

CONSERVATION COMMISSION

Telephone (203) 563-0180

Fax (203) 563-0284



TOWN HALL

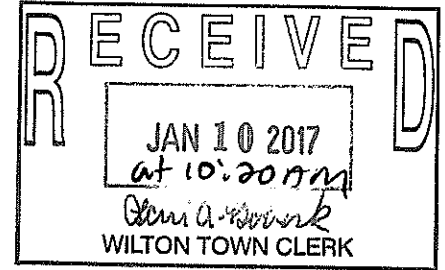
238 Danbury Road

Wilton, Connecticut 06897

WILTON CONSERVATION COMMISSION

WEDNESDAY January 4, 2017 – 7:30 P.M.

TOWN HALL ANNEX - MEETING ROOM "A"



MINUTES

- I. PRESENT: Jackie Algon, Frank Simone, Colleen O'Brien, Jade Hobson
- II. ALSO PRESENT: Mike Conklin, Director of Environmental Affairs
- III. CALL TO ORDER – Mr. Conklin called the meeting to order at 7:35 pm in the absence of a Chairman or Vice Chairman
- IV. INLAND WETLAND REFERRALS

- A. **WET#2429(S) – BRUBECK TRUST – 221 Millstone Road & 67, 69, 73, 85, & 87 Hickory Hill Road** – renovation of existing wetlands, construction of new wetland crossing, and development with an upland review area of six lots

Mr. Conklin confirmed Jackie Algon, Colleen O'Brien and Jade Hobson visited the site earlier in the day. He explained the property was subdivided previously and the owner would like to revise the lot lines. Mr. Conklin confirmed the Inland Wetland Commission will hire a third party consultant to review the engineering matters.

Mr. Conklin stated the applicant is proposing a wetland crossing and a stream crossing with this application, which will create a direct impact to the wetland due to the fill they are proposing for these crossings. He confirmed there is a fair amount of neighbor opposition as neighbors hired their own attorney, Marjorie Shansky. Ms. Shansky filed a petition under the last application as an environmental intervener to have direct access to the proceedings with her own team of experts. Mr. Conklin also stated South Norwalk Electric & Water and Trout Unlimited are also reviewing this proposal.

Mr. Conklin stated one of the focus points of the previous application was a possible vernal pool in one portion of the property. He explained vernal pools can be critical habitat for the survival of certain animal species that rely on the pool for reproduction. He also explained the applicant ran out of time to continue the original application per statute so they withdrew the application and have submitted a new application. He noted that he did not see the vernal pool in the summer time and took photos of it today. He stated an evaluation would need to be conducted in the spring to determine if amphibians use the pool for breeding. He noted a stream goes under the proposed driveway and flows to the vernal pool area. The applicant would like to fill some of the wetlands temporarily and some will be permanent. There is a proposed arch span to create the driveway over the wetland. The applicant stated a bridge would not be an

option due to cost.

The commissioners discussed the disturbance and detention basin. Mr. Conklin offered information from a recent school project in town where these engineered basins failed. If the basin fails, the runoff will be sent into the wetland and the vernal pool. Mr. Simone noted that someone can fall into this basin. Ms. Algon noted there were no good soils for septic during an initial check and now she sees many spots which are suitable and asked why. Mr. Conklin responded that they checked new areas and found suitable soils.

Mr. Conklin confirmed Jeff Yates, of Trout Unlimited spoke at a hearing for the former application and noted that the waters of the East Branch of the Comstock Brook are pristine. Mr. Yates had stated there are native brook trout living within this high quality water. He originally asked to remove the dam and pond and make it a cool water stream environment instead. As the applicant would not consider this option, he was adamant that all sediment and erosion basins be triple-checked to ensure no sedimentation goes into the stream as the brook goes into a reservoir. Mr. Yates' comments were specific to minimize tree loss and soil disturbance to protect the watercourse.

Mr. Conklin confirmed he would provide Staff Comments on this application for the applicant and all parties to review. A discussion ensued relating to the conservation easement parameters. The commissioners were concerned about what each potential property owner would do to ensure a healthy environment post-construction.

## V. PLANNING AND ZONING REFERRALS

- A. SP#420, Millstone Property Holdings, LLC, 180 Millstone Road, to allow a riding stable, and indoor riding arena and an outdoor riding ring
- B. SP#421, Millstone Property Holdings, LLC, 180 Millstone Road, for an accessory dwelling unit within an existing barn

Mr. Conklin confirmed the applicant is proposing an indoor riding ring within the existing barn, a stable for 20 horses, and an outdoor riding ring. He explained the Grassi's sold the conservation restriction to the town previously which is a deed restriction. Mr. Conklin described the restriction in that it shows a reserved residential area including the house, and all other structures including a barn. The area next to it is the potential lot area of 3 acres that would be able to place a home. The rest of the area is the protected property which specifically states what can and cannot be done. The previous owners, the Fink's did not want people on their property so it was up to the Land Trust to let people know where the trails and parking are located. The Fink's wanted people to cut through the woods farther away from the home. The boardwalk is built in the protected area for this purpose. The Wilton Land Trust will want them to establish trails.

Mr. Conklin explained the restriction specifically states where the riding ring can be located. He also noted greenhouses were built where they were not allowed on the protected portion of the property. The owners want to keep these in place and have asked the Town and Land Trust to rewrite the restriction. The Grassi's are fine with altering this agreement per the Land Trust. The contract is between the Town of Wilton, the landowners and the Land Trust. Mr. Conklin confirmed Mr. Healy has also asked the First Selectman about changing some other restrictions that are in place on other properties in Wilton. Mr. Conklin advised another person wants to move the restriction line back on their property to install a pool. Mr. Conklin's the restrictions were highly scrutinized when they were drafted to protect land in perpetuity. He added that when

specific things are called out on a restriction, it is for a reason. If the town changed this agreement to make one homeowner happy, then everyone should be entitled to make revisions. Mr. Conklin suggested he would draft a memo to First Selectman that the agreement not be changed. The commissioners agreed that a precedent would be set that would negate the protections put into place. Mr. Simone stated that the Fink's had a plan, and to change that now would not be acceptable. Mr. Conklin noted the Land Trust is in favor of changing the restriction because they think they can rewrite it better or with tighter restrictions in other areas.

The commissioners agreed that their position is to keep the conservation restriction as originally drafted.

Mr. Simone MOTIONED for Mr. Conklin to write a letter to the First Selectman to maintain the Conservation Restriction in place as-is, SECONDED by Ms. O'Brien and CARRIED 4-0-0.

The commissioners asked what will be done with the encroachment of the easement. Mr. Conklin stated that the property needs to be inspected more regularly and the town may take legal action to fix the deficiencies.

The commission discussed the use of the barn for social events. The commission agreed that the message to the applicant is to keep the original restrictions in place.

## **VI. ONGOING BUSINESS**

### **A. Parks Reports –**

- ii. Quarry Head – Ms. Algon reported that her partner, Karl, walked Quarry Head and noted there is no access from Keeler's Ridge as it is overgrown. She reported that Karl will mow this entrance when weather permits.

### **A. Conservation Activity Log Updates**

**Quarry Head Trail Consolidation** – Ms. Algon noted there will be a NRWA, Land Trust and Garden Club meeting to discuss signage for the new trails next week.

**Horseshoe Pond Long-Term Management Plan** – Nothing to report.

**Park Walks & Talks** – Ms. Algon wanted to schedule a walk for later in January. With a review of the parks that are hunted, Vista Road was chosen, and she will lead the walk. Belknap and Town Forest were discussed but could be sloppy at this time of year.

**Carry In Carry Out** – This item was removed from the log.

**Schenck's Island Merwin Meadows Committee** – This item was removed from the log.

**Kent Pond Management** – This item was removed from the log as it has its own line item on the agenda.

## **B. Work with other Commissions/Committees**

- i. Tree Committee – Nothing to report.
- ii. Deer Committee – Ms. Algon reported that her hunters are not seeing deer on her property.

## **VII. NEW BUSINESS**

- A. Veterans Memorial Tree Discussion** – Mr. Conklin stated there is a tree planted by the Tree Committee last spring honoring the Tree Steward Carol Russell. Suzanne Knutson, landscape designer who designed the memorial garden, was unhappy with the location of the tree above the garden. The Tree Committee met with Ms. Knutson who met with the First Selectman at the onset. Ms. Throckmorton, Chair, originally stated that tree would remain as planted last spring. As the Tree Committee is a committee of the Conservation Commission, the members present were asked to make a decision. The Tree Committee has now resigned to move the tree 10 ft. to the west in the spring and Ms. Knutson was ok with the change.

The Commissioners agreed to the compromise of moving the tree 10 ft. to the west.

- B. Kent Pond Discussion** – Mr. Conklin stated this topic will be further discussed at the next meeting when neighbors are present. In the meantime, the Pond & Lake Connection completed an evaluation and recommends herbicides. The window is small to apply for the permit, so he recommended that a motion is made to move forward with the permit process, even if not acted upon.

Mr. Simone MOVED to APPROVE the Town to move forward with obtaining the DEEP Permit, SECONDED by Ms. Hobson and CARRIED 4-0-0.

Ms. Algon stated the pond is being fed by Henderson's Pond which is just north of Kent, so those neighbors are also getting involved.

- C. Fall Newsletter** – Mr. Conklin confirmed there was no fall newsletter as no articles were received. The commissioners agreed that the members were busy in the fall and we will make a great Spring Newsletter in a few months.
- D. America the Beautiful Grant** – Mr. Conklin noted that he applying for an America The Beautiful (ATB) Grant for taking down the green ash trees at Schenck's Island. The Tree Committee will complete an evaluation to identify trees to come down and come up with a replanting plan. The goal is to plant hardy trees to survive long-term.
- E. 2017 Commission Elections** – This item was tabled until all commissioners are present.

**F. 2017 Meeting Schedule** – The commissioners agreed that the meetings should be held the first Wednesday of each month.

Mr. Simone MOVED to APPROVE the 2017 Meeting Schedule, SECONDED by Ms. O'Brien and CARRIED 4-0-0.

**G. Park Assignments** – This item was tabled until all members are present.

**H. Aspetuck Land Trust Support Letter** – Mr. Conklin was approached by Ms. Merrill for a support letter for Aspetuck to purchase a property owned by the Belknap family. They will apply for a grant to assist with the purchase. Ms. Merrill rekindled a great relationship with this Land Trust where we have had communication issues in the past. The commissioners agreed they would support this purchase.

#### **VIII. LIAISON REPORT**

Mr. Simone reported that he attended an Inland Wetlands Meeting which included a pool installation on Mollbrook Drive.

Mr. Simone asked why a member is required to be a liaison when there is nothing for the member to complete especially when comments are made in writing. The commission decided to stop providing a liaison to Inland Wetlands and Planning & Zoning Meetings.

Mr. Simone MOVED to FORGO the liaison assignments, SECONDED by Ms. Hobson and CARRIED 4-0-0.

#### **XI. APPROVAL OF MINUTES –**

**11/2/16 Meeting Minutes** – Mr. Simone MOVED to APPROVE the Meeting Minutes as drafted, SECONDED by Ms. Algon and CARRIED 4-0-0.

**XII. ADJOURN** – Ms. O'Brien MOVED to adjourn at 9:26pm, SECONDED by Mr. Simone, and CARRIED 4-0-0.

Next meeting will be February 1, 2017.

Respectfully submitted,  
Liz Larkin, Secretary, Environmental Affairs

