

CONSERVATION COMMISSION

Telephone (203) 563-0180

Fax (203) 563-0284



TOWN HALL

238 Danbury Road

Wilton, Connecticut 06897

WILTON CONSERVATION COMMISSION

WEDNESDAY October 4, 2017 – 7:30 P.M.

TOWN HALL ANNEX - MEETING ROOM "A"

MINUTES

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- I. PRESENT: Susan DiLoreto (Chair), Frank Simone, Jeff Lapnow, Jackie Algon, Jade Hobson
- II. ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Donna Merrill, Wilton Land Conservation Trust; Matt Motley, Millstone Properties
- III. CALL TO ORDER – Ms. DiLoreto called the meeting to order at 7:32 pm.
- IV. INLAND WETLAND REFERRALS

A. WET#2480(S) RIVERBROOK YMCA – 404 Danbury Road – to construct additions and alter the existing facility and to reconfigure the existing parking and drop off and pick up areas

Mr. Conklin described the applicant is proposing new building additions on the property as well as an extended parking area to make the site more pedestrian friendly. He showed the new drop-off area which includes space to queue cars with a long stretch of sidewalk for improved safety.

Mr. Conklin confirmed there are healthy trees that are being preserved but there will be some trees removed to make room for the construction. He also noted there are proposed improvements to stormwater management with a swirl separator installation to allow for treatment of runoff. The site currently has drains right into the buffer so this installation will be an improvement. Ms. Algon asked if this will change the grade. Mr. Conklin stated it would not as everything is piped underground.

Mr. Conklin showed the floodway line and confirmed the owners have been working to improve their riparian buffer by removing invasives, removing an old tire system and planting appropriate native wetlands plants, which is typically requested by the Inland Wetlands Commission to obtain approval.

The commissioners agreed that the plan looks good from a Conservation perspective and there are no recommendations or comments.

B. KAMEDULSKI – 66 Hillbrook Road – install new septic system to replace the existing system

Mr. Conklin advised that this property owner is proposing a new septic system to replace the existing septic. He showed where the Comstock Brook comes through the property and noted the stone wall is not the property line as one would assume. Mr. Conklin confirmed the septic cannot be placed within 75 feet of the well.

Mr. Conklin confirmed the site was tested for septic suitability and it was determined that the ground water table is high in this area. To accommodate the high water table, the owner is proposing a new septic tank in a more suitable location than the current system, with a double sleeved conduit through the wetlands to the upland area. Mr. Conklin explained the separating distance was 34 ft. for the AAA-rated Comstock Brook but a new plan is being designed to have the leaching fields reduced from two rows to one row so that a 50 foot distance is kept to the brook.

Mr. Conklin stated four trees are proposed to be removed. Ms. DiLoreto asked if buffer plantings would be appropriate. Mr. Conklin responded that there should be no plants installed within 10 feet of the fields. Mr. Lapnow suggested that the owner use rocks and boulders from the removal of soil for the system and use those stones to demarcate the area. Ms. DiLoreto again stated she would like to see plantings on this steep slope. Mr. Conklin reiterated that Health will not allow new plantings within 10 ft. of the system but he would write this recommendation in his letter.

V. PLANNING AND ZONING REFERRALS

A. SP#434, Millstone Property Holdings, LLC, 180 Millstone Road, for a riding stable, indoor riding arena and an outdoor riding ring

Mr. Conklin explained the new property owners are proposing a 28 stall barn and indoor riding ring. In addition, there is a driveway proposed for access to this structure and a paved area from the current barn around the old riding ring. He confirmed they propose to remove some of the existing outer parking. There will be grading and soil brought in to elevate this area. He also pointed out the dumpster location which includes an area for manure.

Mr. Conklin identified where the retaining wall is located and stated they will grade in the steep area where the commission was standing during their site walk earlier in the day. He confirmed the location of the new septic area which will pick up the bathrooms and waste from the horse stalls. He also confirmed there is a stormwater system proposed in this area to capture runoff and infiltrate in the soil.

Mr. Conklin referred to the Conservation Restriction Documents and noted his role is to provide guidance for property owners. He confirmed the restriction is between the property owners, the Town and the Wilton Land Conservation Trust and that it had gone to a town vote in 2001 for the 2 million dollar purchase. The commissioners asked how the Land Trust was involved with this easement and Mr. Conklin explained that Anthony Grassi, the former owner, was the President of the Land Trust at that time.

Mr. Conklin displayed the Easement Schedule "B" which shows the land that is to be protected. The reserved residential land, which is the buildable portion, was shown to be from the old riding ring, to the existing barn, pool house, and through the house and greenhouses. The protected property section of the Restriction calls out where a riding ring and a barn can be erected. The proposal shows a combined ring and barn in one structure but the commission noted there would be access and parking issues as it would be within the protected area. This protected area also shows septic, driveway and grading taking place. Mr. Simone confirmed the applicant is asking to do improvements that are expressly not allowed in the Restriction.

Ms. Hobson asked if the riding ring would be a commercial operation. Mr. Conklin stated it was residential and pointed out the section of the restriction where earth altering activities are not allowed in the protected area. He noted the filling, grading and septic fill are not allowed. Mr. Simone reiterated that the town paid 2 million to protect this land. Mr. Conklin stated the enforcement vehicle for this Restriction is the court system so the commissioners may not be able to legally deny the application. When asked how the Land Trust feels about the application, Mr. Conklin responded that the Land Trust believes the plan is consistent with the overall purpose of the Conservation Restriction.

Ms. DiLoreto suggested the barn size be reduced and that all terms of the easement stay in effect. She was concerned that making an amendment would set a precedent that all easements can be revised which devalues them. Mr. Simone asked for the position of the Town Attorney. Mr. Conklin confirmed their opinion that the proposal is inconsistent with the purpose of the Restriction. He added that it is a problem that the protected area is receiving land pollution from septic. Mr. Simone stated he opposes the project as it is inconsistent not only with the restriction itself but with the note in section 14 which speaks to amending the restriction if the amendments do not impair the purpose of the restriction. Mr. Lapnow stated that even if they reduce the size of the building, it will not work. Ms. DiLoreto stated they can if they stay within the building envelope. Ms. Algon questioned the need for parking if this is not a commercial operation. Ms. DiLoreto responded that there are many people involved with the keeping of horses such as trainers and riders. Mr. Conklin suggested moving the driveway to the other side of the stone wall to avoid additional tree removal and grading. Mr. Lapnow stated that the idea of taking down trees for sight line purposes is not desirable.

Mr. Simone MOVED to OPPOSE Special Permit #434 as it is inconsistent with the conservation restriction by disturbing land that is protected and if amended , the proposal will be inconsistent with the intent of the conservation of the land in perpetuity, SECONDED by Mr. Lapnow and CARRIED 5-0-0.

B. SUB#918, Millstone Property Holdings, 180 Millstone Road, for a three lot subdivision from 2 existing lots

Mr. Conklin displayed the plans and pointed out the garden and pig area. He noted that there is nothing proposed in the Wetland Commission's regulated area. The application consists of proposed feasibility for the driveway and house in a 2-acre zone. He noted that Section 4 of the Restriction states that this lot cannot be merged further. In this iteration, the greenhouse would be moved to a separate lot with the farming operation. Mr. Conklin stated it is a residential zone and the structures are within 100 ft. of the property line. He was not sure if farming is allowed based on the restriction. Mr. Simone suggested the greenhouses be removed as they currently sit in the protected area.

Mr. Simone MOVED to RECOMMEND the proposed development on the 3-acre lot be consistent with the Conservation Restriction Document and preserves the conservation values as defined, SECONDED by Mr. Lapnow and CARRIED 5-0-0.

The commissioners discussed the "town trail" noted on the plan. Mr. Conklin confirmed the trail has not been built. Ms. DiLoreto asked if the trail location is lost if the town does not maintain it. Mr. Conklin stated the town still hold the easement and added that the owner may offer to build the trail which may be why the Wilton Land Conservation Trust is okay with the application.

VI. ONGOING BUSINESS

A. Parks Reports – Nothing to report.

B. Conservation Activity Log Updates

Horseshoe Pond Long-Term Management Plan – Mr. Conklin confirmed he is obtaining quotes for the management of the lily pads in the pond for next year. The commission asked what is happening for the opening of viewing windows by removing trees. Mr. Conklin confirmed a plan will be required so that we can determine the funding needed to complete this opening. He noted that the 1st phase of the project was great where the plantings were installed. Ms. DiLoreto stated some boulders should be placed to demarcate the end of the plantings. Mr. Conklin confirmed this could be the next phase of the project and reiterated that a plan is needed to accomplish this project. Mr. Lapnow will work with Ms. DiLoreto to define the end of the planting area. Ms. DiLoreto stated someone has offered to donate a tree and bench to be placed at Horseshoe Pond. She also noted there are some weedy trees that should be cut back so that there is a better buffer between the Norwalk River Valley Trail and the pond.

Park Walks & Talks – Ms. Algon stated there is a birding walk scheduled for this Saturday, October 7th at 8:30am with Joe Bear at Allen's Meadows. There is also a walk being scheduled for November 19th with Greg Waters from the National Park Service to observe stone walls. The location suggested is Vista Road but as there is hunting at this property so it is closed for walkers. Location options discussed were Weir Farm, Ambler Farm and Quarry Head which is under the commission's purview. The walk can also be rescheduled for the month of March as hunting is over and the walls will be easy to see without leaves blocking the view. Mr. Lapnow agreed to lead a walk in Quarry Head on November 19th at 1pm.

Kent Pond Management – Mr. Conklin confirmed 168 triploid grass carp were installed in the pond and the funding was raised by the neighbors. In addition to the carp installation, the Friends of Kent Pond are working to improve the riparian buffer by cleaning out invasive plants.

C. Work with other Commissions/Committees

A. Tree Committee – Nothing to report.

B. Deer Committee – Nothing to report.

C. Planning & Zoning Liaison – Mr. Simone reported that he did not attend a hearing for the Age Restricted Overlay District (AROD) as it was postponed. He stated he attended a meeting for the expanded parking garages at 40-60 Danbury Road and learned that in order to be LEAD Certified, there are many things that need to be completed.

VII. NEW BUSINESS

- A. Discussion of Conservation Commission Roles & Responsibilities Part I** – due to the late hour, this item was tabled.
 - B. Fall 2017 Newsletter Articles** – Mr. Conklin reminded the Commission that articles are due by the end of the week. He confirmed two articles are being written on Kent Pond and that he is writing a front-page article on bears.
 - C. APPROVAL OF MINUTES** – As the Meeting Minutes were not sent to the commissioners, the approval of the minutes was tabled until the next meeting.
- XI. ADJOURN** – Ms. DiLoreto MOVED to ADJOURN at 10:06 pm, SECONDED by Ms. Algon and CARRIED 5-0-0.

Next meeting will be November 1, 2017.

Respectfully submitted,
Liz Larkin, Secretary, Environmental Affairs

