

CONSERVATION COMMISSION
AMENDED AGENDA
OCTOBER 3, 2007

7:15 70 Newtown Road – Kelley – Attorney E. Michael Thomas

7:25 NOI – Continuation - 941 - 960 Main Street - Water Supply District (010)
Continued until 11/7 at 7:30 PM

7:30 Notice of Intent - 98 Newtown Road - Waleed & Denise Al-Atraqchi (020, 021)
JF Basnett Co., Inc. - Construction of a basketball court with sub-drain and
associated grading within 100' of a wetland.

Certificate of Compliance – 68 Willow Street – Lot 2 - 85-926 (septic replacement)
(030)

MINUTES

September 5 comments rec'd by TT, LS, JA
September 19 " " LS, JA

**CONSERVATION COMMISSION
MINUTES
OCTOBER 3, 2007**

MEMBERS PRESENT: Terry Maitland, Janet Adachi, Linda Serafini, Bill Froberg, Fran Portante

ADMINISTRATOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Michael Thomas, Jon Rossman, Rachel & Steve Kelley, Uri Dreckshage, Betsy Purcell, Rich Harrington, David Haslett, Jim Basnett, Rich Harrington

7:15 BUSINESS

472 Massachusetts Avenue – Mt. Calvary Lutheran Church – DEP File 85-980

Jon Rossman asked the Commission for permission to move 15 to 20 boulders to a location along the edge of the parking lot so that a new walkway could be located where the boulders are at present.

It was the sense of the Commission that this is a minor project within the context of the Order of Conditions.

70 Newtown Road – Rachel & Steve Kelley

Attorney E. Michael Thomas acknowledged that the Kelleys should not have paved the driveway as it was restricted in the Order of Conditions (OOC). But in the Kelleys' defense, he said that the language of the deed they received was different from the language of the Tricone deed to Westchester Company which sold the property to the Kelleys. Sherrill Gould from Gould Law Offices was Westchester's closing attorney. The pavement was installed in April 2007. The Kelleys have no complaints about the OOC and want to do what is right with the Commission.

Ms. Adachi noted that Commissioners arranged a site visit with the Kelleys and waited for Scott Hayes, who never appeared. Commissioners in attendance stood in the driveway and did not walk or see the entire site. The restrictive language relates to more than just the driveway, so the Commission needs to see the rest of the property.

Scott Hayes reported that the infiltration trench constructed with the original driveway is functioning as it should be with no erosion issues. The 3:1 slope is stable and the driveway was graded into the side of the leaching field. The area outside of the erosion control haybale line, at the original time of construction, was to remain natural habitat. Initially the turtle nesting habitat area was very successful.

Mr. Maitland stated that the pavement does not look inappropriate and doesn't feel that there is an environmental advantage to removing the new pavement.

Ms. Adachi stated that the issue for the Commission is the process by which the new pavement work was done, without prior approval; this is the second time that activity has occurred within the resource area without prior authorization from the Commission (June 2004 - patio).

Mr. Kelley stated that he wishes to make things right with the Commission and will pay better attention in the future.

Mr. Maitland stated that the Commission will have to consider levying a fine and will require that a NOI be filed for the work (after the fact).

Attorney Thomas asked if the Commission would consider a donation to an environmental cause.

Mr. Maitland stated that the Commission will investigate its options and will establish an appropriate amount.

Attorney Thomas suggested that the fine be representative of the minor amount of environmental impact caused. Upon query by Mr. Maitland, the Kelleys said that the total cost of the driveway paving was \$8,000.

Mr. Maitland stated that the Commission would like the NOI to be filed for two meetings from tonight (November 7) the Commission in the meantime will explore its options and look into the appropriate procedure, including the necessity of issuing an Enforcement Order.

7:49 NOI – Continuation - 941 - 960 Main Street - Water Supply District (010)

Upon request by the Applicant, Mr. Maitland continued until November 7, 2007 at 7:30 PM.

7:30 Notice of Intent - 98 Newtown Road - Waleed & Denise Al-Araqchi (020, 021)

David Haslett from Stamski & McNary presented plans for the proposed construction of a basketball court with sub-drain and associated grading within 100' of a wetland. Dave Crossman from B & C Associates did the wetland delineation on this site. The proposed activity is between two wetlands. The proposed limit of work is 36' from the edge of wetlands on the west side and 65' away on the east side; the proposed court "structure" is 41' from the edge of wetlands on the west side and 77' away on the east side.

Upon query by Ms. Portante, Mr. Haslett stated that the proposed access walkway to the court would be constructed with brick pavers.

Ms. Adachi inquired if alternative locations farther away from wetlands on the property were investigated. Mr. Haslett stated that the wetlands continue around the property to the west. Rich Harrington of Stamski & McNary added that the septic system is located on the north side of the house.

Ms. Adachi noted that the plan shows only a portion of the property and not the backyard area to the west that she observed during a site walk yesterday, including in-ground pool, expansive lawn that presumably includes a leaching field, large storage shed and swing-set play area. A plan showing the entire property, including the wetlands to the west, would assist the Commission in evaluating the alternative sites and reasonableness of the proposed site.

Uri Dreckshage from 19 Jackson Drive reported that the proposed location of the court is very wet in the spring with standing water.

Mr. Harrington stated that the court is designed with a perimeter drain.

Jim Basnett from JF Basnett Company stated that the proposed court will be 48' x 50' concrete slab with no footings; an infiltration trench will be installed around the perimeter; 12" x 12" interlocking plastic tiles will cover the surface of the court allowing water to runoff.

Mr. Maitland stated that further investigation will be necessary and additional wetland flags should be provided.

Upon agreement by the Applicant, Mr. Maitland continued the hearing until October 17th at 7:45 PM. The Commission will conduct a site walk on Tuesday, October 9th at 8 AM; Mr. Froberg will visit the site separately with Mr. Tidman on Friday, October 5th.

Certificate of Compliance – 68 Willow Street – Lot 2 - 85-926 (septic replacement) (030)

Upon Mr. Tidman's recommendation, Ms. Portante moved that the Commission issue a Certificate for 68 Willow Street, Lot 2; Ms. Serafini 2nd, unanimous.

MINUTES

Ms. Adachi moved to accept the minutes of September 5 and 19; Ms. Portante 2nd, unanimous.

9:05 Meeting adjourned.

Terry Maitland
Terry Maitland
Chair

TT:ahr
ahr.concom.minutes.2007100307