



TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897
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TOWN OF WILTON

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BY: *K. Cooper*

MINUTES

November 9, 2017

PRESENT: John Hall (Chair), Liz Craig, Kathie Mandel, Mark Andrews, Tom Burgess, Nick Lee, Rick Stow

ALSO PRESENT: Mike Conklin, Director Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Brian Hildenbrand, Kellard Sessions Consulting, P.C.; Justin Ramsteck, Neighbor; Ralph Palladino, Palladino Septic; Dominick Palladino, Palladino Septic; Kate Throckmorton, Environmental Land Solutions, LLC; Carlos Lebrija, Property Owner, Sarah Curtis, Neighbor

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:29 p.m.

II. PUBLIC HEARINGS

A. WET#2485(S) – MILLSTONE PROPERTY HOLDINGS, LLC – 180 Millstone Road – to widen and improve an existing driveway at its intersection with Millstone Road within an upland review area and to construct a stable and indoor riding ring within an extended upland review area and to construct an outdoor riding ring

Mr. Hall, Ms. Craig, Mr. Burgess, Ms. Mandel, Mark Andrews, Mr. Stow and Mr. Conklin confirmed they have visited the site.

Mr. Hall confirmed that the application was submitted as a Significant but has been downgraded to an Intermediate level activity as the property owners have significantly reduced the scope of the proposal.

Mr. Healy confirmed the commission accepted the Significant Application on October 4, 2017 for a driveway expansion, indoor riding stable and an indoor and outdoor riding ring. As the property includes an easement that the town purchased, the Board of Selectman and Town Counsel have been able to relocate the barn and riding ring to the reserved residential area, and not in the extended upland review which relieves the applicant of approval for those structures from this commission. Mr. Healy confirmed the driveway configuration proposed is still accurate with this filing.

Mr. Lee MOVED to REDUCE the Application to an Intermediate Level Activity, SECONDED by Mr. Andrews and CARRIED 7-0-0.

Mr. Hildenbrand provided the latest layout and pointed out the upland review area. The owner is requesting that the driveway being widened for truck access. Mr. Hildenbrand noted they will install pillars and an entry gate and some pull off areas for cars to get past one another. He indicated the new portions will be gravel while the existing driveway will remain as paved. There is a mowed lawn area that spills into the paddock area that has no wetland buffer and no vegetation will be affected. He did state that there is a little bit of encroachment in the buffer in the new vehicle refuge area. These areas will be stabilized and he stated it is too rough to erode. Mr. Hildenbrand confirmed all activities will be protected by silt fence and the existing stone wall will act as a natural boundary for the usable property.

Mr. Healy stated the closest disturbance is 30 ft. to the resource and the total disturbance is 3,049 sq. ft. while the proposed pillars add an additional 18 sq. ft. of impervious surface. Ms. Craig confirmed with Mr. Hildenbrand that all disturbance proposed for the driveway will be in current grass areas. Ms. Craig suggested planting an oak tree. Mr. Healy agreed that an oak tree can be added to the planting plan to the left of the driveway near the entrance.

Mr. Ramsteck, of 166 Millstone Road, stated he was supportive of the stable and expansion of the road.

Mr. Lee MOVED to APPROVE WET#2485 with the General and normal Special Conditions and the additional Special Condition that an oak tree be added to the plan to be approved by staff, SECONDED by Ms. Mandel and CARRIED 7-0-0. Mr. Hall noted that a refund will be provided to the applicant for the difference in fees for the Significant vs. Intermediate Application.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2489(I) – KOHMAN – 38 Bald Hill Road – install new septic to replace failing system

Mr. Conklin, Mr. Hall, Ms. Craig, Mr. Burgess, Ms. Mandel and Mr. Andrews confirmed they visited the site.

Mr. Palladino stated there was a failing septic at the property and he has worked with the Health Department to come up with an approved design. Mr. Hall asked if there was any alternative that would farther away from the wetlands. Mr. Palladino stated this is the best location and is right next to the existing system.

Mr. Conklin advised that this Application should have been addressed as an emergency for the nature of the failure. He noted the commission will refund the \$300 difference in the cost of the permit. Mr. Andrews asked if a B100a would be required. Mr. Palladino confirmed they only need to install a primary system at this time.

Ms. Mandel MOVED to APPROVE WET#2489, SECONDED by Mr. Burgess and CARRIED 7-0-0.

B. WET#2493(I) – QUANTICAL, LLC – 59 Borglum Road – to implement a mitigation planting plan

AND

C. WET#2494(I) – MANHEIM – 61 Borglum Road – to implement a mitigation planting plan

Mr. Healy requested that WET#2493 and WET#2494 be combined into one presentation as they are related and adjacent to each other. The commission agreed this would be appropriate.

Mr. Healy reminded the commission that a permit was granted on March 13, 2017 for a single family house, septic, grading, and associated activities at 57 Borglum Road. He also noted the properties for 57 and 59 Borglum were part of a 4-lot subdivision application from 1972 with Planning & Zoning approval.

Mr. Healy explained the permit for 57 Borglum Road was granted and work commenced including the removal of trees. At that time, the neighbor, Ms. Manheim decided to buy a portion of the property and the lot associated with 57 was split and 59 and a portion of 57 Borglum were merged. When this land transfer took place, the permit was rescinded but work had already been done so mitigation is required. The simultaneous application with Ms. Manheim is for her additional plantings she wishes to install.

Mr. Healy noted there were some trees at 59 Borglum that were removed without a permit and the proposals include mitigation of a second area which was not approved to be cleared. Ms. Throckmorton stated there was a revision of the lot lines and showed where the buffer was restored closer to the house. She indicated an area that Mr. Conklin had noted after a site visit that was cleared in error so the mitigation planting will rectify that situation.

Ms. Throckmorton stated Ms. Manheim would like to restore buffer plantings, understory and an oak for mitigation. She noted six Hemlocks and three River Birch are on the plan with some being placed in the upland review area. She noted there is a dirt road to the shed at 59 Borglum Road and the cleared area which is now a meadow will be planted along the edge with understory trees. She stated the area will have a good canopy and a boulder demarcation line will be installed. The area will be seeded over as per the original plan and will naturalize. She added that silt fencing and tree protection will be in place.

Ms. Throckmorton confirmed the work will take place over the next month including the existing debris piles that are to be removed. She noted 18 trees are being added to the site and the shed area is planted with ferns which will be maintained. Mr. Craig asked how many Tulip Poplars are on the site. Ms. Throckmorton stated there are quite a few, but she did not have a count. Mr. Conklin suggested adding a boulder demarcation around the new trees being proposed.

Mr. Burgess MOVED to APPROVE WET#2493 with the General and normal Special Conditions and the additional Special Conditions that there is boulder demarcation added around the new trees and all activities shall be completed by April 15, 2018, SECONDED by Mr. Stow and CARRIED 7-0-0.

Ms. Craig MOVED to APPROVE WET#2494 with the General and normal Special Conditions and the additional Special Condition that all activities shall be completed by April 15, 2018, SECONDED by Ms. Mandel and CARRIED 7-0-0.

D. WET#2465(S) – LTWJ, LLC – Cannon Road (Map#21 Lot#13) – subdivide approximately 55 acres of land into 8 conservation subdivision lots with approximately 43 acres of land set aside as conservation area

Mr. Hall asked if the previous application documents were included in this application. Mr. Andrews stated they were as people were referencing the old plans during the public hearing. Ms. Craig stated she wanted to have more discussion and strategy.

Mr. Lee and Mr. Burgess left the meeting as they are recused from this application.

Ms. Craig stated there has been no discussion about the intensity of the development. Mr. Hall stated the intensity is not this commission's purview and asked Mr. Conklin to read his notes aloud from the last meeting. Mr. Conklin read his notes aloud from the previous meeting that were the basis for the Special Conditions that were placed in the DRAFT Resolution.

Ms. Craig stated her opinion that the proposal is not appropriate for a residential setting as the drainage can become a burden on the town. She was concerned they are not using Best Management Practices, and that it is not a conservation subdivision if it is dependent on drainage systems. She stated she is flummoxed that there has not been more discussion. Mr. Hall noted the experts went back and forth but Ms. Craig countered that they did not give straight-forward answers like the site coverage question. Mr. Andrews noted the plans state 1.14 acres is proposed to be impervious. Ms. Craig stated she wanted more details. Mr. Andrews stated the details are in the materials. Ms. Craig stated there was not much give and take during the hearings. She stated she wished the commission was more interactive. Mr. Hall stated this hearing may have been expedited because of the experience of the previous large subdivision which allowed the agents to address issues that typically come up.

Ms. Craig stated she was disappointed with the third party review as there were only subtle changes made in the design. She noted lots 1, 2, 4 & 5 are sensitive sites and she predicts the future owners will be in front of the commission for encroachment violations. She was concerned that the soils were originally an issue, but then all of a sudden they are not an issue. Mr. Hall stated the commission needs to look at everything individually like there are eight separate applications. He went further to state that all lots have engineering and each lot has been inspected and approved by our third party consultants.

Ms. Craig stated lot 5 is being proposed on a large hill surrounded by wetlands. She also noted the Mayapple Brook is a AAA stream and all drainage will go there. Mr. Hall noted the engineering is there to fix these concerns. Mr. Andrews stated this commission does not decide zoning issues and if each lot is 1.5 acres on average, this is not intense in his opinion. Ms. Craig countered that Lots 1, 2, 3, 4, and 5 are largely in the wetlands. Mr. Andrews countered that there are zero activities being proposed in the wetland. Ms. Craig stated she wants to protect the water quality in this area. Mr. Andrews stated 4% of the property is being altered and 78 % is not being touched forever in perpetuity. Ms. Craig stated a conservation subdivision would also protect the land that is being built on. Mr. Hall reminded Ms. Craig that the size of the lots is a

zoning matter so it is outside of the commission's jurisdiction. Ms. Craig countered that the disturbance will be the size of a football field. Mr. Hall stated it is 1.25 acres. Ms. Craig stated the site clearing equals 5 acres out of 10. Ms. Mandel suggested the Commission read through the draft resolution and come to a consensus of the Special Conditions.

Mr. Conklin reminded the commission that the charge is to look at the regulated activities and decide whether there is a reasonable likelihood to pollute the wetlands, including clearing and grading and stormwater discharge. Ms. Craig stated Dewberry raised issues with Lot 5. Mr. Andrews confirmed Dewberry was satisfied that all issues have been resolved and asked how the homeowners and any future homeowners know to have the systems inspected and cleaned. Mr. Hall responded that there are declarations to maintain these systems in the land records and stated the idea that homeowners will periodically check the road drain was not feasible with a public road.

Ms. Craig asked if there will be public access to the open space. Mr. Hall stated there would not be access and Mr. Conklin confirmed if the Land Trust accepts the property, it is up to them what happens with access. Mr. Conklin confirmed the property backs up to other open spaced owned by the Town and the Land Trust.

Ms. Craig asked how long the permit is valid. Mr. Conklin responded it is good for five years and the applicant can request an extension of up to 5 years. Ms. Craig asked if there was any way to protect the site from runoff like what was seen from the other recent Cannon Road subdivision. Mr. Conklin responded there is an opportunity for runoff with construction of any road, and a Cease & Desist can be issued, and bond money can be used for any deficiencies. He confirmed there are enforcement measures in place and weekly inspections will take place. In addition, inspections will be required after a 1-inch rain event. He also noted the other Cannon Road subdivision had gravel driveways which were running off into the road. He added that these houses did not require a wetlands permit and there can be problems at any site as Best Management Practices are dynamic and can be adjusted if necessary.

Mr. Hall asked to address the application with fairness. He stated if one lot came in, would we approve it, and noted if they can mitigate the effects and the third party agrees, it should be approved. The commission discussed the filling of the wetlands with waste, leaves and woodchips and the complications that can arise with different contractors. Mr. Conklin stated that each owner will be aware of the sensitivity with the wetlands for maintenance at the time the builder comes in for the house construction. Mr. Hall asked who maintains the riprap. Mr. Conklin stated once the road is accepted by the town, the Department of Public Works will maintain it. Mr. Andrews noted this proposed pad makes it easy for the Town to know if it needs to be cleaned. Ms. Craig asked how close the road is to the pad. Mr. Andrews stated it is within 40 ft.

Mr. Andrews MOVED to APPROVE the Draft Resolution as drafted and include Special Condition #10 into the Declaration for the Land Records, SECONDED by Mr. Stow and CARRIED 4-1-0 with Ms. Craig voting against the Application.

IV. APPLICATIONS READY TO BE ACCEPTED - None

V. APPROVED MINOR ACTIVITIES

- A. WET#2492(M) – DEBORJA – 30 Sunset Pass** – construct a 10 ft. x 26.6 ft. deck set on concrete piers and posts 64 ft. from wetlands
- B. WET#2491(M) – FLATT – 31 Hollow Tree Place** – install 10 ft. x 12 ft. shed 85 ft. from a wetland

Mr. Conklin provided a brief description of the Minor Permits that have been granted by staff.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. Violations

- i. WET#2449(I) – MCFARLAND – 14 Partrick Lane** – “corrective action” for tree clearing

Mr. Conklin confirmed there is nothing new to report.

- ii. CAREY – 217 Olmstead Hill Road** – unauthorized clearing of land within a regulated area

Mr. Conklin confirmed the commission granted an extension for the Corrective Action Permit at the last hearing.

B. Approval of Minutes – October 26, 2017 Regular Meeting

Ms. Mandel MOVED to APPROVE the meeting minutes from October 26, 2017, SECONDED by Mr. Andrews and CARRIED 5-0-0.

VIII. ADJOURN

Mr. Andrews MOVED to ADJOURN at 9:36 pm, SECONDED by Ms. Mandel and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs