



**MEETING MINUTES**  
**HYBRID MEETING**  
**September 23, 2021**

**PRESENT:** Nick Lee (Chair), Scott Fischer, Penelope Koechl, Theodora Pinou, Rick Stow

**ALSO PRESENT:** Mike Conklin, Director of Environmental Affairs; Zen Herter, Environmental Analyst; Will Leddy, Property Tenant; Jim Murphy, Gregory & Adams, P.C.; James Bias, CT Humane Society; Craig Flaherty, Redniss & Mead; Kate Throckmorton, Environmental Land Solutions; Sara Curtis, Property Owner; Matt Kehoe, Neighbor; Dina Livesay, Neighbor; Eileen Fitzgerald, Neighbor; Elena Murphy, Neighbor; Greg Jansen, Property Owner; Brian Carey, LandTech

**I. CALL TO ORDER**

Mr. Lee called the meeting to order at 7:30 pm.

**II. SHOW CAUSE HEARING**

**A. BENE – 85 Old Driftway – unauthorized removal of ten trees and placement of fill**

Mr. Herter provided background on the violation and noted the wetlands are on an adjacent property within 100 ft. of the clearing. He confirmed 10 tree stumps were counted in the regulated area and woodchips were spread towards and on the neighbor's property.

Mr. Leddy, the current tenant and owner's son-in-law, described he cut 2 trees within the regulated area and he is happy to come to an agreement.

Mr. Fischer MOVED to MODIFY the Cease & Desist to allow for wood chip removal to a level approved by staff, and to submit a 'Corrective Action' Application no later than October 27, 2021 at 12 noon, SECONDED by Ms. Koechl and CARRIED 5-0-0 with all in favor.

**III. PUBLIC HEARINGS**

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

Mr. Conklin noted the Applicant requested a continuation of the Public Hearing until the next meeting being held on October 14, 2021.

With no questions or comments, the Public Hearing was continued.

**B. WET#2724(S) CT HUMANE SOCIETY – 863-875 Danbury Road** – redevelopment of premises to include demo of existing on-site structures and construction of new single-story commercial building, parking, driveways, walkways, and associated improvements

Mr. Murphy introduced the proposal. Mr. Bias explained the business. Mr. Flaherty discussed the engineering plan. Mr. Flaherty confirmed this plan significantly reduces the impervious surfaces on the site and uses porous asphalt.

Ms. Throckmorton prepared the landscaping and lighting plan and highlighted the regulated areas. She reviewed the proposed mitigation plantings and alternate plans for consideration per the regulations.

Mr. Lee asked if there would be a sleeve on the septic pipe. Mr. Flaherty stated he would look into this option. Ms. Pinou asked if the septic system would be acceptable with waste and biohazards. Ms. Koechl inquired about stormwater management. Mr. Flaherty explained they have a large site with mostly pervious surfaces do not require the same type of management. Dr. Pinou raised concern about specimen trees and their health and protection.

The Commissioners agreed a site walk would be scheduled prior to the next meeting.

Ms. Curtis, of 290 Cannon Road, noted the thoroughness of the Application.

Mr. Kehoe, of 34 New Street, stated the owner historically buried debris and paved over it. Mr. Murphy noted they would look into this and respond at the next meeting.

Ms. Livesay, 38 New Street, asked if vernal pools are found on the site. Ms. Throckmorton confirmed there were no vernal pools located on the site.

Ms. Fitzgerald, of 34 New Street, stated she is relying on this Commission to make the right decision to guarantee that the proposal will maintain the health of the wetlands on the site.

Ms. Murphy, of 20 New Street, asked if the property will remain wooded. She also asked if any blue carbon vegetation was noted and asked if the hosing of cages and outside dog waste would go straight into the aquifer.

With no further questions, the Public Hearing was continued until October 14, 2021.

**C. WET#2727(S) JANSEN – 70 Middlebrook Farm Road** – proposed 20 ft. x 40 ft. in-ground swimming pool and associated B100a

Ms. Throckmorton reviewed the proposal and the functions of the wetlands on site. She noted the pool was approved with a permit from the Commission which has since expired.

Mr. Jansen noted the previous pool permit was granted by the Inland Wetland Commission in 1996 and an extension was granted in 2001 to bring the expiration to 2006. The proposed pool is

slightly smaller than the original permitted pool.

SNEW submitted comments earlier in the day and everyone did not have ample time to review those comments.

With no further questions or comments, the Public Hearing was continued until the October 14, 2021 Meeting.

#### **IV. APPLICATIONS READY TO BE REVIEWED**

##### **A. WET#2722(I) BIGGS – 1078 Ridgefield Road – “emergency” septic replacement**

Mr. Conklin noted the system was installed under the “temporary” permit that was issued to the owners.

Mr. Fischer MOVED to APPROVE WET#2722, SECONDED by Mr. Stow and CARRIED 5-0-0 with all in favor.

##### **B. WET#2735(I) PHILLIPS – 326 Thayer Pond Road – “corrective action” to address unpermitted clearing, filling and grading being conducted within a regulated area**

Mr. Carey reviewed the violation and the proposed site plan. Topsoil was added to avoid erosion under the modified Cease & Desist. He stated the owners are trying to get a circular driveway for this site that was not maintained for many years.

Mr. Conklin noted this site is mostly a forested site and it would not be reasonable to ask for more trees to be planted. Mr. Carey noted it would be difficult to plant new trees with the current topography and added there are some very large trees that remain.

Dr. Pinou asked if there is a way to avoid pesticides and herbicides in the new lawn area near the wetland. Mr. Carey stated the buffer would assist with this issue.

Mr. Stow MOVED to APPROVE WET#2735, with the normal Special Conditions, and the additional Special Conditions that the boulder demarcation is installed, and a conservation seed mix is placed on the restoration area by October 31, 2021, SECONDED by Mr. Fischer and CARRIED 4-0-1 with Ms. Pinou abstained.

#### **V. APPLICATIONS READY TO BE ACCEPTED**

##### **A. WET#2738(I) HOLMDIN/BAYONNE – 17 Greenbriar Lane – proposed addition within 62 ft. of a wetland**

Mr. Stow MOVED to ACCEPT WET#2738, SECONDED by Ms. Koechl and CARRIED 5-0-0 with all in favor.

#### **VI. APPROVED MINOR ACTIVITIES - None**

**VII. CORRESPONDENCE**

- A. WET#2697(I) GRIFFIN – 67 Borglum Road** – request to extend “Corrective Action” planting deadline

Mr. Conklin noted that Ms. Griffin is having issues purchasing materials for her planting plan and requests an extension until October 31, 2021.

Mr. Stow MOVED to EXTEND Planting Deadline to October 31, 2021, SECONDED by Mr. Fischer and CARRIED 5-0-0 with all in favor.

**VII. NEW BUSINESS - None**

**VIII. VIOLATIONS - None**

**IX. APPROVAL OF MINUTES**

- A. Meeting Minutes September 9, 2021**

Ms. Koechl MOVED to APPROVE the Meeting Minutes of September 9, 2021, SECONDED by Mr. Fischer and CARRIED 4-0-1 with Mr. Stow abstained as he was not present.

**X. PUBLIC COMMENT - None**

**XI. ADJOURN**

Mr. Fischer MOVED to ADJOURN at 10:18 pm, SECONDED by Mr. Stow and CARRIED 5-0-0 with all in favor.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs