



MINUTES

May 26, 2016

PRESENT: Liz Craig, Acting Chair, Rick Stow, Tom Burgess, Mark Andrews, Nick Lee

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Tim Onderko, Langan Engineering; Eric Davison, Environmental Planning Services; Peter Radar, Jones Lang LaSalle; Mike Mastroluca, HRP; Joe McCormack; Kate Throckmorton, Environmental Land Solutions; Patrick Luther, Property Owner; Donna Merrill, Conservation Commissioner

ABSENT: John Hall (notified of intended absence) Dan Falta (not notified of absence)

I. CALL TO ORDER

Ms. Craig called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS

A. WET#2382(S) ASML – 77 Danbury Road – construction of a 3-story employee parking garage 90 ft. from a wetland and repaving existing parking area 4 ft. from a wetland

Mr. Conklin read the list of documents into the record, including a letter from the Conservation Commission in its entirety.

Mr. Healy introduced the site as 29+ acres with the eastern portion of the property being adjacent to Danbury Road, and the western portion adjacent to the Metro-North Railroad. He explained the proposal consists of constructing a 3-story parking garage in the upper western corner of the property in a paved area and the removal and repaving of the lot within 4.7 feet of the wetland.

Mr. Onderko reiterated that the parking garage location falls 75 – 80% on existing pavement. He explained they will need to make a cut into the hillside for the remaining area. Mr. Onderko stated the wetlands consist of a very small watercourse which daylight from a culvert under the Rail Line and flows into the headwall and under the existing parking lot. He confirmed this proposal equals a net reduction of impervious area with an increase in impervious surface by the hillside. He indicated that a rain garden has been sized for the area and there is a net reduction of 1,600 sq. ft. of impervious area. He stated that it is not a large amount based on the size of the lot, but is a step in the right direction.

Mr. Onderko showed the proposed curbing and sidewalks for pedestrian access. He also confirmed that they wish to relocate the pump line to be in line with the comments received by HRP, the Commission's third party Consultant. Mr. Onderko explained the new water quality unit ASML is proposing to treat the top floor of the garage and surface runoff would go to the under drains. Existing catch basins will be updated to rain gardens which are considered mechanical treatment.

Ms. Craig asked what the sizing of the rain garden will be. Mr. Onderko responded that it will accept 15,000 – 20,000 sq. ft. of surface water. He also indicated that the black asphalt is being switched to grey concrete which is an improvement of 30,000 sq. ft. as the water temperature will be 30% - 40% different in the summer months. Mr. Onderko confirmed eight trees are proposed to be planted with 45 shrubs, 300 ground covers and 600 ornamental grass plugs. He stated this is an increase of 1,000 plantings that currently do not exist.

Mr. Onderko confirmed the lighting around the perimeter of the property will not change and they will minimize disturbance whenever possible. He stated there is no stormwater management report as the runoff will be less so this exercise would not be necessary. Ms. Craig stated the percentage of reduction is fairly small. Mr. Onderko stated the footprint of the garage is only 1% - 2% of the site.

Mr. Onderko noted that Eversource holds an easement on the property so they are somewhat limited on the amount of plantings. Ms. Craig inquired about the area between the garage and the bank. Mr. Onderko responded that it is a stone riprap meant to keep runoff out of the garage. Mr. Lee asked if some plantings could be placed back there. Mr. Onderko suggested that this area would not be conducive to plantings.

Mr. Conklin asked about the construction sequence. Mr. Onderko stated they would start with relocating the trunk line of the underground drainage system. They will stop the discharge, create a bypass with a pump, seal the orange line and open the blue line. The sandbags will be pulled and the old section removed. The removal of the hillside will be next which is comprised of mainly topsoil and decomposed rock. He confirmed they will start the garage in that corner and work their way out. He noted there are a couple spots where they are pulling the curbing back for additional improvement.

Mr. Conklin asked about the soil stockpile area as the excavation is removed from the hillside. Mr. Onderko stated it would be cut and filled and noted the topography is noted as 141 and 139. Mr. Rader added that the parking deck slopes up in the back and the cut and fill will be relatively balanced. Mr. Andrews asked where the cars will be parked during the construction period. Mr. Onderko responded that ASML is temporarily leasing space at another lot and providing a shuttle for employees. Ms. Craig asked for a time table on the construction. Mr. Grader stated they would like to break ground in June but they are waiting for Planning & Zoning approval. Mr. Burgess raised concern that HRP could not find the outlet. Mr. Onderko responded that it is located on the survey at the other end of the property.

Mr. Davison noted that he is a biologist and was tasked with researching habitat loss and encroachment into habitat. Mr. Davison stated that the garage lies on existing development so there is minimal loss. The trees in the area consist of 10 in. caliper or less and there is no direct impact to the wetlands. He confirmed that there is no habitat encroachment that lies adjacent to the project area except for a small patch of woodland which is already urbanized. He noted the

watercourse is just a pipe that daylights for approximately 40 ft. He added that the watercourse is intermittent.

Mr. Mastroluca presented his questions and comments based on the application documents. He stated that the outlet is shown on EC-1 but there is no invert. He asked what the condition is and asked if it was buried. He added that if you tie in a new system, you need to know the condition, typically by videotaping. He said it may need to be upgraded because we do not know about the flow because only one manhole was inspected.

Mr. Mastroluca noted CE-101 does not show how the flow from the pond will be diverted. He stated there should be stages noted along with the description of the flow post system. He suggested the system is installed prior to building the garage.

Mr. Mastroluca noted CG-101 shows the side of the basin at 3 ft. but CONNDOT calls for 36 inches. He stated that if there is no pipe deflection the basin will not work. He added that the water quality structure, which is typically an off-line system re-circulates material so a bypass structure should be considered. Mr. Mastroluca stated the doghouse manhole should be investigated as the new pipe may not work with the angles. He added that the 8 in. pipe behind the building should be perforated as it could have ground water issues. He asked how this is being accounted for. He went further to question the inlets and outlets and asked if a 4 ft. manhole would work.

Mr. Mastroluca questioned the sizing of the system. He noted .89 CFS per the DOT is sized for 1 ft. for 2 cu. yds. of sediment as he said you cannot fit 1 cu. yd. He noted the calculation showed no change for the first 1 in. and details are needed on the bypass structure. He added that when something like this is designed, the flow rates should be shown on the drawing to ensure water will not back up into the unit. An hydraulic grade line analysis should be completed to show where the outlet lies.

Mr. Mastroluca reviewed the utility plan and the oil water separator chamber which he noted was revised since HRP reviewed the submitted materials. He called it a bonafide septic system with baffles as there are no high level alarms. He stated a control panel will be needed because people forget to turn the system on and off. He added that these details should be required in the stormwater pollution prevention plan.

Mr. Mastroluca raised questions about the existing drainage in the vicinity as it was not obvious from his visit. He stated that the applicant should account for the tailwaters for a 10 or 25 year rain event. The plans should also include the pre and post calculations for rain events. He stated there is a constant flow rate assumed in the trunk line but it is more likely $\frac{3}{4}$ full. He asked if the box was flowing under pressure noting they would require permission from the Railroad to inspect this piece.

Ms. Craig asked if any mitigation is recommended due to the heat of the paved lot in the summer months. Mr. Mastroluca responded that runoff could potentially be stored. Mr. Mastroluca stated with the closed pipe system adding flow and pressure, a water analysis is needed to account for energy reductions or gains while hitting the corners. He added that if there is a lot of flow, water could come out of the manholes. He said there has been no mention of any previous flooding and the depth to bedrock can make the pipes bigger to slow the flow.

Mr. Burgess asked Mr. Mastroluca what he thinks of the grey concrete. Mr. Mastroluca responded that he never heard of this material which he said was surprising as his father is a stone mason. Mr. Burgess asked what happens if a crack occurs in a panel. Mr. Mastroluca suggested that they may want to black coat the concrete in that case. Ms. Craig asked what happens if the parking garage floods. Mr. Mastroluca noted there is a sheet flow and the rain garden will be okay as long as the hydraulic grade line works. Mr. Burgess asked if a bypass would alleviate that problem. Mr. Mastroluca responded that it would protect the re-suspension of the water quality with the swirl concentrators. He noted an 8 in. PVC was proposed and maybe going up a size would help to let the water out in the event of a flood.

Mr. Onderko confirmed they will revisit the trunk line to ensure it is in good order. He stated that they spoke to the site manager about past flooding issues and there were none reported. Ms. Craig asked if the age of the pipe is a concern. Mr. Onderko said it could be but noted Langan did not explore the site. Mr. Onderko then noted they did not think it was necessary to incur the expense of a video crew. He added that they did not complete an entire summary of the 40 acre site, just what they deemed as appropriate for this proposal. Mr. Mastroluca countered that it would be prudent to know the condition of the pipe. Mr. Onderko stated he would show the adjustment of the flow and the need of the outlet protection on a narrative. He also confirmed they will complete the pipe first and will identify the sizes of the structures to minimize concrete.

Mr. Onderko stated that a bypass only handles low flows. He confirmed the manholes will be sized appropriately. He also confirmed they will add perforated pipe around the hillside perimeter and they will check the angles. Mr. Mastroluca noted this needs to be provided to the contractor and added that the removal efficiency goes down when sediment is in excess of the minimum calculated. He suggested preparing a diagram of the hydraulic grade line.

Mr. Onderko responded to the question from HRP about the oil and water separator in confirming they are working on a connection and will have a bypass tank. He confirmed there is no gravity sewer line because there is a pump system downstream that activates the control panel. In response to the question regarding the analysis on the entire site, Mr. Onderko stated that as they are reducing the runoff, it is not necessary to inspect the entire 30 acres. Mr. Mastroluca countered that 300 acres off site goes into the pond which can be problematic. Mr. Onderko stated they analyzed the outflow of the pond 700 ft. downstream with the roof areas contributing to the runoff and they did not see a benefit to expanding their scope. Mr. Mastroluca asked how they can gauge this as they have no information on the hydraulic grade line.

Mr. Healy noted that this commission approved a previous application to widen the Norwalk River. Mr. Conklin concurred and suggested Mr. Onderko check the history of flooding with a report that may have been completed by Tighe & Bond at the time. Mr. Conklin also concurred that there is value in ensuring the current drainage works properly and if it has deteriorated, this replacement should be included on this application. Mr. Onderko stated that he would look into the issue between full flow and partial flow and will get this on a plan.

Mr. Andrews confirmed a culvert was found on the south end of the property, but not near the parking lot in question. Mr. Onderko confirmed this and added that dry cast stone doesn't fall under a bridge review as they would need permission from the Railroad. Mr. Mastroluca stated there is water flowing through the structure and if it gets blocked, it could open on the other side.

Ms. Craig noted that iPark was required to install islands and plantings in their new parking lot and asked if this can be requested in this proposal. Mr. Lee suggested adding plantings in the northwest and southwest area of the parking lot.

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

B. WET#2386(S) JONES – 6 Cardinal Lane – “corrective action” to address unauthorized tree and brush removal

Mr. Conklin, Mr. Craig, Mr. Burgess, Mr. Stow and Mr. Andrews indicated they visited the site. Mr. Conklin read the documents into the record.

Mr. McCormack introduced himself as the contractor assisting Ms. Jones with her construction and has been hired to repair the violation. He noted that Ms. Jones would prefer a split-rail fence instead of boulders and added that the oil tank is being removed.

Mr. Conklin explained he received a call from a concerned neighbor for a potential violation taking place so he went to visit the site. He met with Ms. Jones and told her that the clearing of trees and brush in a regulated area without a permit constitutes a violation. Mr. Conklin noted that Ms. Jones retained Bill Kenny to develop a restoration plan.

Mr. Conklin noted the green circles on the plan show the proposed fire pit with large boulders already in place. He also confirmed the whole site is sparsely seeded lawn and Ms. Craig stated it was sedge, which is currently in a mowed state with the majority of the yard cleared. Mr. Conklin noted there is a drain along Spoonwood Road that they would like to redo which includes the renovation of a trench drain. Mr. Conklin stated that this is a logical answer to protect the site.

Mr. Conklin indicated that the plan shows the amount of trees the applicant is proposing to install and noted that they are 30 ft. on center. Mr. Lee asked how many trees were removed. Mr. Conklin responded that it was a woody area but the lawn was right up to the wetland edge. In addition, there was a debris pile dumped at the woodland edge.

Mr. Conklin reminded the commission that past corrective action applicants have been required to plant trees 15 ft. on center. Ms. Craig agreed and stated the plan will need to show double the amount of trees and some additional trees should be required in the western corner of the lot.

Ms. Craig asked what will be done with the debris pile. Mr. Conklin responded that it will need to be removed with large equipment that was used to create the fire pit, which he noted was good for passive enjoyment of the wetland. Mr. Stow asked if removing the debris could cause more issues for the wetland. Mr. Conklin responded that the debris cannot remain in the regulated area. Ms. Craig noted she likes the selection of proposed trees, there just needs to be more. She asked about the maintenance plan for the site after the corrective action is addressed. Mr. McCormack stated they would like to keep a mowed path to the firepit area and the remaining meadow will be mowed no more than two times per year. Ms. Craig asked for a specific plan to show where all the new trees will be planted. Mr. Conklin responded they should be 15 ft. on center. Mr. Andrews asked if something needs to be placed on the border. Mr. Conklin stated the split rail fence is okay in place of the typical 2-man boulders and the path to the fire pit can include woodchips.

Mr. Burgess MOVED to APPROVE WET#2386, with the General and normal Special Conditions and the additional Special Conditions that an additional 18 trees will be added to the planting plan to be set at 15 ft. on center, the French drain can be replaced on the Spoonwood side of the property, the split rail fence is acceptable in lieu of boulders, the debris pile shall be removed, a woodchipped path is acceptable to the fire pit area, mowing is allowed no more than 2 times per year in the meadow and all mitigation plantings shall be installed by July 1, 2016, SECONDED by Mr. Andrews, and CARRIED 5-0-0.

C. WET#2388(S) SEEBERGER – 86 Old Belden Hill Road – proposed pool, patio, and pool house

Mr. Conklin, Ms. Craig, Mr. Burgess, Mr. Stow, and Mr. Andrews confirmed they visited the site. Mr. Conklin read the documents into the record, including the staff comments.

Ms. Throckmorton introduced the property as consisting of a brook through the back with a small riparian edge. She described the Raccoon Brook as being dammed which creates the pond so it is a tributary to the wetland.

Ms. Throckmorton confirmed the home construction was approved in 1997 with an approved pool location and a stonewall demarcation in place. She indicated the pool house was not included on the original wetlands approval as the regulated distance from the wetlands at the time was 50 ft. She stated that all proposed improvements are in the existing lawn area except for a small area behind the pool house where maintenance can be completed. The pool house is 53 ft. to the closest wetland and 66 ft. from the back wetland. The pool itself is 80 ft. from the front wetland and 65 ft. to the back wetland.

Ms. Throckmorton noted that part of the development includes a rain garden and elimination of lawn area around the pool and the patio. The proposal shows perennial gardens that will be created to enhance the property. Ms. Throckmorton confirmed the pool house will have a 30 in. gravel drip edge in lieu of gutters. The rain garden has been sized for a 1 in. rain event from impervious areas. She also noted there will be proper soil and erosion measures in place for the activities and the native shrubs and perennials will be treated to be protected from browsing. Ms. Throckmorton noted there was a hole in the canopy due to storm damage.

Ms. Throckmorton addressed the staff comments and confirmed the owners are agreeable to add ten ferns to the rain garden which will consist of containers, and not plugs, which will establish quickly. She then confirmed they can also add additional trees to which Mr. Lee stated a Redbud would be good. Ms. Throckmorton suggested another oak and added that there is no understory, just euonymus. When asked what types of trees are being removed, Ms. Throckmorton responded hickory, red maple, and ash. Ms. Craig confirmed the existing hickories would remain. Ms. Craig also confirmed that no plumbing is proposed in the pool house.

Mr. Conklin inquired where the pool's mechanical equipment will be placed. Ms. Throckmorton responded there will be a 4' by 8' pad located just past the pool and added this and an underground LP tank to the plan.

Ms. Craig questioned the rain garden plan. Ms. Throckmorton described it as a non-conventional rain garden as there is a natural low area where the grass is thin and moss is

present. The plan is to add a berm to give runoff the opportunity to infiltrate. Mr. Conklin asked about a soil stockpile area. Ms. Throckmorton responded that it is a very small amount and there is no excess fill. Mr. Andrews asked if the pool patio would be concrete. Ms. Throckmorton confirmed that it is, but this is why they are proposing the rain garden. Ms. Craig asked if they had calculated the amount of sunlight that will hit the pool. Ms. Throckmorton confirmed this plan has been in discussion for years and a lot of thought went into the placement of the pool. The homeowners are aware that some of the pool will not be sunny and do not plan to cut trees to open this window at any time.

Mr. Burgess MOVED to APPROVE WET#2388, with the General and normal Special Conditions, SECONDED by Mr. Stow and CARRIED 5-0-0.

III. APPLICATIONS TO BE REVIEWED

A. WET#2390(I) LUTHER – 101 Kent Road – “corrective action” to address filling of a wetland

Mr. Conklin, Ms. Craig, Mr. Burgess, Mr. Lee, Mr. Stow and Mr. Andrews confirmed they visited the site.

Mr. Luther stated he has two options to address this violation that was created by neighbor encroachment. One option is to do nothing. He stated the area was disrupted in a regulated area, not the wetlands themselves. He noted that the violation consisted of scraping dirt from an existing lawn area, removing stumps, and minor grading. He stated that an earlier corrective action permit heard at this meeting included the approval of deposition of wood chips, which is what he is working with in this situation. He stated any further activity in the area would be more trouble than it is worth as the grass is already growing and there are no major issues.

Mr. Luther stated the other option is to remove 6 – 8 in. of woodchips and dirt mix from the area but noted the idea is to minimize the disruption. He stated he would need to get big equipment back there to remove the chips and he does not want to be penalized for work he did not complete.

Mr. Andrews confirmed that trees were removed. Mr. Conklin concurred and stated that there was no lawn in that area as it was overgrown. Ms. Craig asked Mr. Conklin how he characterizes the woodchips and the damage done. Mr. Conklin stated there were a lot of woodchips deposited but it is not a huge area. He noted the mulch at 2 in. in depth may not affect the wetland but anything more may prevent growth from coming up. Ms. Craig asked Mr. Conklin if plantings would survive in this area. Mr. Conklin suggested removing the bulk of the chips. Mr. Luther stated that the wood chips decompose naturally. Ms. Craig countered that it will alter the PH level of the soil. Mr. Conklin concurred and added that it depends on the nitrogen in the soil. He noted the wood chips contain carbon and that the setting is wet without a lot of oxygen so it gets mushy.

Ms. Craig asked if we could advise the owner to plant the area. Mr. Conklin suggested staying with previous practice to require the removal of the chips and the area is restored. Mr. Burgess stated that he looks differently at this corrective action as the owner was not the cause of the issue. Ms. Craig asked if the removal of the chips can be done by hand for a long-term gain. Mr. Lee suggested no plantings but the chips should be removed from the regulated area and

spread across the front portion of the property. Ms. Conklin added that seed mix should be required. Mr. Luther agreed to install sedges.

Mr. Lee MOVED to APPROVE WET#2390, with the General and normal Special Conditions and additional Special Conditions that the wood chips shall be removed down to a base of 2 – 3 inches deep and an appropriate seed mix will be spread in the area, with all related activity to be completed by July 1, 2016, SECONDED by Mr. Burgess and CARRIED 5-0-0.

IV. APPLICATIONS READY TO BE ACCEPTED

A. WET#2394(S) LTWJ, LLC – Cannon Road – proposed 8-lot subdivision

Mr. Lee MOVED to ACCEPT WET#2394, SECONDED by Mr. Burgess and CARRIED 5-0-0.

V. APPROVED MINOR ACTIVITIES

A. WET#2389(M) COOMARASWAMY – 640 Nod Hill Road – “after-the-fact” deck permit

B. WET#2392(M) SHIMMEL – 44 Powder Horn Hill Road – proposed generator location and enclose existing oil tank with fencing

Mr. Conklin briefly explained both above minor permits that were recently issued.

VI. CORRESPONDENCE – None

VII. OTHER APPROPRIATE BUSINESS

A. Violations

1. **CROSS – 105 Old Belden Hill Road** – Mr. Conklin advised the commission that this violation has been sent to Town Counsel.
2. **PRICE – 166 Huckleberry Hill Road** – Mr. Conklin advised the owner has emailed a request to extend the opening of the Public Hearing until June 22, 2016. Mr. Lee MOVED to APPROVE an extension of time to open the Public Hearing, SECONDED by Mr. Andrews and CARRIED 5-0-0.
3. **Map 127 Lot4** – Mr. Conklin advised the owner has emailed a request to extend the opening of the Public Hearing until June 22, 2016. Mr. Lee MOVED to APPROVE an extension of time to open the Public Hearing, SECONDED by Mr. Andrews and CARRIED 5-0-0.
4. **GUTIERREZ – 95 Cherry Lane** - Mr. Conklin advised the contractor has submitted a request to extend the deadline for a corrective action application to June 9, 2016. Mr. Lee MOVED to DENY an extension of time to submit the corrective action application as the commission will need it submitted on the 8th to get on the agenda for the June 9th meeting, SECONDED by Mr. Andrews and CARRIED 5-0-0.
5. **WANGNEO – 10 Woods End Drive** – Mr. Conklin advised this owner is working diligently to get the paperwork in place for their corrective action application.

A. Approval of Minutes – May 12, 2016

Mr. Andrews MOVED to APPROVE the minutes as drafted, SECONDED by Mr. Burgess, and CARRIED 5-0-0.

VIII. ADJOURN

Mr. Lee MOVED to ADJOURN at 10:19 pm, SECONDED by Mr. Andrews and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs