

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
JULY 8, 2014**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Sini, Jr., Voigt

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Land Filling & Regrading Application #234-A, Jim & Mary Wise, 7 Andrews Drive. Proposal to add to the existing residence; add a new terrace; remove the old deck and build a new deck; and replace existing retaining wall with terraced retaining walls; and perform related site development activities. The subject property is located on the west side of Andrews Drive approximately 250 feet south of its intersection with Old King's Highway South, and is shown on Assessor's Map #63 as Lot #73 in the R-1 and R-1/2 Zones. *PUBLIC HEARING OPENED: 6/24/2014. DEADLINE TO CLOSE PUBLIC HEARING IS: 7/29/2014, UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

Peter Romano of LandTech Consultants explained that at the last public hearing, the Commission expressed a desire to have the applicant minimize the amount of rock removal. He said that he plans have been revised to reduce the amount of rock removal by approximately 50%. The revised plan involves the removal of only 22 cubic yards of rock from the northwest corner of the property. This rock will be used to construct the retaining walls that are to be located south and west of the residence. Storm water runoff from the area will be directed into a new rain garden that has been approved by the Environmental Protection Commission. It is a proposed rain garden that is close to the Goodwives River. Mr. Romano said that another comment received from the Commission at the prior public hearing involved the installation of safety railing atop the proposed retaining wall. This has been done in the area between the terrace and the patio. Mr. Olvany and Ms. Cameron then said that additional safety railing or fences would be necessary at the top of the rock crop area and on the retaining walls. Mr. Romano said that the change in grade at the top of the rock area would be from elevation 58 to 54. This is only a four foot drop, but a fence can be added there if is desired and/or required. He said that a fence or railing could be added at the top of the retaining wall as well. Mr. Voigt confirmed that the goal of the project is to make flat usable areas in the back yard.

Mr. DiDonna said that the chart on the submitted plans indicates that the building height was not measured and that it will not increase due to the addition. Mr. Romano said that he could provide additional detailed information about the building height when the Building Permit is sought for the proposed addition. Mr. Voigt asked how much hoe ramming would be involved to remove the 22 cubic yards of rock. Mr. Romano said that less than a week of hoe ramming is needed and if the Commission wants to stipulate, they could limit it to five working days.

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There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing and will render a decision at a future meeting. The motion was made by Mr. Voigt, seconded by Mr. DiDonna and unanimously approved.

At about 8:15 p.m., Chairman Cameron then read the following agenda item:

Coastal Site Plan Review #300, Flood Damage Prevention Application #341, Land Filling & Regrading Application #329, 145 NWL, LLC, 145 Nearwater Lane. Proposing to raze the existing residence, pool, and construct a new single-family residence and pool with associated stormwater management and perform related site development activities within regulated areas. The subject property is located on the west side of Nearwater Lane approximately 500 feet north of its intersection with Brush Island Road, and is shown on Assessor's Map #56 as Lot #24, in the R-1 Zone.

Attorney Bruce Hill represented the applicant and submitted 11" x 17" copies of the existing site conditions map that he displayed on a large board. He said that this is a 2.2 acre property located on the west side of Nearwater Lane. It is north of the entrance to Weed Beach. On the west and northerly sides of the property is Holly Pond. He said that the property is accessed via an easement through a neighbor's property. There is an existing house that is located close to the east side of the site and is located in the Flood Hazard Zone. There is a man-made pond with much stonework that has been built over the past 50 or so years. He said that the proposal is to knock down the existing house, fill in the pond, remove much of the stonework, regrade the property and build a replacement house. He submitted photographs of the site to illustrate how it has changed over the years. He also submitted a 1993 letter that notes that site modifications had started in the 1960s.

In order to implement the proposed plan, Attorney Hill explained that they need a flood permit because the house will still be in the flood zone but will be elevated above the flood level; coastal area management approval because the work is adjacent to Holly Pond; and a filling and regrading permit because they need to reshape the property to eliminate the pond and accommodate the proposed development. He said that much of the proposed residence is sited over the location of the existing pond and in order to fully comply with the setback regulations. Attorney Hill said that an application is pending before the Environmental Protection Commission (EPC) and it will be discussed tomorrow (July 9, 2014). He said they also have gone through the Zoning Board of Appeals to obtain an interpretation of how to measure the building height when so much regrading is involved and the filling of the pond is involved.

Tom Nelson, Professional Engineer from McChord Engineering, explained that the existing flood elevation in the area is 14 feet above NAVD 1988 Elevation 0. He said that the proposed house has been designed to have the first floor at or above elevation 15 so that it complies with the Town's requirement that the lowest floor be at least one foot above the flood elevation. He said that the design involves a small basement area that will be used for storage and that basement will be below elevation 14 but it is surrounded by land that is higher than elevation 14. Mr. Nelson reviewed the plans regarding the proposed filling and regrading. He noted that the retaining walls will be used to limit the fill area and to create portions of the property that are above the flood level. He said that the roof and driveway runoff would be directed into a rain garden area to the north of the proposed house. The area of the house needs to be excavated to accommodate the rain garden. The pool patio area will drain

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toward an underground drainage system. Stormwater runoff will be cleansed before it is discharged into Holly Pond so they are dealing with water quality. They are not trying to detain stormwater runoff as would be necessary for a property that is located farther inland. In response to a question, Mr. Nelson said that there is currently no underground connection between the man-made pond on the site and Holly Pond. He said that the water level in the man-made pond is influenced by the ground water level of Holly Pond and by rain water.

Kate Throckmorton, Landscape Architect, said that she worked on the mitigation plan for the buffer areas around Holly Pond. There are some large oak and hickory trees around the perimeter of the property and adjacent to the pond. There is much overgrowth of honeysuckle, bittersweet, Japanese knotweed and some phragmites. These are invasive species that need to be removed. She said that the coastal resources in the area include Holly Pond, the tidal wetland fringe around Holly Pond, some natural grasses on the upper areas. She said that the man-made pond is proposed to be filled in and that is where the new house will be created. She noted that the proposed swimming pool is in an area of the property that has much junk that needs to be cleaned out. She reviewed the detailed planting plan and noted that it will include a limited lawn area, natural plantings on the southwest side and north point adjacent to Holly Pond, and a walking access path to and near the pond. She said that some state permits may be needed for some of the work to eliminate the wetlands that are adjacent to a man-made pond. Also a permit will be needed if the homeowner wants to remove all of the phragmites, which is an invasive species. She said much of the site work on the property will involve cleaning up the property. Mr. Olvany asked about the retaining walls on the southern portion of the property. Ms. Throckmorton said that the old walls will need to be removed and new retaining walls created to the south of the driveway and it will continue along in a southwesterly manner adjacent to the pool and terrace around the pool. She said that wetland pockets on site are artificially created by the excavation of the pond. They are not natural inland wetlands. She submitted photographs of the existing site and existing site features. In response to a question, she said that some small fish live in the pond and other small animals use the pond. She said that the Commission should think of the man-made pond as an abandoned swimming pool or a man-made swimming hole. She said she found no rare or unusual species of animals in or adjacent to the pond.

Phil Hubbard of PH Architects reviewed the architectural plans of the proposed building. He said that the first floor would be at or above elevation 15 and that it is a four bedroom, two floor house designed in the shingle style.

Ms. Cameron asked about the wall proposed on the south side of the driveway. Mr. Nelson said that the wall would be several feet tall when measured from the outside and that it would be a foot or more above grade on the driveway side so that it will act as an oversized curb.

Mr. Ginsberg said that there were no substantial comments from other departments in the Town Hall. He said that the matter is pending before the EPC and the Planning & Zoning Commission needs to continue the public hearing in order to receive the report from the EPC about whether this project will be feasible (because everything depends on the filling of the man-made pond). Commission members decided to continue the public hearing at 8 P.M. on Tuesday, July 29, 2014.

At about 8:50 p.m., Chairman Cameron then read the following agenda item:

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Coastal Site Plan Review #272-B, Flood Damage Prevention Application #342, Land Filling & Regrading Application #273-B, Mitch & Jody Truwit, 123 Five Mile River Road. Proposing to raze the existing residence and garage and construct one new single-family residence and in-ground pool; install associated retaining walls; abandon the existing septic system and tie into existing public sewer; and perform related site development activities within regulated areas. The subject property is located on the south and east side of Five Mile River Road approximately 700 feet south of its intersection with Davis Lane, and is shown on Assessor's Map #67 as Lot #2 in the R-1/2 Zone.

Andy Glazer explained that he is representing the future owners of the property, Mitch and Jody Truwit. He reviewed the file of the previous application to divide the property into two lots and create two new houses. He said that Mr. Truwit has convinced the current owner that it would be best to sell the property and to have just one single family residence on the entire property. Mr. Glazer explained that the current property has a large hill and the plan is to remove the existing house and then build a new residence. The new house is designed to incorporate the second floor into the roof area so that it will look like just a two story house. It is a traditional shingle style house design with divided light windows and natural-like materials. He said that they made an effort to inform the neighbors about this new plan and they have received some support from some of the neighbors. He said that other neighbors have expressed concerns and they are trying to work with those neighbors to resolve those issues. He said one concern has been a big cliff and rock outcropping and trees at the north end of the site. He said that the design will preserve that area and new evergreen trees will be planted in that vicinity. He said that another concern has been the likelihood of blasting to accommodate the removal of rock. He said that the previous plan would have involved 8,000 cubic yards of material to be removed from the site. He said in this case, they have carefully designed the house and garage to minimize rock removal. This design anticipates the removal of approximately 500 cubic yards of rock material. He said rather than using a large and loud hoe ram, they would drill and blast the rock that needs to be removed. He said this entire blasting process will take approximately 15 to 20 smaller blasts and would take about two weeks to remove the rock itself. Much of the rock to be blasted will be reused on the site in order to construct the retaining walls.

Mr. Glazer said that another concern of the neighbors has been the water runoff and how the stormwater can be managed to avoid impacting the coastal resources in and adjacent to Five Mile River. He said that the proposed design is to channel much of the stormwater runoff into a rain garden to be created on the uphill side of the existing seawall. He said that he met with officials from the Connecticut Department of Energy & Environmental Protection (CT DEEP) at the site and they suggested that the existing seawall be untouched and that a new retaining wall be constructed approximately four feet up hill from the existing wall. Then the rain garden would be supported by the new wall rather than the old seawall. Ms. Cameron said that details of the wall locations and construction methods would be necessary.

Mr. Glazer said that he met with Town Historian Marian Castell to review the existing house before it is demolished. He said that she found very little architectural value in the old structure. He said that the stones of the old structure will be preserved and used on the site. He said that he also met with an archeologist at the site and found nothing of interest or value from an archeological point of view. Mr. Glazer said that his team has received letters from the environmental and engineering consultants hired by the Town and will address those issues.

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Peter Romano, Professional Engineer of LandTech Consultants, said they reviewed the coastal resources on and adjacent to the site. These include intertidal flats, shore front along Five Mile River, and shellfish concentrations in the River. He said that one of the concerns has been the details about the wall construction. He said that the walls will be specifically designed by a structural engineer. He said that they have incorporated the comments from Mike Aurelia, environmental consultant hired by the Town. Mr. Romano said that the stormwater management is to achieve water quality rather than to hold back large volumes of water. Water quality standards will be met by allowing the first inch of rain fall to be cleansed before it is discharged into the adjacent Five Mile River. He said another aspect of the plan is to reduce the amount of rainwater that would travel down the driveway and then into the River without water quality treatment. Mr. Romano said that the existing on-site septic system would be replaced with a sanitary sewer connection.

Mr. Glazer reviewed the architectural elevation drawings of the proposed structure. He noted the second floor is built into the roof of the structure. On the River side, there will be a walk out basement so it will appear to be a three story structure, but only from the River side.

In response to questions, Mr. Ginsberg said that he understands that any retaining wall with three or four feet of gradient height will need engineering certification. Ms. Cameron said that she is very concerned about any work to take place near the seawall. Mr. Glazer said that the repair of the seawall would result in that wall being the same height as the existing structure. Mr. DiDonna expressed concern about the rock outcrop near the entrance driveway to the site. Mr. Glazer said that much of that stone would be retained as is and would not be modified. Mr. Voigt expressed concern about the need for a pre-blast survey of structures in the area. Mr. Glazer agreed that such a survey is necessary before any blasting takes place.

Bob Gadsden of 116 Five Mile River Road said that he is encouraged by the fact that this is a single family dwelling rather than trying to create two lots and two houses. He submitted a letter to the Commission which expresses concerns about the coastal resources in the area and the need to preserve as much landscape material as possible, particularly on the north end of the site. He felt that the current proposal was acceptable and thanked the applicant for the design.

Mike Aurelia explained that he is the environmental consultant hired by the Town to review the plans. He has submitted his comments to the Commission and they were sent to the applicant. The applicant has addressed those concerns. They included concerns about the rain garden design, the preservation of the existing walls near the Five Mile River and the possible pier or dock structure - which will need approval from CT DEEP.

Joe Canas, Professional Engineer of Tighe & Bond, explained that he is the environmental consultant hired by the Town to review the plans. His comments were submitted in a June 23, 2014 letter to the Commission. It was forwarded to the applicant, and he has responded. Mr. Canas said that he has submitted another letter dated July 8, 2014. Of the 20 comments, they have responded to 9 items in full and 7 items are almost resolved and 4 items that require additional information. He said that any retaining wall over three feet in height does require engineering certification regarding its structural design and implementation. This will require a building permit. He said that one of the unresolved issues is the fact that large storms will cause the water level to overtop

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the wall and create potential erosion problems. This is mentioned in Item #5. He said that the rain garden has been designed to accommodate only the first inch of water and not to hold back increased volumes of water. His concern is the wall structure supporting the rain garden might not be sufficient. He noted that Item #12 requires additional details be changed and Item #13 involves the need to specify the types of trees to be used for screening and whether they're appropriate due to the waterfront aspect of the property. He said that these are relatively minor comments as opposed to major changes necessary in the design of the site.

Mr. Ginsberg said that letters have been received from the neighbors and forwarded to the members of the Commission. He said that there is a letter from the Harbor Master indicating that he has no issues regarding the project. He said that the Southwestern Regional Planning Agency (SWRPA) met last night (July 7, 2014) and comments have not yet been received. He said that he does not expect comments from CT DEEP because they may end up requiring permits for certain work within their jurisdiction. He said that the EPC is scheduled to meet tomorrow, July 9, 2014, to discuss this matter. The Planning & Zoning Commission needs to continue the public hearing in order to receive the report from the EPC. Mr. Glazer said that he would be glad to address the concerns regarding the wall and any other issues that come up. The Commission agreed that they would continue the public hearing at 8 P.M. in the Town Hall on Tuesday, July 29, 2014.

There being no other business to consider, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Voigt, and unanimously approved. The meeting was adjourned at 9:35 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

07.08.2014min