



MEETING MINUTES
ELECTRONIC ZOOM MEETING
June 10, 2021

PRESENT: Nick Lee (Chair), Scott Fischer, Claudia Avallone, Penelope Koechl

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Candice Behrens, Property Owner; Kara Murphy, Tierney Zullo Flaherty & Murphy, P.C.; Kate Throckmorton, Environmental Land Solutions, LLC; Jeff Yates, Trout Unlimited; Tracy Chalifoux, Tracy Chalifoux, LLC; Yuen Tai, Property Owner

ABSENT: Rick Stow & Theodora Pinou (notified of intended absences)

I. CALL TO ORDER

Mr. Lee called the meeting to order at 7:31 pm.

II. PUBLIC HEARINGS

A. WET#2654(S) BEHRENS – 220 Nod Hill Road – “corrective action” to address the unpermitted clearing of trees within a regulated area (cont.)

Mr. Conklin reminded the Commission about the violation and time frame. He noted SNEW’s Attorney filed a letter confirming they are asking for more trees to be planted on their property.

Ms. Murphy described SNEW’s position on the matter. She stated 20-25 trees would be requested to be planted on SNEW property for the quarter acre that was cleared. The letter submitted needs to be finalized as there were discrepancies noted on the number of trees and area cleared.

Commissioners agreed this Public Hearing should be kept open for the next meeting to obtain a copy of the final letter.

B. WET#2706(S) SMITH – 230 Ridgefield Road – “corrective action” to address clearing, trail work, and removal of a dam

Mr. Conklin reminded the Commission of the violation and the existing Cease & Desist on the property.

Ms. Throckmorton reviewed the history of the violation, mitigation plan, and timing. Mr. Yates described the dam removal and confirmed the removal should take place while the site is still disturbed.

Mr. Conklin noted that work has continued during the Cease & Desist without silt fence installed. He stated the house and outbuildings were demolished and removed and a portion of the site was re-graded. He also noted heavy machinery and plant material are being stored on the site. Mr. Conklin asked that the Engineer be available for the next meeting for questions on the dam removal, restoration, and stabilization of the bank. The Commissioners agreed the planting plan needs more plantings and agreed to a formal site walk before the next meeting. It was noted that wetland flags were moved from a previous delineation report, and the site looks different from what is shown on the plan.

Mr. Fischer MOVED to MODIFY the Cease & Desist Order to require soil and erosion controls be installed as required by staff, SECONDED by Ms. Avallone and CARRIED 4-0-0 with all in favor.

C. WET#2654(S) BEHRENS – 220 Nod Hill Road – “corrective action” to address the unpermitted clearing of trees within a regulated area (cont.)

Mr. Fischer MOVED to MODIFY the Cease & Desist to allow for removal of a potentially hazardous tree once staff receives a letter from a licensed arborist, SECONDED by Ms. Koechl and CARRIED 4-0-0 with all in favor.

D. WET#2708(S) IKEGAME – 16 Rivergate Woods – “corrective action” to address pond dredging without a permit

Ms. Chalifoux explained the violation and showed where the piles of sediment exist. The owner does not wish to further dredge the pond. The mitigation includes removal of invasive vegetation and restore the disturbed areas with native wetland shrubs and perennials.

Mr. Fischer MOVED to CLOSE the Public Hearing, SECONDED by Ms. Avallone and CARRIED 4-0-0 with all in favor.

IV. APPLICATIONS READY TO BE REVIEWED

A. WET#2712(I) TAI – 197 Catalpa Road – “corrective action” to address unauthorized removal of 11 trees within a regulated area

Mr. Conklin confirmed there was a Cease & Correct placed on the property. He walked the site with the owner and located the trees that were removed on the plan. He noted Mr. Tai has been receptive.

Mr. Tai confirmed the remediation is 7 dogwoods and 2 red maples. He asked that the rotting tree by the storage shed be allowed to be removed and replace it with two new trees. Mr. Tai was advised that the fallen trees and brush can remain in place per his request.

Mr. Fischer MOVED to APPROVE WET#2712 with normal Special Conditions and the additional Special Conditions that one additional shade tree 2” – 3” caliper shall be added to the planting plan, and all plantings must be installed by October 31, 2021, and remove the Cease & Desist, SECONDED by Ms. Avallone and CARRIED 4-0-0 with all in favor.

B. WET#2708(S) IKEGAME – 16 Rivergate Woods – “corrective action” to address pond dredging without a permit

Ms. Avallone MOVED to LIFT the Cease & Desist Order and require silt fence be installed June 24, 2021, SECONDED by Mr. Fischer and CARRIED 4-0-0 with all in favor.

Ms. Avallone MOVED to APPROVE WET#2708, with normal Special Conditions and the additional Special Condition that plantings must be installed by October 31, 2021, SECONDED by Mr. Fischer and CARRIED 4-0-0 with all in favor.

V. APPLICATIONS READY TO BE ACCEPTED

A. WET#2714(S) FDSPIN 141 DR, LLC – 141 Danbury Road – proposed apartment complex with 173 units within a regulated area

Mr. Fischer MOVED to ACCEPT WET#2714, SECONDED by Ms. Avallone and CARRIED 4-0-0.

VI. APPROVED MINOR ACTIVITIES

A. WET#2710(M) ERICKSON – 280 Mountain Road – proposed additions within a regulated area

B. WET#2711(M) MAK – 16 Spicewood Road – replace existing deck with larger deck including new footings 48 ft. from a wetland

Mr. Conklin provided a brief review of the Minor Applications approved by Staff.

VII. CORRESPONDENCE

A. WET#2637(I) MNG PPROPERTIES – 24-34 Cannon Road – 30-day extension request for Special Conditions

Mr. Conklin advised the Owner is requesting another 30 days to complete the Special Conditions.

Mr. Fischer MOVED to GRANT the extension to June 30, 2021, with a failure resulting in a \$500 fine, SECONDED by Ms. Avallone and CARRIED 4-0-0 with all in favor.

VII. NEW BUSINESS

A. Discussion Pertaining to Emergency Septic Repair Permitting – Mr. Conklin confirmed legal counsel is supportive for the procedures being revised. He will provide the draft for

review by the Commission in due time.

B. Inland Wetland Permit Conformance Sheet for Website – Mr. Conklin asked if Commissioners have any revisions to the language prior to posting this sheet on the web. Ms. Koechl pointed to a typo that will be corrected. Ms. Avallone questioned the as-built requirement and noted what is included and asked that this language should include the purpose.

C. 2020 Town to Town Fee Comparison and Bonding Sheet – Mr. Conklin advised that Mr. Herter researched how bonds are handled in surrounding towns. Wilton is in-line with our neighbors and no changes were proposed.

VIII. VIOLATION

A. PHILLIPS – 326 Thayer Pond Road – unpermitted clearing, filling, and grading being conducted within a regulated area (Cease & Desist Modified May 27, 2021 – Corrective Action Application Due June 23, 2021)

IX. APPROVAL OF MINUTES – Meeting Minutes May 27, 2021

Ms. Avallone MOVED to APPROVE the Meeting Minutes of May 27, 2021, SECONDED by Mr. Fischer and CARRIED 2-0-2 with Mr. Lee and Ms. Koechl abstained.

X. PUBLIC COMMENT - None

XI. ADJOURN

Mr. Fischer MOVED to ADJOURN at 10:07pm, SECONDED by Ms. Avallone and CARRIED 4-0-0 with all in favor.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs