



RECEIVED FOR RECORD
TOWN OF WILTON
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BY: LK

MINUTES

September 14, 2017

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

ALSO PRESENT: Mike Conklin, Director Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Kate Throckmorton, Environmental Land Solutions; Tom Quinn, Peak Engineers; Ray Gradwell, BL Companies; Jeff Shamas, VHB; Mark Kovach, Urban, Their & Federer; Hannah Kinnersley, Property Owner; Brandee Nelson, Tighe & Bond; Kristian Ingwersen, Property Owner

ABSENT: Kathie Mandel, Tom Burgess, (notified of intended absences)

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:31 p.m.

II. 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

Mr. Lee recused himself from the application as the Wilton Land Conservation Trust submitted a letter for the hearing. As he is a member, he left the meeting room.

Mr. Hall, Ms. Craig, Mr. Lee, Mr. Stow and Mr. Andrews confirmed they visited the site. Ms. Larkin read the list of documents into the record.

Mr. Healy explained the property as being 55.67 acres which was purchased by the Gunderson's in 1980. The owners are looking to subdivide into eight building lots which will have no direct impact to the wetlands. Mr. Healy confirmed 45 acres are being granted to the Wilton Land Conservation Trust as open space. This open space will add to the existing open space so that there are 190 continuous acres of Conservation land. He stated they have been in close contact with the town's Department of Public Works for constructing the town road, and they have adjusted the drainage pipe size from 24 inches to 36 inches as requested.

Ms. Throckmorton showed the existing conditions of the property noting that a portion of the

pond is owned by the Land Trust. She described the property as a second growth naturalized deciduous forest with the wetlands distinguished by the topography. There is a wetland corridor that rises up and crosses the upland in the back which Ms. Throckmorton stated was like a saddle as it was an old farm road with a pond damned to the south. She described an emergent wetland consisting of grass and phragmites.

Ms. Throckmorton stated the habitat map shows distinct vegetation and there were pocket or vernal pools found to be connected to this major corridor. She confirmed they have taken the 100 ft. envelope and 750 ft. critical habitat into consideration.

Mr. Quinn displayed the recent plans for the 8 lots and noted they have customized the designs, construction sequence and potential issues after working with these plans for two years. He confirmed he has completed over 43 percolation tests and 80 deep test holes. He also stated he worked with local realtors to find out what the market would bear and decided to have some four-bedroom and some five-bedroom homes. Mr. Quinn confirmed the Department of Health has feasibly approved the plans for each lot. He also indicated that each house plan includes 2 parking spaces and finished grades including hydro-cad for each lot which proves a 0% increase of water on each lot. The homes are 2,200 square feet with the exception of one 2,800 sq. ft. house which is not in the regulated area.

Mr. Quinn displayed a detailed plan for one of the lots and confirmed there are 4 different types of walls that will be constructed based on the need as well as two rain gardens to collect runoff. In order to minimize development disturbance, they will start construction in the back of the property and move their way forward towards the road. Mr. Quinn confirmed they have worked extensively with the Department of Public Works to ensure they build a road which meets the standards for a town road. He confirmed Public Works required a larger pipe for the temporary sediment trap so they have gone from a 24 inch pipe to a 36 inch pipe as Mr. Healy mentioned. The driveway has a water treatment design that includes riprap and a gravel filter. There will also be catch basins with deep sumps that will take the stormwater into a water treatment basin which flows to a pipe down the road to a scour hole where it lands on a 30 x 30 riprap level area to allow for seepage into the ground. The runoff is intercepted by a stone wall and a stone berm which adds to the treatment path.

Mr. Quinn addressed the comment from Conservation where it was suggested to use pervious pavement for the town road. He stated the road will have a 5% slope and a turnaround which is not conducive to this type of pavement. He also confirmed the Department of Public Works does not allow porous pavement for town roads as they do not have the equipment to properly maintain this type of application.

Mr. Andrews asked about the lot boundaries for lots 5 and 6 as they have the most wetlands present. He asked if the homes could be smaller and the wetlands be donated as part of the conservation easement. Mr. Quinn responded that lots 1, 2, 3, 4, and 5 border wetlands and are in excess of 1 acre. There is a Planning & Zoning requirement that 60% of 1 acre is upland soil so this was discussed in the planning but not part of the application. Mr. Healy stated he would speak to the surveyor to determine if they can reconfigure the lots or give those areas to the easement.

Mr. Hall asked Mr. Conklin what has changed since the last submission of this subdivision. Mr.

Conklin responded that there were originally two driveways each serving 4 homes and now they have one common tertiary town road which has reduced the impervious coverage. Mr. Conklin noted the width of the road is a town requirement so this cannot be reduced. He also noted the storage areas have been added to the plans and that lot 1 had discharges or areas of disturbance on the north side of the wall which has been pulled back to tighten up the area. Mr. Healy added that the house configuration on lot 5 has been re-worked to be more sensitive to the resource.

Mr. Hall agreed that the subdivision appears to be well thought out with the flat side of the house on lot 5 being toward the wetland. He asked about a buffer plan for lots 4 and 5. Ms. Throckmorton confirmed lots 3, 4, and 5 will be seeded over with a warm meadow mix and they will fill in the woods with shade and understory trees which will be 75 ft. from the wetlands and 100 ft. to the pond. In addition she noted permanent demarcation with sunken boulders reinforced with plantings. Ms. Craig inquired if plants can be installed on the septic fields. Ms. Throckmorton responded that no woody material such as trees would be acceptable here. Ms. Throckmorton also advised that the canopy trees will take some time to establish and grow, but the warm season grasses will be good for the runoff. She added that plantings will be installed while construction is taking place. She also noted lot 5 has a series of stepping walls to create a usable lawn area and lots 1 and 2 have parallel stone walls. One section of this wall is going to be removed and the area will be planted.

Mr. Gradwell confirmed he has reviewed all the proposals that have been submitted to the Commission and all the significant concerns have been minimized. He indicated there are still some minor clean up items such as labels on certain items. He noted the plans respect the land as much as possible with perimeter buffers, a quick-moving construction process and the stormwater maintenance is acceptable and should be cleaned as per the agreements.

Mr. Shamas also confirmed he has been reviewing this proposal since the first submission. He noted the possibility of vernal pools on the site and confirmed these are being protected. Mr. Shamas stated the Mayapple Brook watercourse is close to the development so he looked to see if any volume increase or mitigation was needed. He stated the overall stormwater system with the discharge along Cannon Road with an outlet near Mayapple was to be pulled back for greater separation with an infiltration trench but the Department of Public Works will not allow for safety reasons.

Mr. Shamas confirmed the discharge between lots 3 and 4 were pulled back as much as possible and the applicant is mitigating the impact to the wetlands. Mr. Hall asked if a shared driveway would be better than a town road that Dept. of Public Works needs to maintain. Mr. Shamas responded that from a stormwater control perspective, it is easier to manage one area instead of multiple driveways.

Ms. Craig asked what the typical density is for a one-acre property as she thought the plans showed intensive development and asked if this is conventional and where the ground water is re-charged. Mr. Shamas responded that typical developers use cluster housing in sensitive areas and confirmed the ground water is recharged in the wetlands. Mr. Shamas also noted the rain gardens are there to slow the water but to create more rain gardens would cause extra disturbance.

Ms. Craig asked if there are any tree protection zones. Mr. Quinn responded that tree protection

is inherent with the Planning and Zoning Subdivision Regulations. He confirmed there will be a construction fence on the border of the disturbance and a 50 ft. buffer on each lot with the exception of lot 6 which has a septic reserve location within the 50 ft. and lot 5 has a discharge location. Mr. Quinn stated no trees will be cut in the conservation area. Mr. Conklin asked Mr. Shamas to discuss the results of the pond water samples. Mr. Shamas stated this is an open water body and there was a baseline obtained for the health of the pond. He stated of the samples taken, there was high dissolved oxygen but because the sample was taken in a plastic jar instead of glass which could have skewed the numbers. The results showed high phosphorous and low nitrogen beyond the equipment measurement. The pH the lab noted immediately after taking the sample was 7.06. Mr. Andrews inquired if the low nitrogen could affect the development of eggs. Ms. Craig suggested the water is re-tested.

Mr. Gradwell noted there are temporary sediment traps on the plans but temporary diverting locations are required. These diversions should be up gradient of the resource which is a good place to keep it until they are released. He added that there is a great spot for the temporary sediment trap by the construction entrance.

Mr. Hall stated it seems like a well thought out application. He noted it was huge quantity of land being conserved. Mr. Quinn showed the conventional subdivision plans and noted additional septic testing was done, but not on every lot. He added that this type of subdivision would create the need for an additional 5,000 – 6,000 sq. ft. of disturbance as the Dept. of Public Works requires the road width to be 50 ft. Mr. Andrews asked if the plan was done before or after the vernal pool study. Mr. Quinn responded the plans were drawn 3 years ago. Mr. Hall confirmed there would be 7 additional lots with a conventional subdivision so the proposed Conservation subdivision is reasonable and sensitive to the resource.

Mr. Kovach, Attorney for Ms. Benenson stated he had five points he wanted to bring to the Commission's attention and noted he submitted a letter on July 20, 2017. He noted the conservation subdivision test is that it should include less disturbance to land that could otherwise be developed. Mr. Andrews countered that this is a Planning & Zoning matter which is not the commission's purview. Mr. Kovach responded that there is a consensus that this is not a feasible or traditional plan.

Mr. Kovach stated Mr. Trinkaus, his Engineer had originally come up with the plan for one common drive. He added that the plan overstates the number of lots it can support. Mr. Kovach referenced a Dewberry letter from September of 2016 that state the wetlands are connected, and a letter from October of 2016 which notes the same concerns. He then confirmed the VHB Report from September 13, 2017 that specifically says a conventional subdivision is not feasible and prudent if it is not land that can be developed. Mr. Kovach referred to the Conservation Commission Minutes where the members stated what is being conserved is not usable land. He added that the report from Trinkaus states the traditional subdivision is overly dense and not realistic and the focus should be what can be built. Mr. Hall stated that if density is the issue, then it can impact the wetlands.

Mr. Kovach referred to the Dewberry report from 2016 where they state there will be a significant impact on the upland area and recommended lots 4 and 5 be combined to one lot. He stated they just reconfigured the house location. He again noted the Trinkaus report where the density is too high and will cause an upland issue. Mr. Kovach stated the technical deficiencies

need to be addressed and asked for a potential easement for 50 ft. along his client's property with lots 7, 6, and 5 as he noted there is no additional burden for the owner to keep the trees. Mr. Kovach also noted this property was designated in the Plan of Conservation and Development that it is a priority for open space.

Mr. Andrews asked Mr. Shamas if the question from last year on lots 4 and 5 is still an issue. Mr. Shamas stated they looked at those lots and decided to reduce the development on the steep slopes. He added that the house on lot 5 has been shifted, the grading has been reduced and they could combine the lots but the issue is no longer a concern. There is a proposed wall in the flat area in the back and there will be terracing so there are no soil erosion issues. Mr. Shamas stated he did not write a report that stated the land cannot be developed per Mr. Kovach's testimony.

Ms. Kinnersley, of 277 Cannon Road, questioned Mr. Hall's presence at the board table as he was absent for some of the first hearings on the matter. Mr. Hall confirmed he is not recused from this application.

Ms. Curtis, of 290 Cannon Road, confirmed that she would have a chance to speak at the next hearing due to the late hour. The commission confirmed the hearing will be continued so there will be an opportunity to speak.

With no further questions or comments, the hearing was continued until the next meeting being held on September 28, 2017.

Mr. Lee was reseated.

B. WET#2469(S) – WILTON 40, LLC – 40 Danbury Road – expansion of existing parking garage

AND

C. WET#2470(S) – DIV 50, LLC – 50-60 Danbury Road – expansion of existing parking garage

Mr. Conklin read the new documents into the record. He explained that the applicant was asked to revise the plans at the last hearing and new information has been received.

Mr. Conklin stated the revised declarations submitted mirror the version reviewed by staff and Town Counsel in the past. He determined that all outstanding questions from the first hearing have been resolved such as the soil and erosion plan, the declaration for conservation area that includes 64 Danbury Road, and plantings mirror the plant list while adding plants to the woody wet buffer.

Ms. Nelson confirmed they have relocated the soil stockpile area on the east side as it was difficult to get to with proximity. They now have 2 piles noted on the plans. One will be small on the east side up above to avoid unnecessary traversing and one on the west side. She stated all excess soil will be loaded out accordingly. Ms. Nelson also confirmed there is a stone ditch which showed hay bales and silt fence has now been beefed up with orange construction fence.

Ms. Throckmorton confirmed she has added shrubs and trees to fill in the gaps on the property as well as trees on the 50-60 property for screening with neighbors in the upland review area. Ms. Craig stated the Appendix B for 40 Danbury Road shows cover types and coefficients that seem to be low. Ms. Nelson responded that the coefficient is obtained by the underlying area and soil condition. Ms. Craig countered that pavement is higher than 90 and asked if there was a reason it is different here. Ms. Nelson stated that zero times anything equals zero and noted there will not be a significant change and it is a small area. Ms. Craig then asked if the perforated pipe under the garage is maintained. Ms. Nelson stated this is a common system that is maintained. Ms. Craig questioned if this pipe was dated or in poor shape. Ms. Nelson responded that it is maintained and flows to the infiltration system. She added there are manholes that provide access for this purpose. Ms. Craig asked if the parking garage is cleaned annually. Ms. Nelson responded that the oil/water separator is cleaned annually but she is not certain of the decking.

Mr. Ingwersen, of 6 Kensett Avenue, stated since 40 Danbury Road was built he has experienced flooding issues. Mr. Lee noted the former Public Works Director attested to the fact that the drainage goes to this property. Ms. Nelson added there has always been a channel and history of flooding in this area which is why they have over-engineered their plans to reduce the runoff. She added that it was a model system that was installed in 2001 which reduced the runoff by 50%. Ms. Nelson also confirmed the charge is to comply and maintain less than or equal to the amount of runoff.

Mr. Ingwersen added that FEMA added his property to the Flood Plain Maps after the garages were constructed. Mr. Hall stated that Mr. Ingwersen would need an expert testimony and the commission cannot deny an application because he may receive flooding. Mr. Lee asked if they upsized the system. Ms. Nelson responded that flooding occurs from the culvert back and they cannot attribute the percentage of flows when the culvert could be worse.

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

Mr. Lee MOVED to APPROVE WET#2469 and WET#2470 with the General and normal Special Conditions, SECONDED by Mr. Stow and CARRIED 4-0-1 with Mr. Andrews abstaining as he was absent at the first hearing.

D. WET#2473(S) – DEY – 71 Chicken Street – “corrective action” to restore a wetland and re-grade the front and rear yards

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

Mrs. Dey stated they have a plan proposed that uses the newly flagged wetland area to place the rock line demarcation. Mr. Conklin confirmed that a Cease & Desist was issued for re-grading in the yard and stones placed 10 ft. into the wetland line with fill material as the area was disturbed with an excavator. He reminded the commission that they gave permission to re-grade the yard and fix the driveway.

Mr. Conklin stated the wetland is a bowl area that dries up. He stated the plan to take the boulders out of the edge and barricading them for future homeowners and planting 50 1-gallon

plants would be good for mitigation. He also suggested planting red maples around the area to provide a barrier between the yard and the pond. Mr. Conklin stated the applicant should re-install silt fence while completing any earth moving or grading and noted some top soil will be needed to seed the area. Mr. Dey confirmed there is a sequence to their project noted on the plans.

Ms. Craig suggested some under story trees be added. Mr. Conklin stated 12 native shrubs and trees would be appropriate. Mr. Lee stated 3 trees including 6 – 8 ft. dogwoods and 9 3-4 ft. multi-stem shrubs in addition to the 50 1-gallon pots will be required.

Mr. Lee MOVED to APPROVE WET#2473 with the General and normal Special Conditions, and the additional Special Conditions that three trees and nine shrubs shall be added to the planting plan and all activities will be completed by October 31, 2017, SECONDED by Ms. Craig and CARRIED 5-0-0.

III. APPLICATIONS READY TO BE REVIEWED

- A. WET#2472(I) – WARNER – 4 Belden Hill Lane – “emergency” septic repair**
approximately 80 ft. from a wetland

Mr. Conklin confirmed this property received a temporary emergency permit and the repair has been completed.

Mr. Lee MOVED to APPROVE WET#2472, SECONDED by Mr. Andrews and CARRIED 5-0-0.

IV. APPLICATIONS READY TO BE ACCEPTED

- A. WET#2476(I) – FUJI PROPERTIES, LLC – 9 Hollyhock Road – second story addition,**
driving lane widening and pervious pavers 25 ft. to a wetland
- B. WET#2477(I) – HUA – 19 Kent Hills Lane – addition including converting existing lower**
level bedroom to a laundry room and replace porch columns
- C. WET#2478(S) – KAMEDULSKI – 66 Hillbrook Road – install new septic system to**
replace existing system
- D. WET#2479(I) – 390-392 Danbury Road Associates – 390 Danbury Road – “corrective**
action” to address unauthorized removal of trees
- E. WET#2480(S) – WILTON YMCA – 404 Danbury Road – to construct additions and alter**
the existing facility and to reconfigure the existing parking and drop off and pick up areas
- F. 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. Lee MOVED to ACCEPT all above applications, SECONDED by Mr. Stow and CARRIED

5-0-0.

V. APPROVED MINOR ACTIVITIES

- A. WET#2474(M) – TOWN OF WILTON – Kent Pond on Linden Tree Road** – install fence made of steel bars with 1.5 inch space between bars attached to steel posts in a trapezoidal shape to prevent grass carp from getting out of the pond without interfering with the dam
- B. WET#2475(M) – WAYNE DIMM ENTERPRISES – 4 Ivy Lane** - proposed 25 ft. x 25 ft. sports court

Mr. Conklin provided a brief review of the Minor Applications that were approved by staff.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

- A. WET#2471(I) GUTIERREZ – 95 Cherry Lane** – incomplete application discussion

Ms. Throckmorton stated she has been hired by the Gutierrez's to assist with their corrective action application. She stated there were miscommunications on both sides and is aware that some of the application requirements are missing. She confirmed she is preparing a proper planting plan and will provide the watershed map. She asked the commission if the soil delineation report requirement can be waived in this case as most of the property consists of wetlands and this will not change her approach.

Mr. Conklin recommended not waiving the soil scientist report as this is not the first violation on this property in recent history. He wants the wetlands documented to avoid any further encroachment issues.

The commission agreed that a soils report will be required for this application to be deemed complete.

B. Approval of Minutes – August 10, 2017 Regular Meeting

Ms. Larkin confirmed Ms. Craig had some language she wanted revised from the August 10, 2017 meeting minutes:

Section II C – 15th Paragraph: “She added that commercial sites, within a residential neighborhood, should be required to hold most of their runoff on site.”

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

VIII. ADJOURN

Mr. Lee MOVED to ADJOURN at 10:18pm, SECONDED by Mr. Andrews and CARRIED 5-0-

0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs

