



RECEIVED FOR RECORD
TOWN OF WILTON
2017 APR 19 P 2:03
BY: *R. Harkin*

MINUTES

April 13, 2017

PRESENT: Liz Craig (Acting Chair), Tom Burgess, Kathie Mandel, Rick Stow, Mark Andrews

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Pat Miller, Pat Miller Designs; Mike Lindquist, Wilton Tire & Auto; Casey Healy, Gregory & Adams; Mark Lancor, Dymar; Holt McChord, McChord Engineering; Kate Throckmorton, Environmental Land Solutions; Matt Mason, Gregory & Adams; Marjorie Shansky, Attorney; Dr. Michael Klemens; Jim Galligan, Nafis & Young; Russell Friedman, Neighbor; Louise Washer, NRW; Lisa Stuart, Neighbor; Adam Dixon, Neighbor; Jeff Shamas, Dewberry Engineers

ABSENT: John Hall and Nick Lee (notified of intended absences)

I. CALL TO ORDER

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

II. APPLICATIONS READY TO BE REVIEWED

A. WET#2438(I) – PETTRONE – 270 Grumman Hill Road – proposed addition over patio, new walkway and stairs with retaining wall 66 ft. from wetlands and B100a 80 ft. from wetlands

Ms Miller confirmed she was representing Ann Pettrone for an improvement to her property at 270 Grumman Hill Road. She described the proposed addition as 10 ft. x 12 ft. and will include a retaining wall 66 feet away from the wetlands on the neighboring property. She indicated the coverage will remain the same as the patio is being eliminated. She stated she sized a rain garden for the property in the event the commission wanted to see this mitigation.

Ms. Miller confirmed a silt fence will be installed and maintained throughout construction and a B100a was approved by the Health Department with the tank 80 ft. from the closest wetland. Ms. Craig inquired about vegetation removal and Ms. Miller confirmed no trees or vegetation will be affected. Mr. Burgess, Ms. Mandel, Mr. Andrews, Mr. Stow, and Ms. Craig indicated they visited the site.

Ms. Craig asked about the flow of traffic around the house and Ms. Miller responded that it is a

single woman who does not need clear traffic around the home. Ms. Miller added that the roof runoff will go the patio area and she was not certain the commission wanted a rain garden. Mr. Andrews confirmed the patio is getting smaller. Ms. Mandel asked how long the materials will be on the site. Ms. Miller responded that the construction will take about 3 months to complete. Mr. Burgess asked Mr. Conklin if he thought the rain garden would be appropriate at this site. Mr. Conklin stated he did not think it would be necessary as the area is woods and lawn. Ms. Craig asked Mr. Conklin about the downspouts being appropriate. He responded there are no issues with the down spouts.

Mr. Burgess MOVED to APPROVE WET#2438 with the General and normal Special Conditions and additional Special Condition that a Rain Garden is recommended but not required, SECONDED by Ms. Mandel and CARRIED 5-0-0.

B. WET#2439(I) – STENGRIM – 19 Turner Ridge Court – proposed 2-story addition over existing deck, new mudroom on slab, new deck and new bluestone set in concrete patio over existing deck and new front porch 45 ft. from wetlands

Ms. Miller confirmed she is also representing the Stengrims who are proposing a 16 ft. x 18 ft. family room, a 5 ft. x 16 ft. wood deck, relocation of the hot tub and removing the enormous deck. She explained this proposal provides less site coverage and there is a 77 sq. ft. Rain Garden sized for the 460 sq. ft. of roof area.

Ms. Miller read a letter from the Stengrims and passed around a photo showing how their existing concrete basement steps get water from the current deck configuration. Ms. Miller stated she would seal this opening for total elimination of this issue as the current deck construction has nothing blocking this flow of runoff. Ms. Miller confirmed the air conditioning unit will be relocated to be outside the mud room. Ms. Craig noted the driveway is close to an intermittent stream and asked if there is an opportunity to mitigate. Ms. Miller stated there are some existing shrubs for coverage by the stream. Ms. Craig asked for an additional 3 or 4 large shrubs and 1 large tree which should follow the watercourse and wrap around the edge. Ms. Conklin noted there is lawn next to the wetlands so the Rain Garden would make the most impact in this area. Mr. Conklin agreed to review and approve a revised planting plan with these items, outside of the commission meeting.

Mr. Burgess MOVED to APPROVE WET#2349 with the General and normal Special Conditions and the additional Special Condition that additional plantings of 4 large shrubs and one large tree be added at the driveway edge on the plan and brought to staff for approval, SECONDED by Mr. Andrews and CARRIED 5-0-0.

C. WET#2440(I) – LINDQUIST – 658 Danbury Road – “corrective action” to address encroachment past the approved limit of disturbance

Ms. Craig, Mr. Burgess, Ms. Mandel, Mr. Stow, and Mr. Andrews indicated they visited the site.

Mr. Conklin described that he was on a routine site inspection and noticed the clearing was extended into an area that was called out to be undisturbed. He confirmed the area was a shrub scrub overgrown area that was removed in order to install the underground detention system adjacent to it. Mr. Conklin stated additional soil was brought in to grade the steep slope per

McChord Engineering and Polito Builders.

Mr. Lindquist confirmed Ms. Throckmorton prepared a landscape plan to address the unauthorized clearing. Ms. Craig asked for the size of the cleared area to which Mr. Conklin responded it is 15 – 20 sq. ft. in size. Mr. Conklin noted the plan proposes two additional trees, three additional shrubs, and re-seeding of the area.

Ms. Craig noted that some of the plantings required under the original permit look stressed, including one new oak. Mr. Conklin confirmed some of the trees are not properly planted as they are sticking out of the ground, halfway installed. Mr. Lindquist stated these trees have been there since November or December and they are bonded so if they do not survive, that is his burden. Mr. Conklin stated if he had hired someone to install these trees, and they were incorrectly installed, he would ask the installer to re-do the planting. Mr. Andrews asked whether it is a good idea to disturb the slope at this time. Ms. Craig added that the bank should be stabilized as soon as possible and waiting two years to re-disturb it does not make sense. Mr. Lindquist stated the trees were planted for aesthetic reasons. The commissioners quickly responded that these trees were for mitigation of the disturbed wetland buffer. Ms. Craig stated she would like to see one more tree. Mr. Conklin added that jute blankets and a seed mix were used to stabilize the hillside.

Ms. Mandel MOVED to APPROVE WET#2440, with the General and normal Special Conditions and the additional Special Conditions that an extra native tree is planted and jute blankets and seed mix are used for the steep slope, and all activities are to be completed by August 1, 2017, SECONDED by Mr. Burgess and CARRIED 5-0-0.

III. APPLICATIONS READY TO BE ACCEPTED

- A. WET#2445(I) – COPPOLA – 54 Warncke Road – “corrective action” to address unauthorized clearing of trees and shrubs and removal of woody debris deposited adjacent to a wetland**

Mr. Burgess MOVED to ACCEPT WET#2445, SECONDED by Mr. Andrews and CARRIED 5-0-0.

IV. CORRESPONDENCE

A. Permit Determination – 211 Danbury Road, LLC

Mr. Conklin advised that the applicant has requested that the commission determine if a Wetlands Permit is required for building an assisted living community at this address. Mr. Conklin described the site is not within 100 ft. of any wetlands or watercourses but the stormwater from the site will discharge to the town sewer which discharges to the Norwalk River. He noted that the stormwater from the site will discharge to the Norwalk River and could present a long-term degradation of the water which is be under this commission’s purview. He stated the 44 Westport Road application had a similar circumstance in that it was not in a regulated area but the stormwater infiltrators were tied to the sewer system and into a watercourse.

Mr. Healy stated no wetlands or watercourses are present on this site, or within 100 ft. of the site. He confirmed the Norwalk River is 250 ft. from the southwest corner of the property so he does not believe this is a regulated activity. He noted a biological report was completed by William Kenny and Associates and his opinion was that the Norwalk River will benefit as it will eliminate water pollutant discharges where there is currently no stormwater management. The current proposal reduces peak flow by 60% as the roof runoff will be directed to the infiltrator to be treated. Mr. Healy stated that as the development will have a positive impact to the area and is not subject to a wetlands permit. He added that the site does not currently treat any stormwater. Mr. Conklin raised a concern that sediment and erosion problems can occur without oversight which will end up in the drainage system.

Mr. Lancor, the Engineer for the project, stated there are currently no controls on this site and no drainage system so there is muck running with direct discharge to the town system. He described this project as including a treatment train that positively impacts the area. He noted there are two large Water Quality Basins and a water retention system proposed which capture far more volume reducing the flow by 60% and a 10% reduction of volume. Mr. Lancor stated he met with the Department of Public Works as they wanted to help the town with the drainage issues on Orem Lane.

Ms. Craig confirmed that she would like to take the time to review the materials submitted prior to making a determination. Mr. Andrews agreed it would be good to allow the commissioners to review the submitted information prior to making a determination. Mr. Burgess asked if 44 Westport Road was within 100 ft. of wetlands. Mr. Conklin stated that it was not within the regulated area, but the underground detention and overflow system were present on the site, so it was within the purview of the agency. Mr. Healy countered that the reason that was before wetlands was because of the nature of affordable housing. Mr. Craig was concerned the decision would set a precedent for future uses that will affect the Norwalk River.

Mr. Burgess MOVED to REVIEW the materials and make a permit determination at the next meeting, SECONDED by Mr. Andrews and CARRIED 5-0-0.

B. WET#2424(S) MIROTA – 22 Edith Lane – request for extension

Mr. Conklin read a letter from the owner of the property requesting an extension to install his mitigation plantings which are due to be installed on May 1st to September 30, 2017. Mr. Conklin confirmed the building permits were not obtained until January and the weather has been difficult. The commission discussed that the extension seems to be a long time but that it is not prudent to install plantings in the hot summer months.

Ms. Mandel MOVED to EXTEND the deadline for mitigation plantings until September 30, 2017, SECONDED by Mr. Andrews and CARRIED 5-0-0.

Mr. Andrews MOVED to ADD LTWJ, LLC Hearing Scheduling to the Agenda, SECONDED by Ms. Mandel and CARRIED 5-0-0.

C. LTWJ, LLC Public Hearing Scheduling

Mr. Conklin advised that the Special Meeting that was scheduled for the Public Hearing on April

20, 2017 does not work for the applicant as the engineer will be out of the country. The commission discussed date options for the hearing.

Mr. Andrews MOVED to SCHEDULE the Public Hearing Opening on May 11, 2017, SECONDED by Mr. Burgess and CARRIED 5-0-0.

D. Approval of Minutes – March 23, 2017 Meeting

Ms. Mandel MOVED to APPROVE the minutes, SECONDED by Mr. Andrews, and CARRIED 5-0-0.

V. PUBLIC HEARINGS

A. WET#2429(S) DAVID W. BRUBECK TRUST, IOLA W. BRUBECK TRUST, DERRY MUSIC COMPANY – 221 Millstone Road (Assessors Map#94 Lot#1), Millstone Road (Assessors Map#79 Lot#40), 67 Hickory Hill Road (Assessors Map#94 Lot#9), 69 Hickory Hill Road (Assessors Map#94 Lot#10), 73 Hickory Hill Road (Assessors Map#94 Lot#11), 85 Hickory Hill Road (Assessors Map#93 Lot#16), & 87 Hickory Hill Road (Assessors Map#93 Lot#17) – (i) the renovation of an existing wetlands crossing; (ii) the construction of a new wetlands crossing, (iii) the development within upland review areas of six (6) lots that were subdivided in 1954 and resubdivided in 1968

Mr. Conklin read the new documents into the record, including neighbor letters in their entirety. Mr. Conklin also noted that lots 6 and 8 have not yet received Health Department approval as they reached ledge.

Mr. Healy explained the property as consisting of six lots that were subdivided in 1954 and again in 1968 with 4 lots being served by a common driveway off Millstone Road and 2 lots being served by a driveway on Hickory Hill Road. The applicants have made some modifications to the plans to address the comments from the last public hearing. Mr. Healy confirmed the widths of the driveways have been reduced, and a retaining wall has been extended along Millstone Road. They are tightening the grading around the septic, relocating the house on lot 10, and adding a second box culvert off the Hickory Hill.

Mr. McChord explained the property has one existing house and 25.23 acres of land. He noted the lot lines are being changed to create a more sensitive development and protect the natural resources. The new plans have less earthwork than the historical approvals and he would not consider this a high density development, as noted in the opposition's letter. Mr. McChord confirmed 1/3 of the property, equal to 8.6 acres, will be conservation restricted and 2/3 of an acre adjacent to the river will go back to woods.

Mr. McChord stated the treatment train that is proposed uses the Best Management Practices such as grass swales, deep sumps, underground infiltrators, and include the Connecticut Standards for Pollution Renovation. He described the crossing on the Hickory Hill driveway as improved with two arches. He also confirmed that no blasting will be done on this site as brought up by Mr. Cowen. He stated they have 5 – 6 test pits that resulted in 60-70 inches of suitable soil and added they would be happy to make no blasting a condition of approval. Mr. McChord explained the outlet of the Water Quality Basin as being pitched for the entire length of

the driveway to a curb which flows into a large fore bay which goes through the basin and onto the spillway. He described the perforated pipe allows the basin to drain over time. There is a level spreader at the end of the spillway which has low flow, eliminating the chance for erosion. He also addressed the shape of the vernal pool as being smaller than the edge of the wetlands and outside of the setback.

Mr. McChord then addressed the Millstone Road driveway and confirmed the opening of the shared drive slopes and is currently planted. The applicant is hoping to utilize the existing Jeep Road to avoid unnecessary tree removal. The driveway width has been reduced per the comments from the last meeting from 16 ft. to 14 ft. and the disturbance for the driveway has been pulled in on the west side adjacent to the East Branch of the Comstock Brook. He stated the driveway serves as a barrier for runoff and is pitched to the east into swales which will create a travel path much more than 100 ft. The runoff is then more than 100 ft. from the resource and everything south of the high point stays in the swale. He indicated the watershed above this property consists of 1,600 acres and the loss of 6 acres does not make a large impact. Mr. McChord also stated the unnamed brook is not a trout habitat and the temperature control is done with underground galleries which are sized to hold a 10-year storm prior to any discharge.

Mr. McChord explained they looked at alternatives due to the proximity of the road to the East Branch of the Norwalk River. He reminded the commission that their first defense is avoidance and by moving the road 12 ft. away, it goes further into another wetland. The proposal includes 254 sq. ft. of disturbance and the alternative provided by the Interveners has 1,103 sq. ft. of disturbance, just to gain slight separation. He also noted bringing the road further to the east has 1,600 sq. ft. of area rather than the preferred 200 sq. ft., and the driveway would be longer. He added that the area is steep slope here as well which would require a larger clearing area.

Mr. McChord confirmed they have adjusted the culvert with the 36 in. pipe to contain a box culvert. He described the benefit of the box culvert as consisting of a concrete circular pipe which will fill the bottom for a more natural channel. This box culvert has a sediment trap which will stop the significant erosion that is currently occurring on the site.

Mr. McChord also addressed the lack of Health Department approval on two proposed lots. He stated the new code requires 48 inches of soil and the two unapproved lots only found a depth of 28 inches, which was the previous health code. He confirmed once they bring in more fill, the approvals will be in place. He added that to serve lot 8 in an alternate location, a pump would be needed so they will complete some additional testing in this area.

Mr. McChord stated that Nafis & Young's alternatives presented had the driveway in the same place but removed a lot which was not in the 100 ft. buffer. He stated this loss of a lot is not a prudent alternative. He added that the east side of the driveway would have the same crossing and the same impacts and that all systems are fully engineered and designed to handle the stormwater runoff.

Mr. McChord reiterated to the commission that the new proposal improves one crossing, limits impact to the area and adds a new crossing while minimizing the impact to the resources. He confirmed the total property is 25 acres and when you remove the existing house there is 22.88 acres with eight acres being conservation restricted. The total disturbance is 5.8 acres for six lots in a 2-acre zone. With 4,699 acres in the watershed, this property is only 0.12% of that

watershed.

Mr. Andrews inquired about how much fill would be placed in a wetland for lots 6 and 8 not approved by health. Mr. McChord confirmed no fill will be placed in the wetland, but there will be fill in the regulated area. Ms. Craig raised concern that there is so much disturbance being proposed close to the Comstock Brook. Mr. McChord responded that they have an underground detention system that is designed for all storm events. Mr. Conklin asked Mr. McChord to confirm the logic behind sizing for a storm event. Mr. McChord described an inch of rain is equal to a 2-year storm event and the first inch is where water quality is important. It is called the "first flush" and includes the most pollutants. Mr. Andrews asked why the Health Department is asking them to test the back area of lot 8. Mr. McChord responded that they are looking for 48 inches of natural soil but this distance would require a line to run through the property which would create more disturbance.

Mr. Burgess asked if the steep slopes on lot 5 were addressed from the comments on the Dewberry Report. Mr. McChord responded that they moved the dwelling further up gradient but with the ledge in the front and the slope in the back, they need a flat area for the house and the septic so they are using a natural stone wall.

A discussion ensued relating to the joint driveways and who is responsible for building and maintenance. Mr. McChord noted that the Millstone Driveway will be owned 25% for each of the four lots and Hickory Hill will be 50% ownership for the 2 lots. Mr. Andrews asked if different contractors will be hired for the driveways. Mr. McChord responded that there may be different contractors but the design is unified. He confirmed the first sale will begin the wetland mitigation.

Ms. Craig stated that 5-bedroom homes are not small and those potential owners may want to conduct more clearing for pools and larger lawns. Mr. Conklin stated that he is struggling with the sequence as the first owner would be responsible to complete the mitigation on all other lots. Mr. Healy responded that the submitted declaration allows the owners to act on other lots. Mr. Andrews asked at what point is the conservation easement put into place. Mr. Healy responded it is in place no later than the first lot being sold.

Ms. Throckmorton responded to Ms. Mandel's question about the 750 ft. terrestrial review by stating they have confirmed wood frogs are breeding in the vernal pool which is considered a Tier 1 pool. She stated the area will not change and all activities will take place outside of the 100 ft. vernal pool envelope. She indicated that the 750 sq. ft. that was noted by Dr. Klemens is off the property and the Planning & Zoning guidelines state to maintain 16% of coverage and the proposal has 8% which more than meets the development guidelines.

Ms. Throckmorton confirmed the revised plans for Hickory Hill Road include a reduction of site work with the new width of the driveway and tightening up of the slopes. She stated they would continue to monitor and sweep the pool and terrestrial review area for other wildlife. Construction will take place outside the vernal pool breeding season and a monitor will be employed with a sweep to move any critters out. Ms. Throckmorton stated the driveway is 185 ft. from the vernal pool.

Ms. Throckmorton confirmed they have added an additional culvert to the double arch which has

a 29 ft. span with an 80% open bottom so the permanent disturbance is reduced.

Ms. Throckmorton stated the Millstone driveway site disturbance is minimal with the Jeep Road. She noted the target crossing recommended by the Interveners reaches lot 9 and 10 and increases the wetland impact. She reminded the commission that their charge is to focus on avoidance. She stated there are no adverse affects to moving the driveway, but it will create more disturbance to the site. Ms. Throckmorton confirmed the current proposal includes removal of 10 trees. She also indicated the current crossing is in poor condition and adding riprap to this crossing and a plunge pool will improve this area as the total permanent impact is a little more than 1,000 sq. ft. She confirmed all mitigation will be completed prior to construction and 99% of trees by the brook will remain. Ms. Throckmorton stated the middle portion of the property will reforest back to a canopy within five years.

Ms. Throckmorton stated the Comstock Brook is not the only trout stream in the area. The Norwalk River is a Class 3 river and includes wild brown trout. She stated no trout have been documented on this property as it is inhabitable. The wildlife survey found warm tolerant fish such as large mouth bass and chub. During a comprehensive mitigation drainage review, they have reduced the site grading and disturbance. Ms. Throckmorton confirmed there are 8 acres on the conservation subdivision which would not be the case if the owners chose to sell individual lots. She also confirmed NEMO recommends no more than 10% coverage and their proposal is less than that at 7% and the site will be left as 75% woods.

Mr. Mason advised the commission that these are six existing building lots and this is not a proposed subdivision. He confirmed the lots exist and it would not be considered reasonable or prudent to reduce the amount lots. Mr. Mason stated the lots are grandfathered as they existed prior to 1987 and the commission must approve this application unless substantial evidence exists that adverse affects are likely. Ms. Craig asked what he means by prudent. Mr. Mason responded the location of the driveway would be appropriate to discuss but not the elimination of the lot. Mr. Burgess asked if the commission can decide to not approve a lot. Mr. Mason responded that the commission has the ability to decide nothing can be built on the lot. Mr. Conklin stated he thinks the commissioners should get a legal opinion from the town attorney.

Mr. Burgess MOVED to REQUEST a legal opinion on lots already determined and the consequence of approval, SECONDED by Ms. Mandel and CARRIED 5-0-0.

Ms. Shansky stated the lots are grandfathered to the point of the 1987 deadline which was the drop dead date. She stated any review after that date is subject to full wetlands jurisdiction if there may be adverse impacts. She stated the property does not have existing building lots so that approval does not exist from the Wetlands standpoint. She stated the lots may be approved if there was 25 flat acres, but this property includes slopes, ledge and a vernal pool which are large site constraints. Ms. Shansky commented that the application is incomplete based on ten different sections in the regulations.

Dr. Klemens stated he has studied water quality for more than 30 years and he has never been part of a proceeding where the term "opposition" is used to describe the interveners. He noted that this is inappropriate, rude and disparaging. He confirmed the applicant needs to complete a proper vernal pool study with egg masses counted. He wants to see who did the study and the methodology used. He noted there are unsigned reports, he asked if they used dip netting and

asked how they counted. Mr. Klemens stated they could have rafts with two egg masses deep and that the core information has not been provided. He is not certain sufficient testing was done and he needs to see evidence for a Tire 1 pool. He attempted to calculate the numbers and was disappointed that the site walk was cancelled as he never had the opportunity to view the vernal pool. He noted the size and configuration matter to understand where the 100 ft. envelope lies and where the 650 ft. of critical terrestrial habitat lies. He went further to state that it is not wise to take theoretical calculations and use them here. The commission must compare the impacts to ensure there is compliance. He indicated the NEMO rules entail the overall watershed to remain at a certain level and the watershed may be adversely affected if they go over.

Mr. Klemens stated the detention system near the vernal pool will hold water for 24 hours and will serve as a decoy vernal pool where eggs die because they get dried up. He raised concern about the pre and post development as the vernal pool has a hydrological budget which needs to be maintained post development. He noted this should be a science based exercise but he is troubled at the lack of scientific evidence. He added there could be more vernal pools on the property that have not yet been identified. Ms. Craig asked why vernal pools are so important. Mr. Klemens responded that vernal pools are important for cleaning water and aquifer discharge. He indicated that when leaves fall, they break down into solar energy and carbon. This nutrient rich location converts to biomass. If there is pond eutrophication it will lack wood frogs and loose functions for water quality and eco-system health.

Mr. Galligan confirmed there is 5.8 acres of regulated area on the east side of the Comstock Brook. He indicated there was originally 2.4 acres in a regulated area and now it is 2.1 acres which is a 5% decrease of disturbance. He stated the driveway setback which includes fill is 10 ft. to the wetlands so there was not a dramatic change in the proposal as there is still a significant amount of activity in the regulated area. He confirmed there is no reason to have the driveway so close to this important Comstock Brook. He confirmed the septic systems are 25 ft. from the wetlands.

Mr. Galligan stated he has an alternative which moves the driveway away from the brook which has one acre of disturbance in the regulated area. If the driveway remains at the Jeep road location, fill will need to be placed and all vegetation would be removed which is the size of a football field. He recommends streams have undisturbed buffers per the Inland Fisheries Handout. He also recommends a 100 ft. setback for all high quality wetlands such as this one.

Mr. Galligan stated he has 10 years of experience with a water quality. He reiterated this is a water supply watershed which cannot be higher in quality. In his opinion, the proposal from the applicant will definitely have a negative impact on the watershed for water quality, turbidity, and nitrogen and phosphorous that is used on residential lawns. He stated that if there are no trout there, they are nearby. He indicated a temporary impact will be experienced with the soil controls as trout cannot feed with turbidity as they cannot see. He stated the application does not take into account to be careful of the buffer.

Mr. Galligan reiterated the septic has not been approved by Health for lots 6 and 8. He stated the agency cannot vote if Health has not approved the septic locations as it is not a building lot if septic is not approved. He added that these 5-bedroom homes will want to encroach further for pools and larger lawns which diminishes the area.

Ms. Shansky stated this application must be denied for substantive and other issues as discussed.

Mr. Friedman asked if lot 10 could include more conservation space after the stream veers to the west. Mr. McChord responded that it is 55 ft. from the stream. Mr. Healy added the conservation area consists of 8 acres.

Ms. Washer raised concern about the driveway and slope next to the Brook and asked how plowing would affect this location. Mr. McChord responded the plow is aimed away from the brook. Ms. Craig asked about salt on the driveway getting into the brook. Mr. McChord responded that it is a flat driveway, not a road, that would require very little salt.

Ms. Stuart inquired as to why the site walk was cancelled. Mr. Conklin responded that the applicant feels there has been enough site inspections and does not wish to have anyone other than staff or commissioners on the property.

Mr. Dixon asked for the basis of the decision if nobody can see the site. He was concerned that the vernal pool was not inspected at the appropriate time. Ms. Craig asked the applicant for an expedited vernal pool study. Ms. Throckmorton responded that the study has been done and the information will be provided. Ms. Shansky added that this would be required in the application per the regulations.

Mr. Conklin advised that he has been waiting for an additional check for third party review which has not been received despite several attempts. Mr. Healy responded that the check would be submitted next week.

Mr. Shamas confirmed Dewberry has comments if retained. He noted he has some issues with the information contained in the new plans. He indicated there are some technical questions that are difficult to accept because he does not know the author. The accuracy of the wetland impacts are questionable as most wetlands are being saved with the crossing at lots 5 and 6 but most functions will be lost so there is a contradiction.

Ms. Craig asked if the applicant will extend the timing for the Public Hearing. Mr. Healy noted he would allow an extension to the April 27, 2017 meeting. He added that he would appreciate copies of the documents handed out to the commissioners by the interveners, as he was not extended this courtesy. Mr. Burgess reiterated that the commission is looking for guidance from the town's attorney.

Ms. Mandel MOVED to EXTEND the Public Hearing until the April 27, 2017 meeting, SECONDED by Mr. Andrews and CARRIED 5-0-0.

VI. ADJOURN

Mr. Burgess MOVED to ADJOURN at 11:56 pm, SECONDED by Ms. Mandel and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin

Recording Secretary, Environmental Affairs

Inland Wetlands Commission Minutes – 4/13/17

*Minutes have not been reviewed by this Board and may be subject to revision in future minutes

