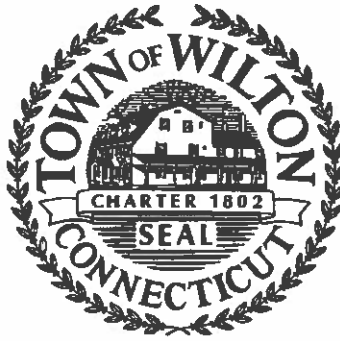


INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

MEMORANDUM

TO: Inland Wetlands Commission

FROM: Michael Conklin, Director of Environmental Affairs 

DATE: February 6, 2024

IWC Staff Report
Wetland Permit Application - WET#2905 OLD DRIFTWAY LLC
0 Mountain Road, Wilton CT

I am writing this memo to the Commission to alert you of a matter regarding regulated activities at the Old Driftway, LLC site associated with 0 Mountain Road. As you are aware, a minor regulated activity permit was issued on April 28, 2023 for a temporary wetland crossing associated with soil testing at 0 Mountain Road (WET#2871). The applicant, same as WET#2905, proposed a "temporary wetland crossing will be installed along the eastern boundary of the accessway. The flooded areas of the crossing will be covered with timber logs spaced to support play wood plates. Timber supporting the play wood will reduce the contact area with the wetland soil limiting the disturbance and compaction. In addition, the spacing between the timber will allow for a free water movement. Coir logs will be placed along the western side of the crossing to contain egg masses and preventing mixing of the water from the disturbed crossing area with water in the pool. The total length of the wetland crossing is approximately 70 feet."

WET#2871 was approved with the following Special Conditions:

1. Prior to the commencement of any on-site permit related activity, the applicant shall submit an estimate for the cost of the temporary wetland crossing for approval by this commission or its staff for the purpose of determining a bond amount.
2. Prior to the commencement of any on-site permit related activity, the applicant shall post a bond in a form and an amount acceptable to this commission and town counsel. In the event the applicant fails to properly restore the temporary wetland crossing area, the Town reserves the right to use the bonded funds to correct such deficiencies.

3. Prior to the commencement of any on-site permit related activity, the applicant shall submit photo documentation of the site. The photos shall be both wide angle and close up shots. They shall be labeled and cross referenced on a site plan.
4. In following the guidance provided by the Connecticut Department of Energy & Environmental Protection's NDDB Determination #202303369 (attached), the applicant shall retain the services of a herpetologist familiar with preferred habitats of the Eastern box turtle and Ground beetle. Prior to the commencement of any on-site permit related activity, the herpetologist shall develop a written plan, for approval by this commission or its staff, to ensure the best protection strategies are employed for the site and the scope of the work.
5. The herpetologist shall be on site at all times the excavator is on site. The herpetologist shall walk ahead of the excavator to sweep the path for any turtles.

This work was completed prior to July 14, 2023. The permittee met the requirements of the Special Conditions and the bond was released.

In January 2024, Aleksandra Moch contacted my department and explained that more soil testing was required. I agreed that the work could take place under WET#2871 and a bond was posted. I received an email from Jim Lucas alerting me that someone had driven a machine directly through the vernal pool on January 30, 2024. I visited the site on January 31, 2024 and observed that a machine was indeed driven through the vernal pool area without the proper wood protection in place. Furthermore, Special Permit Conditions #3, #4 & #5 were not met.

To follow up with this matter, I spoke with Aleksandra Moch on the phone and expressed my concerns. I explained that no one should do any more work out there until the Inland Wetlands Commission meetings on February 8, 2024 and provides her with guidance. Her contractor Yuri then called me and I told him the same thing. To my surprise, I received a report from Ms. Moch, dated February 3, 2024 in which she includes site photos that show leaves over the areas of concern. She states "Based on my site inspection, there was no disturbance noted within the wetland or wetland buffer area. The site was in compliance."

I am attaching my staff photos to this memo from January 31, 2024 and February 5, 2024 that show that support my position that the wetland and vernal pool were impacted by tracked machinery and that clearly someone tried to cover the issue up with leaves after my discussion with Ms. Moch. Ms. Moch's report was drafted in an effort to mislead the Commission and try and prove there was never a problem at the vernal pool location. My site photos show there was a problem at the site and I am requesting the Commission discuss this matter at the next commission meeting.

O MOUNTAIN ROAD — NARRATIVES

The applicant is in an early stage of the project development. All wetland/watercourses present at the site were flagged on March 10, 2023 by Aleksandra Moch, Soil Scientist. Site survey was performed by All Season Land Surveying on March 31, 2023. In addition, the pond located within the access area has been monitored for vernal pool activities by Aleksandra Moch, Wetland Scientist weekly starting on March 18, 2023.

The next step in the site design process is to gather data for the sewage disposal and storm water management systems. Deep test holes and percolation test need to be excavated under the supervision of the Health Department. Soil testing requires the use of backhoe to dig the holes and check the soil profiles, depth to the groundwater table and ledge.

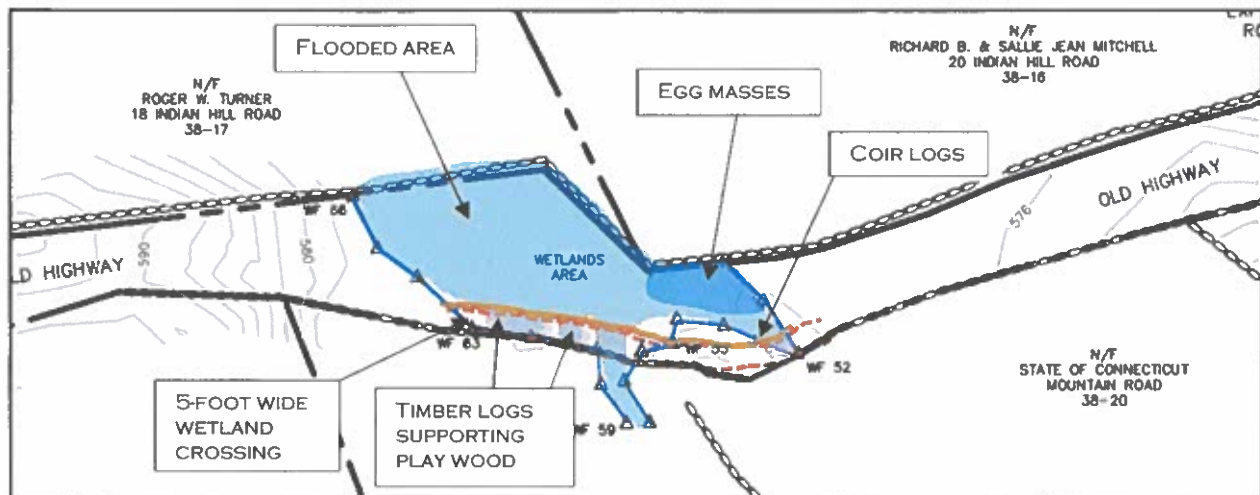
This application is being filed to receive and approval for the wetland crossing which is required to access the site for soil testing. The affected wetland/watercourse area is located within the narrow access way. This regulated area consists of a vernal pool which is located in the mid-length of the access way. This pool is one of the two natural pools located in the wooded setting. The smaller pool is situated entirely within the access way. The deeper portion of the pool is limited to the western portion of the access. The eastern section of this area is dryer but interrupted with four deeper fingers with standing water, up to couple inches deep. One of the fingers include an intermittent channel which conveys the overflow from the pool towards the off-site wetland to the east. This off-site wetland is not a vernal pool.

Vernal pool activities observed at the site include egg masses deposited by wood frogs. The masses are limited to the northern section of the pond.



The proposed temporary wetland crossing will be installed along the eastern boundary of the accessway. The flooded areas of the crossing will be covered with timber logs spaced to support play wood plates. Timber supporting the play wood will reduce the contact area with the wetland soil limiting the disturbance and compaction. In addition, the spacing between the timber will allow for a free water movement. Coir logs will be placed along the western side of the crossing to contain egg masses and preventing mixing of the water from the disturbed

crossing area with water in the pool. The total length of wetland crossing is approximately 70 feet. For more details see the sketch below.



Wetland crossing.

The equipment used at the site will consist of Kubota U27-4 compact excavator which is only 5 feet wide. This light and narrow excavator will have a very minimal and only temporary impact to the wetland crossing area.



The area of the proposed crossing supports several burning bushes growing within the buffer area which may have to be trimmed or removed. Any shrub lost will be replaced with native one planted within the same wetland buffer in 1:1 ratio.



A view of the vernal pool and the proposed crossing.



O Mountain Road – Staff Photos – By Mike Conklin, Director of Environmental Affairs

January 31, 2024 & February 5, 2024

0 Mountain Road – IWC Staff Photos
January 31, 2024 & February 5, 2023



0 Mountain Road – IWC Staff Photos January 31, 2024 & February 5, 2023



0 Mountain Road – IWC Staff Photos
January 31, 2024 & February 5, 2023

