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MINUTES

September 28, 2017

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

ALSO PRESENT: Ira Bloom, Town Counsel; Peter Gelderman, Town Counsel; Mike Conklin, Director Environmental Affairs; Liz Larkin, Recording Secretary; Kate Throckmorton, Environmental Land Solutions; Kevin Quinlan, Kevin Quinlan Architecture, LLC; James McCormack, General Counsel for 390-392 Danbury Road Associates; Holt McChord, McChord Engineering Associates

ABSENT: Mark Andrews (notified of intended absence)

I. CALL TO ORDER

Ms. Craig called the meeting to order at 7:04 p.m.

Ms. Craig MOVED to ENTER into Executive Session and INVITE Mr. Conklin, Ms. Larkin, Mr. Bloom and Mr. Gelderman to the Executive Session, SECONDED by Mr. Burgess and CARRIED 5-0-0 as Mr. Hall was not present at this time.

II. EXECUTIVE SESSION

Mr. Hall arrived at the meeting.

Mr. Lee MOVED to EXIT Executive Session, SECONDED by Ms. Mandel and it CARRIED 6-0-0.

III. PUBLIC HEARINGS

A. 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 (cont.)

Mr. Conklin read a letter received by Gregory & Adams asking for the hearing to be continued until the next regular meeting being held on October 12, 2017.

Mr. Lee MOVED to CONTINUE WET#2465, SECONDED by Mr. Burgess and CARRIED 6-0-

IV. APPLICATIONS READY TO BE REVIEWED

A. WET#2471(I) – GUTIERREZ – 95 Cherry Lane – “corrective action” for unauthorized tree removal in a wetland

Ms. Throckmorton reminded the Commission that she appeared before the commission at the last meeting with an update of her being retained by the property owner while asking for a waiver of the wetlands being flagged, which was denied. She confirmed a Soil Scientist was hired and the report has been provided, along with a watershed map and planting plan.

Ms. Throckmorton confirmed she counted nine trees that were removed, not the eight trees noted on the Notice of Violation. She confirmed her plan is to re-plant nine trees which will be a mix of shade and understory trees in the same location as the former trees.

Mr. Conklin, Ms. Mandel, and Mr. Lee confirmed they visited the site. The commission agreed that the \$500 Municipal Citation will not be waived per the owner’s request.

Ms. Craig inquired about the types of trees being proposed. Ms. Throckmorton responded red maples, an elm, and two ash trees were removed and her plan fills the area substantially with shade trees in the back and ornamentals in the front. Ms. Craig asked if the removed ash trees were in decline. Ms. Throckmorton stated she did not see the trees prior to removal but she would assume they were in decline. Mr. Conklin suggested there be a date assigned for the trees to be installed.

Ms. Craig MOVED to APPROVE WET#2471 with the General and normal Special Conditions and the additional Special Conditions that the trees be installed and the citation is paid by October 31, 2017, SECONDED by Mr. Lee and CARRIED 6-0-0.

B. WET#2476(I) – FUJII PROPERTIES, LLC – 9 Hollyhock Road – second story addition, driving lane widening and pervious pavers 25 ft. to a wetland

Mr. Hall, Mr. Conklin, Mr. Burgess, Ms. Mandel, Mr. Lee and Mr. Stow confirmed they visited the site.

Ms. Throckmorton advised that the property owner received a Minor level permit in the spring for some buffer enhancements while the zone was being changed from residential to commercial. She described the wetlands as the Copts Brook running along the eastern property line and this application is the next step in the redevelopment of the property. Ms. Throckmorton stated there is a portion of the building coming out and a second story is being built. In addition, the driveway is being widened so that 2-way traffic can move through to the back parking lot. This lot will be pushed out and a walkway will be added. The additional driveway surface will equate to seven spaces lost and pervious pavers will be laid to create a net decrease in overall runoff.

Ms. Throckmorton confirmed the handicapped parking spaces will be moved and the ramp will

be extended. The emergency stairs are being reconfigured with the roof. Ms. Throckmorton also noted the Norway Spruce near the new walkway will be replaced with a native swamp white oak and the landscaping around the building will be native shrubs and ground covers.

Mr. Hall asked how long the pervious pavers will remain pervious. Ms. Throckmorton stated that they are wrapped with geo-tech so they do not clog and that with proper maintenance, the water will get to the gravel layer. Ms. Craig asked if gravel or pervious pavement is more sustainable. Ms. Throckmorton responded that pervious pavers are better as gravel compacts.

Ms. Mandel MOVED to APPROVE WET#2476 with the General and normal Special Conditions and the additional Special Conditions that the plan be revised to detail the maintenance for the pervious pavers and that the maintenance is carried out as required including annual sweeping, SECONDED by Mr. Burgess and CARRIED 6-0-0.

C. WET#2477(I) – HUA – 19 Kent Hills Lane – addition including converting existing lower level bedroom to a laundry room and replace porch columns

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

Mr. Quinlan thanked the commissioners for visiting the site and stated the owners are adding two bedrooms with a half story with no new footprint. He confirmed the stormwater from the additional roofs will go to the existing drainage system. He also described the home is a split level with stairs to the main level and the bedroom in the basement is isolated and more of a storage area or office.

Mr. Quinlan confirmed he is before the commission for the B100a which has been reviewed and approved by the Health Department. Ms. Craig asked where the staging area will be. Mr. Quinlan responded this would be on the outskirts of the driveway, with silt fencing and over seeding when the construction is done. Ms. Mandel confirmed no trees are to be removed.

Mr. Burgess MOVED to APPROVE WET#2477, SECONDED by Ms. Mandel and CARRIED 6-0-0.

D. WET#2479(I) – 390-392 Danbury Road Associates – 390 Danbury Road – “corrective action” to address unauthorized removal of trees

Mr. Hall, Ms. Craig, Mr. Burgess, Mr. Lee, Ms. Mandel and Mr. Conklin indicated they visited the site.

Mr. McCormack stated the owner wanted to be at the meeting but had a medical emergency and was unable to attend. He described that the trees they removed were in decline and branches were falling on their equipment. The owner did not realize he needed a permit to remove the trees. To mitigate the violation, he suggests installing evergreens along the river in the back of the property which will create a buffer. Mr. Burgess stated he saw a tree in decline in the northeast corner and a tree with invasive growth on the south side. Ms. Craig noted there is pavement right up to the river and this allows parked buses to cantilever over the River.

Mr. McCormack explained that they lost the location where they house the buses but are in the

process of obtaining a new location. Ms. Craig asked why the trees were in decline. Mr. McCormack did not know the cause of the issue. Ms. Craig then asked Mr. Conklin what the guidelines are for businesses around the river. Mr. Conklin noted while the site is not ideal, he does not remember the buffer ever being wider in this location. Ms. Craig stated businesses need to respect the buffer as the water flows to places where children play, like Merwin Meadows. Mr. Hall added that we can encourage the owner to enhance the wetland perhaps by pulling back the asphalt and adding a curb or basin.

Mr. Lee noted there is an easement on the plan that should be checked to ensure there are no conflicts with the work the owners are prepared to complete. Mr. Conklin suggested hiring an engineer. Ms. Craig stated that curbing is not desirable as it just moves the runoff to another property.

The commission asked Mr. McCormack to come back with further information for the next hearing on October 12, 2017.

E. WET#2481(I) – BEMA GROUP – 338 Westport Road – demolition of existing house and driveway and construction of a proposed single-family residence, driveway, septic system, and stormwater management system, site grading and soil erosion controls

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

Mr. McChord explained there is an existing house in the northern portion of the property which consists of 4 bedrooms, a small septic system, and a small intermittent watercourse off site. The proposal includes removing the old house and building a new 4-bedroom house more in the center of the property. The driveway is being reconfigured and roof leaders will be installed for drainage. Mr. McChord confirmed the site is served by town water.

Mr. Hall asked what happens to the old house. Mr. McChord confirmed the house is in disrepair and it will be demolished and the area will revert to lawn. Ms. Craig stated the driveway looked very large but noted it is not in a regulated area. Mr. McChord confirmed the driveway will be gravel.

Mr. Stow MOVED to APPROVE WET#2481, with the General and Normal Special Conditions, SECONDED by Mr. Burgess and CARRIED 6-0-0.

V. APPLICATIONS READY TO BE ACCEPTED

A. WET#2482(I) – KENNEDY – 82 Sunset Pass – “emergency” septic repair

Mr. Lee MOVED to ACCEPT the above application, SECONDED by Mr. Burgess and CARRIED 6-0-0.

VI. APPROVED MINOR ACTIVITIES - None

VII. CORRESPONDENCE - None

VIII. OTHER APPROPRIATE BUSINESS

A. Violations

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

Mr. Conklin confirmed there is a Federal lawsuit pending with these homeowners.

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

Mr. Conklin advised the Commission that this homeowner cleared land down in a gully. They are actively working on their application with an engineer. They are marking stumps with diameters to assist with the process.

B. Approval of Minutes – September 14, 2017 Regular Meeting & September 14, 2017 Site Walk

Mr. Lee MOVED to APPROVE the meeting minutes, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Mr. Stow MOVED to APPROVE the Site Walk minutes, SECONDED by Ms. Craig and CARRIED 6-0-0.

IX. ADJOURN

Mr. Lee MOVED to ADJOURN at 8:24 pm, SECONDED by Ms. Mandel and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs

