mr. Tone asked how many trees are proposed. Matt Popp said 8.

Mr. Sweeney asked who flagged the wetland boundary. Mr. Popp said Otto Theall. He said the soil types determine the wetlands and soils do not change over decades but much longer periods of time.

Mr. Kenyon made a motion to close the public hearing. Mr. Sweeney seconded the motion and it passed 5-0.

Mr. Tone called the next public hearing item:

EPC-27-2011, William Morehouse, 21 Morehouse Drive, proposing new house construction and related activities in a regulated area and upland review area. (Opened August 3 and immediately continued).

Attorney Amy Zabetakis represented the applicant. She said the property was created as a building lot in 1967. She said the wetlands were marked by Otto Theall and represent 65% of the lot. She said the applicant has worked with ZBA and EPC staff to reach the current plan. She said the no-build alternative is not an option.

Ms. Zabetakis reviewed earlier options including a plan showing the house closer to the road which was denied by ZBA. She said the current plan protects the environment and has the best chance of being approved by the ZBA. She said she reviewed previous EPC decisions with significant wetland issues for guidance and provided copies.

Ted Milone showed the original alternative denied by ZBA which had a 1570 square foot house and 400 square foot garage for a total of 1975 square feet. He said they have reduced the current plan to 1540 square feet. He said they are proposing a crawl space in lieu of a basement which is above seasonal high ground water. He discussed the storm water management plan. He said runoff will be reduced for the 2-50 year storms leaving the site and at the confluence point downstream. He described the proposed infiltration system.

Mr. Tone asked if they considered a porous driveway. Mr. Milone said they did not feel it is warranted with the reduction in runoff proposed.

Mr. Kenyon asked about the timetable for the ZBA. Ms. Zabetakis said they are scheduled for an October 12 hearing.

Matt Popp said that Otto Theall delineated the wetland boundary. He said the soils would not change over time and that vegetation removal would not change the soils. He said they are proposing to remove invasive species and enhance wetland functions. He said there will be 800 square feet of wetland impact. He said the plan is a reasonable development plan.

Mr. Tone asked how he would characterize the wetland functions. Mr. Popp said the wetlands have some values of a wooded wetland.

Mr. Tone asked what changes the proposal will make in the current wetland functions. Mr. Popp said they will be impacting 800 square feet of wetland and creating 300 square feet of lawn. He said they will be enhancing the wetlands and the proposed rain garden will develop into a wetland.

Mr. Tone asked if they were proposing a wall or stones. Mr. Milone said a wall.

Mr. Kenyon asked how many trees would be removed. Mr. Milone said 11.

The Commission took a brief recess.

Mr. Tone called the Following public hearing item:

EPC-32-2011, William D. Corcoran, Jr., 327 Middlesex Road, proposing house addition and driveway within an upland review area.

Tom Nelson, P.E. and Jim Lavato, Builder represented the applicant.

Mr. Tone said that, due to the lateness of the hour, the Commission will continue this hearing to their October 5 meeting.

The Commission resumed the hearing on EPC-27-2011, William Morehouse, 21 Morehouse Drive.

Mr. Milone said there are 12 trees to be removed. Mr. Popp said they can find room for more trees to be planted.

Mr. Tone asked if they could eliminate grading in the wetland. Mr. Milone said they will look at reducing fill in the wetland area.

Mr. Tone asked Mr. Popp to address the debris removal on the property. Mr. Popp said it is landscape type material such as Christmas trees, blocks, pots etc. He said the material can all be removed by hand work.

Ms. Shapiro asked if they considered a pervious driveway. Mr. Milone said they will come back with an answer.

Ms. Shapiro asked if a 16' strip is adequate for the house construction. Mr. Milone said yes.

Mr. Tone asked if a pervious driveway would reduce the size of the infiltration required. Mr. Milone said he would have to look into it.

Mr. Tone opened the hearing for public comment.

Jim Bogie, Granaston Lane, said that building is not the only option and that the lots can be combined. He said the Assessor said that wetland do not have to reduce property value. He asked who would police the planting. He said pervious driveways can be converted in the future. He said reconfiguring the lot lines could affect grandfather status. He asked the total square footage of the homes. He said if trees were miscounted the wetland line could have been miscounted. He said the Town should have new standards and past decisions were wrong. He said the property has been defoliated.

Mr. Tone asked how long he has lived on Granaston. Mr. Bogie said 20 years. Mr. Tone asked if he has noticed disposal of material on the property. Mr. Bogie said yes, vegetation.

Mr. Bogie said he is concerned with additional runoff and a shift in the wetland. He said the wetland line is critical. Why allow development in sacred land. He said the zoning laws are being rewritten.

Mr. Tone asked the applicant to provide a scientific opinion regarding the wetland soils location and a conclusive statement of no impact to the Bogie property.

Ron Armstrong, Granaston Lane said he does not agree with the no-build option. He said the proposed drainage system is complicated.

Mr. Tone said the drainage systems require operation and maintenance plans that run with the land.

Kathleen Granath, Granath Lane said she has a wet area on her property that does not dry out. She said she is concerned that she will receive more water. She would like more trees added.

Pete Carroll, Roland Drive said he is shocked that the lot is buildable. He said the footprint seems large.

Mrs. Armstrong asked what will happen to the surrounding homes.

Patti Bogie, Granaston Lane said the footprint seems large. She said landscaping will open up the area.

Amy Zabetakis referred to the map comparing surrounding home sizes and said the proposed house is smaller than the neighbors. She cited the Miceli decision which held that two separate lots cannot be required to be combined.

The Commission continued the public hearing until October 5.

Mr. Tone called the next agenda item:

Bond release request – EPC-22-2010, Terrance K. and Cara A. Ganser, 9 Windsor Road, requesting 50% release of performance bond.

Mr. Jacobson recommended approval. Mr. Tone made a motion to approve the request. Ms. Shapiro Seconded the motion and it passed 5-0.

Mr. Sweeney made a motion to adjourn. Mr. Kenyon seconded the motion and it passed 5-0. The meeting adjourned at 10:55

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer