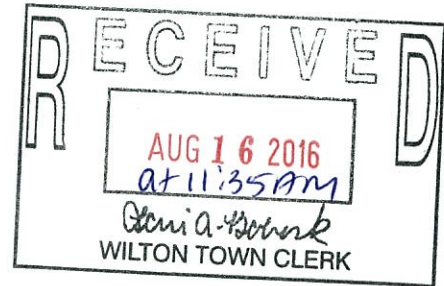


INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897



MINUTES

July 28, 2016

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

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Barry Price, Property Owner; Tom Ryder, LandTech; Steven Nebel, Labhaus; Casey Cordes, South Norwalk Electric & Water; Stephanie Bellino, Property Owner; Robert Doerflinger, Hoffman Landscapes; Aleksandra Moch, Soil & Wetland Scientist; Mark Halan, Property Owner; Jackie Algon, Conservation Commissioner; Kendra Baker, Wilton Bulletin

ABSENT: Dan Falta (notified of intended absence)

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS

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

Mr. Conklin read a letter from Gregory & Adams, the attorney for the applicant, requesting a continuation to open the Public Hearing on August 11, 2016.

B. WET#2396(S) BRUBECK TRUST – 221 Millstone Road & 67, 69, 73, 85, & 87 Hickory Hill Road – access and development of six lots

Mr. Conklin read a letter from Gregory & Adams, the attorney for the applicant, requesting a continuation to open the Public Hearing on August 11, 2016.

C. WET#2400 (S) MAP 127 LOT 4 – Open Space – “corrective action” to address unauthorized clearing (cont.)

Mr. Ryder provided revised plans which address the questions and comments from the last Public Hearing. The new plan includes an increased number of shrubs and trees, and installation of deer fencing as requested. He also added a note to monitor for invasives each spring, with confirmation that a licensed pesticide applicator would be hired if necessary to control invasives. Mr. Ryder noted the boulder demarcation has been added to the plan spaced at 15 ft. on center.

Mr. Conklin stated the size of the plants should be increased to 2.5 – 3 in. caliper which is what is typically requested by the commission for this type of corrective action. Mr. Conklin asked for the amount of topsoil in the disturbed area. Mr. Ryder responded that it is all covered over now and confirmed when the plantings are done and the sawdust and wood chips are removed, they would bring in an additional 4 – 6 in. of topsoil to the area.

Ms. Craig asked if the plantings chosen reflect a variety of trees that are found in this setting. Mr. Ryder stated that he mirrored the species in the untouched adjacent areas. Ms. Craig asked if there is an herbaceous layer. Mr. Ryder confirmed there is a wildlife mix proposed which takes time to establish. In the meantime, the area will be augmented with an annual rye which germinates quickly and keeps the soil in place with its roots. Mr. Ryder confirmed his position as a Senior Biologist with LandTech, and added that he belongs to the Connecticut Association of Wetland Scientists.

Mr. Hall inquired about watering the trees. Mr. Ryder responded that this is a function of the landscaper who carries a one to two year guarantee on the plantings. Mr. Ryder stated a tank may need to be brought in due to the distance away from structures with water access. Mr. Hall confirmed the larger caliper trees are better. Mr. Ryder countered that height is more important. Mr. Hall responded that the requested size is uniform and consistent with what this commission requires. Mr. Lee agreed that 2.5 to 3 inch caliper is in line with what the commission would typically require. Mr. Lee added the Beech Tree can be 6 – 8 ft. with a 3 in. caliper.

Mr. Cordes asked how much open space was disturbed outside the regulated area. Mr. Ryder responded 15,055 sq. ft. of disturbance. Mr. Cordes asked if the boulder demarcation wall would go to the corner. Mr. Ryder confirmed it would go that far and marked the corner on the plan.

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

Mr. Lee MOVED to APPROVE WET#2400 with the General and normal Special Conditions and the additional Special Conditions that the tree sizes will be increased to be 2.5 to 3 inch caliper and the plantings must be installed by September 15, 2016, SECONDED by Mr. Andrews and CARRIED 6-0-0.

D. WET#2401 (S) PRICE – 166 Old Huckleberry Road – “corrective action” to address unauthorized clearing (cont.)

Mr. Conklin read the new documents into the record.

Mr. Ryder confirmed the amount of plantings was increased based on the comments from the last hearing. He ensured that the species matches what is found naturally and deer fencing has been added. Mr. Ryder stated no invasives are present but this will be monitored each spring. He added that 2-man boulders are being proposed along the edge of the 100 ft. setback, placed 15 ft. on center.

Mr. Conklin noted the size of the trees should be increased to 2.5 to 3 inch caliper. He stated that he received a proposal from a Licensed Environmental Professional (LEP) for his review. He stated the proposal from Hygenix includes the sampling of the area to verify the extent of the fill, then once the results are received, a plan will be devised to remove it.

Mr. Nebel distributed a plan and confirmed the testing of the fill started on July 20, 2016. A discussion ensued relating to the status of the roadway as there was concern about the weight of vehicles when crossing. Mr. Nebel stated Mr. Morris from Hygenix recommended a tracking pad. Mr. Nebel added that they are extending the front step of the house which should be added to the application.

Mr. Conklin requested that the hearing be left open until the removal of fill is laid out in a plan by the LEP. He noted that the foundation is there but the builders cannot bring in the panels and building materials without driving over the subject fill material. Mr. Hall confirmed this property has no cease and desist order in place with this commission. Mr. Nebel explained the LEP advised it will be ok for the construction traffic to move over the subject fill material. Mr. Price stated he spoke with the truckers and they can get access to the site.

Mr. Hall asked if there is a bond we could collect. Mr. Conklin stated any deviation from the approved plan would be considered another violation which can be handled outside of the bond requirement. Mr. Price added that he would like to proceed with the construction as he is motivated to get the home closed up and get his Certificate of Occupancy. Mr. Nebel stated that testing of the material takes time. Mr. Conklin advised that a letter would be required from the applicant to extend the hearing until testing is completed. Mr. Price stated he is moving expeditiously to get the project completed. Ms. Craig countered that he has known since May that he needed an LEP.

Mr. Burgess noted that the plan mentions the city of Norwalk under the Shrubs Notes which should be revised.

Mr. Cordes inquired where the anti-tracking pad is being proposed. Mr. Nebel responded that Old Huckleberry Road includes a short asphalt pad and then the road transitions to a rubble access road to the west of the Price property. Mr. Cordes stated it prevents SNEW from access, and that there has been some dumping, clearing and grading completed. He asked Mr. Nebel how they plan to get plantings in this area. Mr. Nebel responded they have a path with rubble that needs to be removed and the road will be built up. Mr. Cordes asked for the grade of the road. Mr. Nebel responded it would be 6% maximum grade. Mr. Price added that when he purchased the property, there were logs on the road so he is attempting to fix this accessway. Mr. Cordes stated other people have rights to that road.

The commissioners agreed that Mr. Conklin can approve the LEP plan from Hygenix once received.

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

E. WET#2391(S) BELLINO – 20 Old Driftway – “corrective action” to address unauthorized clearing and grading

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

Mr. Doerflinger showed the mitigation plan for the unauthorized clearing. He noted they will install erosion controls from property line to property line. Mr. Conklin provided an aerial photo from 2014 which shows the lawn around the house. Mr. Conklin explained that he visited the

site one year ago and met with Mr. Bellino about a few trees he wanted to remove that were hanging over the house. He confirmed he walked down the hill and saw the wet area but did not know it was a 20% slope so he approved the removal of trees at the edge of the front lawn. Mr. Hall reminded the commission that Mr. Bellino came before the commission to discuss a reduction in fees.

Mr. Conklin stated they cleared beyond the original approval and moved soil and deposited fill in the regulated area. He confirmed Planning & Zoning placed a Cease & Desist on the property. When the Bellino's brought in their plan to rectify the violation, it was noted by the Zoning Enforcement Officer that the slope was 20% which constitutes a wetlands regulated activity. Mr. Conklin advised this was when the Notice of Violation was issued.

Mr. Doerflinger explained the sequence of their proposal which includes removing the fill soil, stumps, and debris and bringing back the existing grades. He confirmed the fill will be screened and pulled back to the residence. Mr. Doerflinger showed where two retaining walls are proposed. One wall will consist of large 6 x 3 ft. boulders to help alleviate runoff. The second retaining wall will be a concrete masonry wall with geotextile fabric with no footings or additional excavation. Mr. Doerflinger noted the area will be leveled out and 1,100 cu. yds. of fill will be brought in which is half of the previous amount. He added there will be chain link fencing on top of the walls and the existing wall will remain as is and replanting will take place in the front yard with 18 new trees and fine grading.

Mr. Hall asked where the runoff will go in a rain event. Mr. Doerflinger responded it would go through the gravel run by the walls, into the connector, and out the level spreader. Mr. Hall asked about the distance of the proposed work to the wetland. Mr. Doerflinger responded there is 193 ft. from the wall to the wetland. Ms. Craig asked about the finished grade of the proposed rear lawn. Mr. Doerflinger stated it would be 1.5% once complete. Mr. Hall asked if the wall would retain water. Mr. Conklin stated the white area on the plan had a giant beech or oak tree but the area is very rocky and would be difficult to plant anything there.

Mr. Conklin stated the plan was just received late this afternoon and certain agencies have not had the opportunity to comment on the application, which is typical for a Significant Regulated Activity so he would ask that the hearing remain open. Mr. Craig inquired if the commission could request more trees. Mr. Hall stated they would be far away from the resource. Ms. Craig inquired if the rubble area would remain. Mr. Conklin stated this was not a concern as there was another property on Charter Oak with a similar landscape and it is okay.

Mr. Cordes asked if the asphalt mixed in with the onsite fill will be removed. Mr. Doerflinger stated they would screen the fill material, remove the asphalt and place it in a dumpster. Mr. Cordes asked if the additional 1,100 cu. yds. of fill would be brought in to level the area and Mr. Doerflinger responded positively. Mr. Cordes noted this would be a Planning and Zoning action due to the amount of fill over 100 cu. yds.

The commission learned that Mike Lato was the contractor that caused the Notice of Violation. This contractor has two other active violations and the commission discussed what could be legally done to avoid further issues. Mr. Conklin stated he would speak to Town Counsel for their advice.

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

III. APPLICATIONS TO BE REVIEWED

A. WET#2403(I) HALAN – 295 Newtown Turnpike – proposed septic for ½ bath in office

Ms. Moch reminded the commission that a garage with an office upstairs was recently approved by this commission. Mr. Halan is now asking if he can add a half bath to the office area which requires a small septic system.

Ms. Moch described the system as a pump chamber with a tank and leeching fields. She confirmed no vegetation would need to be removed for this installation as they are planning on precise excavation in a small area. Ms. Moch stated the tree trunks in the area will be protected from damage and the soil will be compacted back to existing once installed.

Ms. Craig asked if it is realistic not to move any trees. Ms. Moch responded that it is realistic. Ms. Craig raised concern about the root system being high with the beech tree. Mr. Hall stated this application invites more activity within a wetland area. Mr. Burgess confirmed that he remembers this conversation at the garage hearing whereas that approval gives way to more approvals, known to this commission as “creep”. The commission raised concern that this office would turn into an accessory dwelling. Mr. Halan stated the space is 600 sq. ft. and he is aware of the zoning regulations that would limit his ability to rent the space as an apartment. He added that he has to dig a well to water the plantings and it was easy to add the half bath to this project.

Mr. Conklin noted the Health Department approved a slightly revised plan which includes an extension to the reserve area.

Mr. Burgess MOVED to APPROVE WET#2403, with the General and normal Special Conditions, SECONDED by Mr. Stow and CARRIED 5-1-0 with Ms. Craig opposed to the application.

IV. APPLICATIONS READY TO BE ACCEPTED

A. WET#2405(S) TOWN OF WILTON – Wilton Train Station – creation of pedestrian bridge over the Norwalk River

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

V. APPROVED MINOR ACTIVITIES

B. WET#2404(M) SCOLNIK – 1 Twin Ponds Lane – rebuild front entry and add new exit stairs to residence

Mr. Conklin described this application as a rebuild of the porch and installation of wooden stairs. He noted the application was approved with advice to install a rain garden which will assist with runoff.

VI. CORRESPONDENCE

Ms. Craig MOVED to ADD a Notice of Warning to the Town of Wilton to the agenda, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Mr. Conklin referenced a letter in the commissioner files which is a copy of the Notice of Warning he issued to the town that day. He stated this is the second notice for the failure to maintain soil and erosion controls. He added that he issued a list of tasks for the contractor to complete and almost all points were addressed that same day. He advised the town is hiring The Pond Connection to provide advice on how to better protect the offsite pond.

VII. OTHER APPROPRIATE BUSINESS

A. WET#2168(S) BEVILACQUA – 27 Antler Lane – Release Cease & Desist Order

Mr. Conklin stated this property owner has been working with Jim Waters at Earthscapes to bring the property into conformance. He recently inspected the site with Mr. Waters and was pleased to see the work has been completed. He recommended the commission release the Cease and Desist Order on the property.

Mr. Andrews MOVED to RELEASE the Cease & Desist Order at 27 Antler Lane, SECONDED by Mr. Lee and CARRIED 6-0-0.

B. Violations

1. CROSS – 105 Old Belden Hill Road – Town Counsel

Mr. Conklin stated there was nothing new to report.

C. Approval of Minutes – July 14, 2016 Meeting & July 14, 2016 Site Walk

There was no official vote taken. These minutes will be reviewed again at the next meeting.

VIII. ADJOURN

Mr. Lee MOVED to ADJOURN at 9:17 pm, SECONDED by Mr. Andrews and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs