



**MEETING MINUTES**  
**HYBRID MEETING**  
**July 14, 2022**

**PRESENT:** Rick Stow (Chair) Miriam Sayegh (Vice Chair), Jeremi Bigosinski, Penelope Koechl, Theodora Pinou, Nick Lee

**ALSO PRESENT:** Mike Conklin, Director of Environmental Affairs; James Murphy, Gregory & Adams, P.C.; Joseph Canas, Tighe & Bond; Raina Volovski, Tighe & Bond; Brian Carey, LandTech; Anthony Zemba, LandTech; Jim Kousidis, Kousidis Engineering, LLC; William Kenny, William Kenny & Associates; Craig Johnson & Kimberley Young, Property Owners; Beatriz DeSantiz, BM Design Studios

**I. CALL TO ORDER**

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

**II. PUBLIC HEARINGS**

**A. WET#2805(S) ASML – 77 Danbury Road** – proposed construction of new driveway and address erosion and stormwater runoff from existing northeastern parking lot

Mr. Murphy introduced the proposal as a solution to vehicular traffic safety issues.

Mr. Canas showed the wetlands and their extended review area due to a slope exceeding 20% in grade. He also reviewed the stormwater management systems proposed for the new driveway area and redesigned parking lot, noting a reduction in peak flow will be attained as there is currently no stormwater treatment in this vicinity.

Ms. Volovski reviewed the wetland functions on the site. She confirmed there is a slight wetland impact but the proposal includes increasing stormwater quality where none currently exists. She confirmed an Invasive Species Management Plan has been provided.

Dr. Pinou asked about species of concern nesting in the Norwalk River. She asked if the clearing of the woods has an impact on the temperature of the area.

Mr. Bigosinski asked if a tunnel would be considered. He also inquired about how they will manage the construction of the steep slope without harming the wetlands. Mr. Canas responded by explaining the bioswale and downstream controls, as well as the cut method for removal of

ledge.

With no further questions, the Public Hearing was continued.

**B. WET#2811(S) BRYANT – 121B New Canaan Road** - proposed single-family residence with box culvert crossing

Mr. Carey explained the site and proposal for the construction of a new single-family home. He confirmed a box culvert is proposed for the least amount of wetland disturbance possible.

Mr. Zemba provided information about temporary and permanent impacts to the intermittent watercourse during construction of the box culvert.

Mr. Lee inquired about the easement on this site. Mr. Carey said the easement exists with the town but has not been investigated. Mr. Lee noted the Black Birches may need to be removed for the septic system.

Mr. Bigosinski inquired about the gas line in the vicinity as there is currently no service. Mr. Carey responded Eversource is looking to extend the service in the future. Mr. Bigosinski asked that the line be placed within concrete to avoid a methane leak. Mr. Bigosinski also asked that an alternative to glyphosate is considered for the invasive removal. Mr. Carey responded that they use chemical control only if necessary.

A discussion ensued relating to the gas line upgrades they would have to complete. Ms. Sayegh asked about a generator location.

Mr. Zemba spoke to the vernal pools possibly in the area from Dr. Pinou's question. He describes them not as vernal pools but as vegetated swamps that are shallow with no egg masses present.

With no further questions from the public, the Hearing was continued.

**C. WET#2814(S) KISHIDA – 95 Cheese Spring Road** – proposed subdivision of existing parcel into two parcels and construct a new single-family residence and associated site improvements

Mr. Kousidis reviewed the existing lot and proposed location of the new dwelling, driveway, well and retaining wall.

Mr. Kenny reviewed the wetlands on the site and his proposed mitigations for the requested activities. He reviewed the subsurface stormwater galleries proposed to capture the additional driveway runoff and the removal of a lawn area between the ponds.

Mr. Kousidis confirmed the possible historic septic location will not affect their proposal. He also noted the Health Department confirmed there was no back-up location filed for the 99 Cheese Spring Road neighbor. He also noted sight lines have not been an issue and therefore are using an existing curb cut.

Mr. Kenny confirmed shrubs will be added to the planting plan as requested by the Conservation Commission.

Dr. Pinou asked about the NDDDB Map. Mr. Kenny confirmed no listed critical species were found.

Mr. Bigosinski asked if the house could be rotated to be parallel to the pond to reduce the amount of fill required. Mr. Kousidis stated that would affect the septic location and more disturbance for the slope. Mr. Bigosinski asked if the driveway could be elevated to create more of a swale from the neighbor's property.

Mr. Conklin asked for tree protection measures to be added to the plan. Mr. Kousidis showed the B100a locations for both lots.

Mr. Noonan, neighbor at 57 Pheasant Run, asked about the watershed for the Pheasant Run Road neighbors impacting that area. Mr. Kousidis responded that they analyzed the hydraulics for the all systems in the area and pointed him to the Application materials.

With no further questions, the Public Hearing was continued.

Mr. Lee left the meeting.

### **III. APPLICATIONS TO BE REVIEWED**

#### **A. WET#2808(I) MCBRINN – 43 Sunset Pass – “emergency” septic repair**

Mr. Conklin noted the owner received a temporary permit. The system has been repaired.

Ms. Koechl MOVED to APPROVE WET#2808, SECONDED by Ms. Sayegh and CARRIED 5-0-0 with all in favor.

#### **B. WET#2816(I) JOHNSON – 77 Nod Hill Road – proposed barn construction within a regulated area**

Mr. Conklin noted the previous Soil Scientist had delineated the wetlands but the latest soil plan shows a much smaller wetland pocket than previously mapped. He noted the barn is proposed to be on a slab with footings to avoid frost heave.

Ms. Koechl inquired about the construction vehicle access and stockpile area. Mr. Johnson explained the vehicles could come around the back near the garden and the stockpile will be on site but with minimal amounts.

Dr. Pinou asked about the stormwater runoff for the new structure.

Mr. Bigosinski noted the regulations require a site plan with all of the soil and erosion measures, stockpile area and dry wells noted. He also stated the running bamboo on this site is an issue for these owners. He noted they are required to mitigate it or remove it from the property.

With no further questions, the Application was continued.

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

##### **A. WET#2818(S) DIES – 200 Mill Road, New Canaan – “emergency” bridge repair**

Mr. Conklin confirmed the Owner received an emergency temporary permit for this bridge repair due to a public safety issue.

Dr. Pinou MOVED to ACCEPT WET#2818, SECONDED by Ms. Koechl and CARRIED 5-0-0 with all in favor.

#### **V. APPROVED MINOR ACTIVITIES**

##### **A. WET#2813(M) SCHROEDER – 67 Old Kings Highway – proposed removal of six (6) dead/dying trees 37 ft. from a wetland**

##### **B. WET#2809(M) KOSCHE – 46 Marvin Ridge Place – proposed four 120-gallon LP tanks and trench for line 49 ft. from a watercourse**

##### **C. WET#2815(M) CASINELLI – 44 Forest Lane – proposed addition to existing detached garage 52 ft. from a wetland**

Mr. Conklin provided a brief description of the Minor Permits issued by Staff.

#### **VI. CORRESPONDENCE**

##### **A. ALLAM – 271 Cannon Road – request for extension of Corrective Action Application due date**

Mr. Allam submitted an email asking for a fourth extension. Mr. Conklin noted the Commission ruled to fine him if he was not in compliance at the last meeting. The Commission agreed a fine should be issued and an extension should not be granted. If no action is taken, a second fine will be issued and the matter will be turned over to Town Counsel.

##### **B. ROBLES – 114 Thunder Lake Road – request for extension of Corrective Action Application due date**

Mr. Conklin reviewed the timeframe and violation. Ms. Koechl noted one fine was already issued to this Owner.

Ms. DeSantiz stated the Owner is having issues getting a surveyor to assist with plans. She asked the Commission to delay another fine for Mr. Robles. Commissioners asked that the Application is submitted for the next meeting. Dr. Pinou suggested a fine is imposed to remain consistent and if there is no action at the next meeting, another fine will be imposed and Town Counsel will take over the matter.

#### **VII. NEW BUSINESS – None**

## **VIII. APPROVAL OF MINUTES**

### **A. Meeting Minutes June 23, 2022**

Ms. Koechl MOVED to APPROVE the Meeting Minutes of June 23, 2022 as drafted, SECONDED by Dr. Pinou and CARRIED 5-0-0 with all in favor.

### **B. Special Meeting Site Walk Minutes June 28, 2022**

Ms. Koechl MOVED to APPROVE the Special Meeting Site Walk Minutes of June 28, 2022 as drafted, SECONDED by Dr. Pinou and CARRIED 3-0-2 with Ms. Sayegh and Mr. Bigosinski abstained as they were not present.

## **IX. VIOLATIONS**

**A. ROBLES – 114 Thunder Lake Road** – unauthorized removal of eighteen (18) trees and placement of a concrete pad without a permit (Cease & Desist Upheld April 28, 2022 – Corrective Action Application due May 24, 2022 – Extension Granted – New Due Date of June 7, 2022 – Second Extension Granted June 23, 2022 – New Due Date of July 12, 2022)

Addressed under Correspondence.

**B. ALLAM – 271 Cannon Road** – unauthorized replacement of drainage pipe under driveway and earthwork in a wetland (Cease & Desist Upheld May 12, 2022 – Corrective Action Permit Due Date June 21, 2022 – Extension Granted June 23, 2022 – New Due Date of July 12, 2022)

Addressed under Correspondence.

**X. PUBLIC COMMENT** – Ms. DeSantiz asked the cost of the fine for Mr. Robles.

## **XI. ADJOURN**

Dr. Pinou MOVED to ADJOURN at 10:35 pm, SECONDED by Ms. Sayegh and CARRIED 5-0-0 with all in favor.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs