APPLICATION NO. WET#2905(S)	:	**TOWN OF WILTON**
OLD DRIFTWAY, LLC	:	**INLAND WETLANDS COMMISSION**
0 MOUNTAIN ROAD (MAP #25 Lot #2)	:	
PROPOSED SINGLE FAMILY RESIDENCE AND ACCESS DRIVEWAY WITH SIGNIFICANT ENVIRONMENTAL IMPACT	:	**DECEMBER 12, 2023**

VERIFIED NOTICE OF INTERVENTION PURSUANT TO C.G.S. § 22a-19 ET SEQ.

Pursuant to General Statutes § 22a-19 et seq., James and Corrine Lucas of 2 Indian Hill Road, Wilton ("Petitioners") hereby intervene in the above-captioned administrative proceeding, and represent as follows:

1. The subject administrative proceeding involves an application filed by Old Driftway, LLC ("Applicant") to the Town of Wilton Inland Wetlands Commission ("Commission") for a wetlands permit to allow construction of a residence, an on-site sewage disposal system, a swimming pool, and a 1,300-foot-long access way in an area that is part of the Norwalk River Watershed, is within the 100-foot upland review area, and contains significant on-site wetlands including a pond, an intermittent watercourse, a red maple swamp, and a perennial stream (the "Application").

2. A public hearing on the Application is scheduled for December 14, 2023.

3. The administrative proceeding involves conduct which has or which is reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, and other natural resources of the state, within the jurisdiction of the Commission, in at least the following ways:

   a. The involved conduct does not meet the standards for approval and will adversely impact wetlands and watercourses.

b. The Application will have a drastic negative impact on Wilton's regulated, protected wetlands and watercourses.

c. The proposed sewage disposal system is located 40 feet from the wetland boundary, but no CT DEEP hydraulic analysis has been performed to evaluate whether the 21-day travel time for bacteria and viruses will be satisfied. Additionally, a nitrogen dilution analysis per CT DEEP must be performed to show that a nitrogen concentration of 10 mg/l will be provided at the wetland boundary. Those analyses are necessary to ensure that there is no adverse environmental impact to the downgradient inland wetlands.

d. Only a single test pit has been provided, which is not adequate to confirm that the native soils meet the minimum suitability requirements under the Current Technical Standards for the design of on-site sewage disposal systems.

e. There are no deep test pits for either of the proposed stormwater management systems which are required by the CT DEP 2004 Storm Water Quality Manual (the "2004 Manual").

f. Proposed Cultec systems do not appear to meet the required vertical separation distances to groundwater or bedrock.

g. Discharge from Cultec systems appear to combine water softener and pool water with other stormwater.

h. No outlet control structure is provided for either underground detention system so it is not clear how zero increase in the peak rate of runoff will be achieved.

i. The construction entrance is shown at thirty (30') feet, which is less than the minimum fifty (50') length required by the CT DEP 2002 Guidelines for Soil Erosion and Sediment Control.

j. There are nine (9) underground gallery systems shown under the proposed driveway, starting at the southern end of the Old Driftway:

1. The bottom of system #1 is shown to be at 573.5' which is 5.5' below existing grade. Based upon test holes #3 (43" to ledge) and #4 (20" to ledge), this system is not in compliance with the 2004 Manual requirement of providing a three (3') foot vertical separation to bedrock.

2. The bottom of system #2 is shown to be at 578.5' which is 3.5' below existing grade. Based upon test hole #2 (24" to ledge), this is not in compliance with the 2004 Manual requirement of providing a three (3') foot vertical separation to bedrock.

3. The bottom of system #3 is shown to be at 580.5' which is 3.6' below existing grade. Based upon test hole #2 (24" to ledge), this is not in compliance with the 2004 Manual requirement of providing a three (3') foot vertical separation to bedrock.

4. The bottom of system #4 is shown to be at 580.5' which is 5.5' below existing grade. Based upon test hole #2 (24" to ledge), this is not in compliance with the 2004 Manual requirement of providing a three (3') foot vertical separation to bedrock.

5. The bottom of systems #5 and #6 are shown to be at 576.5' which appear to be at or just below the existing ground surface (cannot be determined from reading the plan). There is no deep test hole in the vicinity of these two systems so it cannot be determined if the required three (3') foot vertical separation to bedrock per the 2004 Manual is being provided.

6. The bottom of system #7 is shown to be at 572.5' which is 6.5' below existing grade. There is no deep test hole in the vicinity of these two systems so it cannot be determined if the required three (3') foot vertical separation to bedrock per the 2004 Manual is being provided.

7. The bottom of system #8 is shown to be at 567.5' which is between 1.5' and 4.5' above the existing grade. There is no deep test hole in the vicinity of these two systems so it cannot be determined if the required three (3') foot vertical separation to bedrock per the 2004 Manual is being provided. Additionally, there is no information as to the type and amount of fill which will be placed for this system.

8. The bottom of system #9 is shown to be at 555.5' which is 4.5' below existing grade. There is no deep test hole in the vicinity of these two

systems so it cannot be determined if the required three (3') foot vertical separation to bedrock per the 2004 Manual is being provided.

k. The applicant proposes the use of porous asphalt before, over and after the proposed series of box culverts across the vernal pool. The 2004 Manual requires that porous asphalt be in Class A or Class B soils. No soil data has been provided in these areas. Wetland soils are Class D, so on that basis alone it is wrong to use porous asphalt in this area. Based upon the limited soil data provided, the porous asphalt will fail as proposed.

l. It is stated on Sheet 1 of 6 that all ledge and rock within two (2') feet of the bottom of the elevation of any concrete gallery or aggregate base under the porous asphalt will be removed as necessary. Per the 2004 Manual, a three (3') foot vertical separation is required so there will be substantial blasting of the ledge along the alignment of the driveway to meet this requirement.

m. The bottom of the box culvert must be set on a stone base which is a minimum of 12" thick and must be located on top of a soil layer which can support the weight of the culverts as well as the driveway material. This will require an unknown, but likely substantial amount of excavation of the wetland soils in the vernal pool.

n. No plans have been provided to show how excavation and/or filling within the vernal pool will be done without causing siltation of the adjacent wetland areas and potential dewatering of the wetland.

o. The detail for the porous pavement only consists of crushed stone and will not provide any water quality treatment of non-point source pollutant from the driveway. The non-point source pollutants of concern are metals and hydrocarbons from the movement of vehicles on the driveway.

p. A note on sheet 1 of 6 states that the porous asphalt will be placed immediately after the installation of the box culverts. This means that the porous asphalt will be subject to the movement and weight of construction equipment such as loaded dump trucks, excavators, concrete trucks, lumber trucks, and other vehicles. The movement of such vehicles over the porous asphalt will cause a total failure of the porous asphalt system as porous asphalt does not have the structural integrity to support heavy weights.

q. The construction narrative is overly simplistic for a project which has a high probability of adverse environmental impacts. The narrative does not conform to the form and content for narratives found in the CT DEP 2002 Guidelines for Soil Erosion and Sediment Control.

r. No assessment of non-point source pollutant loads from the paved surface of the proposed driveway has been prepared as well as an assessment of how the proposed stormwater management system will reduce the non-point source pollutant loads.

s. With respect to the drainage report, there is no information regarding where numerous 6-inch outlet pipes will discharge.

t. The Application will create an undue burden on the Petitioners' property by unreasonably polluting, impairing, and destroying the wetlands and watercourses, which will affect their use and enjoyment of their real property, and cause their real property to diminish in value.

u. The cumulative effect of this proposal in conjunction with other development in the area and the conditions created thereby will result in the degradation of environmental quality in and around the subject area.

v. Such other and further impacts as may be revealed at the public hearing.

4. The Connecticut Environmental Protection Act of 1971 provides, in part, that any person may intervene as of right in any administrative proceeding upon the filing of a verified pleading asserting that the proceeding "involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State." General Statutes § 22a-19(a).

5. It is the responsibility of the Applicant in this administrative proceeding to adequately develop, by the introduction of substantial evidence of record, evidence that will address the issues raised herein with respect to the potential impacts, and the Applicant has the burden of establishing that the proposed action would not have such significant adverse impact as alleged and that no alternatives exist that would reduce or eliminate the potential for such adverse impacts.

6. Pursuant to General Statutes § 22a-19 et seq., the undersigned is entitled to all rights of participation granted to any party in accordance with the provisions thereto.

7. The Application involves a major change and intensification of the existing use of the subject property and the Petitioners' intervention will advance the public interest with regard to the protection of the natural resources of the State.

8. Petitioners have an interest in the present proceeding and are filing this intervention as of right pursuant to General Statutes § 22a-19, et seq.

WHEREFORE, the undersigned intervene in this proceeding on the filing of this Verified Notice of Intervention.

THE INTERVENING PETITIONERS,
JAMES LUCAS AND CORRINE LUCAS

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WHEREFORE, the undersigned intervene in this proceeding on the filing of this Verified Notice of Intervention.

James Lucas

Corrine Lucas

STATE OF CONNECTICUT:

: ss:

COUNTY OF FAIRFIELD :

On this 9 day of December, 2023, personally appeared James Lucas and Corrine Lucas, and made oath to the truth of the matters contained in the foregoing Notice of Intervention to the best of their belief, before me.

Notary Public / Commissioner of the Superior Court

WENDY GOICO
Notary Public
Connecticut
My Commission Expires May 31, 2028