

O MOUNTAIN ROAD — OLD DRIFTWAY, LLC,

To: Wilton Inland Wetlands Commission

From: Aleksandra Moch, Environmental Consultant

Date: December 13, 2023

Re: Comments by Bo Michel, dated December 14, 2023

I have reviewed the above comments. The following responses are offered to your consideration:

1a-c. A copy of the warrantee deed obtained from the Wilton Land Records book: 65, page: 341 provided the information about the right of way via the existing Old Driftway being granted to the owner of O Mountain Road. The deed dated February 14, 1955 states "Said premises are conveyed together with a right of way over said other land of the Grantor on the **common driveway, as now constructed**, to the highway Mountain Road." The existing stone walls delineate the constructed common driveway.

1d. The application form had no ample space to fit all the abutters, so a separate sheet was provided including all abutters and their addresses.

1e. The names and addresses are shown on the site survey.

1f. The envelopes were submitted with the application material as required. The office of Environmental Affairs mailed the notification letters.

2a-b. The ownership of the Old Driftway is defined by the deed submitted for the record. For more details see the language and associated map #1147 also included in the application record.

2c. These comments will be addressed in response to the engineering comments. We are ready to demonstrate; the driveway could be built without any easements or encroachments onto the adjacent properties. The driveway installation will not affect any trees located off-site. If needed a **CU-Structural Soil** will be used to preserve the trees and protect their roots. CU-Structural Soil consists of carefully chosen uniformly-graded stone and the proper stone-to-soil ratio. This medium is perfect for healthy root growth. This mix can be compacted to meet engineers' load-bearing specifications. The intention is to "suspend" the clay soil between the stones without over-filling the voids, which would compromise aeration and bearing capacity. The tackifier added to the mix allows for the stones and soil to mix uniformly and prevents separation of the materials resulting from vibration in transit, dumping, and working of the material in installation.

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3. The statement offers the position of the Conservation Commission regarding the impacts to the vernal pool. This statement does not make the application defective. Wetlands and watercourses are regulated areas, but are not prohibited from development if proper permits are obtained.
4. The Commissioner of CT DEEP has a jurisdiction over the NDDDB program. As stated in the letter, the project does not require a permit from CT DEEP because it is not a state project or state funded activity. This status will not change. As stated above the owner has a legal right to access the lot. The owner had been very respectful to the sensitivity of the site. An application for an Agent Approval was filled and proper permit issued for the soil testing at the site. During the soil testing a Herpetologist was hired to oversee the activity. Even though the access is drivable with SUV, the owner had not accessed the site other than on foot. The owner will follow the recommendations provided by the CT DEEP and take all the available measures to preserve the habitat and all potential species of special concerns which were historically documented at the site.
5. The project is in a preliminary stage awaiting the review and comments of the Inland Wetlands Commission. The driveway design is still in the process of being finalized and may be subject to further modifications. The tree survey was provided and the trees which interfere with its installation were identified. There is potential for more trees to be preserved. This determination; however, will be made when the final driveway design is drafted.
6. The construction envelope defines the extend of the proposed site disturbance. No trees will be removed outside of the defined area.
7. The culvert design had been addressed in the engineering review. The proposed culverts were selected to minimize the impact to the vernal pool. The proposed wetland crossing will improve the existing access and offer less impact than driving over the existing dirt road. The bridge option recommended by the staff had been explored, but after receiving and estimate of \$753,000 it turned to be not prudent or feasible with 160 feet spam. In addition its installation requires a crane which the existing narrow access cannot accommodate. Avoidance is the best way to control impacts to the wetland, unfortunately the existing crossing had been established in 1951 prior to the wetland regulations. This grandfathered in access, is being proposed to be improved to minimize the impact of the vehicular traffic in the future.
8. The comments received from the Fire Marshall had been misquoted. The response was provided to the Fire Marshall by the project engineer.
9. This is an application on the front of the IWC not P&Z. The sight distances will be worked out with the proper departments prior to the driveway installation. Further permits may be needed.
10. Stormwater will be addressed by the project engineer.

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11. As shown on the site survey, the narrowest section of the Old Driftway is 10 feet.
12. There is no prudent and feasible alternative within the Drift Way to install a driveway which will have less impact on the wetland. This area has been already disturbed in the past when the old road was build. The adjacent areas are undisturbed and more densely wooded, therefore, will offer not better option.
13. Environmental Impact Statement is not required.
14. It is our understanding the IWC had authorized the staff to retain a consultant to review the application.
15. There is no option to avoid building a driveway. The access already exists.
16. We respect your opinion.

Thank you for your review and comments.