



**MINUTES**

**May 10, 2018**

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BY: 07

**PRESENT:** Liz Craig (Acting Chair), Nick Lee, Mark Andrews, Rick Stow

**ALSO PRESENT:** Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Jeremy Oskandy, Arthur Howland & Associates; George Logan, REMA Ecological Services, LLC; Sigrun Gadwa, REMA Ecological Services, LLC; Steven Kochis, VHB; Karen Silverberg, Resident; Joe Cugno, Cugno Architecture; Tom Quinn, Peak Engineers; Kate Throckmorton, Environmental Land Solutions; John Hiscock, Neighbor; Liam & Jessica Cooney, Neighbors; Sarah Curtis, Resident; Derek Ettie, Neighbor; Marc Diagonale, Neighbor; Andrew Leitten, Neighbor; Joe Polito, Polito Builders; Erik Kotonski, Property Owner; Richard Chute, Property Owner; Peter Gaboriault, Wilton Land Conservation Trust; Matt Motley, Millstone Farm Manager

**ABSENT:** John Hall, Tom Burgess, Kathie Mandel (all notified of intended absences)

**I. CALL TO ORDER**

Ms. Craig called the meeting to order at 7:31 p.m.

**II. PUBLIC HEARINGS**

**A. WET#2508(S) ASML USA, LLC – 77 Danbury Road –** demolish existing accessory building, relocate existing driveway, construct building addition and associated stormwater management and utilities

Ms. Craig, Mr. Stow and Mr. Andrews confirmed they visited the site in connection with this application.

Mr. Oskandy described the addition is to allow for additional manufacturing space. This project requires wide access for deliveries and a loading dock. ASML is proposing to remove a building to create a new driveway in its place.

Mr. Oskandy explained the stormwater management system being proposed which will reduce peak discharge flows and volume during weather events. He stated all point discharges to the Norwalk River are being removed and replaced with a retaining wall that stops the drainage from going directly to the river.

Mr. Oskandy confirmed there will be a new walkway for safer pedestrian and automobile traffic control. In addition, there will be minor grading changes to the new driveway to allow for the large low trucks to gain safe access. This grading is being completed with retaining walls that are being proposed.

Mr. Oskandy showed where the flood plain sits on the property and confirmed the area has not flooded in the last 40 years. The plan will result in a significant decrease in paved surfaces by removing the existing building and associated parking area by 10,000 ft. which was noted as a higher source of pollutant loading. Mr. Oskandy confirmed there will be an 8-fold decrease in pollutant loading with the finished activity.

Mr. Logan confirmed he verified the wetlands on the property and sampled the water which was somewhat impaired but has abundant and diverse wildlife for a Class B watercourse. He also noted that the water quality appears to be improving according to data from scientists at Harbor Watch. He explained his plans for the removal of invasive plants along the river bank and the replanting of the bank with native species and utilization of coir logs for site stabilization.

Mr. Lee stated this Commission typically requires 2 – 2.5 caliper trees as he noted the sizes on the planting plan are small. Ms. Gadwa countered that smaller trees grow faster and catch up to the others. Mr. Lee raised the concern about the possibility of thermal pollution to the river when the wooded areas are cleared and noted the Commission likes to shade the wetlands quickly.

Mr. Andrews inquired about the relocation of the 30” existing pipe. Mr. Oskandy explained the process to modify the main trunk line on the site. Mr. Andrews also asked how the proposed stormwater treatment system will function when it is flooded. Mr. Oskandy explained the flood plain on the site and how he is compensating by excavating below the floodplain. Mr. Kochis, of VHB, explained there is adequate floodplain compensation based on the retention of the water quality volume.

A discussion ensued about a portion of the property that is under an easement with the State DEEP.

With no further questions, the Public Hearing was continued until the next meeting being held on May 24, 2018.

**B. WET#2512(S) SPOSATO – 4 Ivy Lane – proposed building additions to residence and new A/C within a regulated area**

Mr. Conklin advised that he reviewed the application and he thinks it should be considered an Intermediate Level Permit.

Mr. Lee MOVED to REDUCE WET#2512 to an Intermediate Level Permit, SECONDED by Mr. Andrews and CARRIED 4-0-0.

Mr. Cugno explained the property owner is proposing a second story addition. He confirmed most of the house is within the 100 ft. regulated area. There will be removal of existing pervious

surface and the new additions will total 314 sq. ft. of impervious area.

Mr. Conklin read the Conservation Commission's memo into the record. Ms. Craig supported the idea of building a rain garden on the property to collect and infiltrate runoff. Mr. Conklin pointed out the locations of the debris piles that could be removed from the wetlands.

With no further questions, the Public Hearing was closed, but the Intermediate Application was continued until May 24, 2018.

**C. WET#2513(S) BALASUBRAMANIAM – Overidge Lane (Map#4 Lot#34-1) – proposed new single-family residence within a regulated area**

Mr. Quinn confirmed this lot was approved by a 2-lot subdivision in 1973 and the regulations that applied for Planning & Zoning at that time will be followed with this new home. Mr. Conklin, Ms. Craig and Mr. Andrews confirmed they visited the site.

Mr. Quinn explained the property drains to the east and there are no wetlands on this site. There is a brook off site that goes to the West Branch of the Saugatuck River which he described as being 260 ft. away. Mr. Quinn noted the construction methodology is to work from the downhill area upward and there will be a detention system with the footing drains.

Mr. Conklin advised that the portion of the driveway is not on this owner's property and asked that the owner be confirmed as the Commission cannot approve the application without this detail and authorization.

Ms. Throckmorton described the disturbance as being 200 ft. away from the wetland so she concentrated on proving the best soil and erosion measures for this project. She described the house as being built into the hillside which retains the soil. She confirmed the sequence to build from the bottom up for stabilization and recommended a weekly monitor during construction.

There were several neighbors who asked questions and raised concerns about the total volume of material being shipped in, the proposal of the entranceway and the flow of runoff. These neighbors were John Hiscock, Liam & Jessica Cooney, Derek Ettie, and Marc Diagonale. Mr. Quinn responded to the questions.

With no further questions, the Public Hearing was continued until May 24, 2018.

### **III. APPLICATIONS READY TO BE REVIEWED**

**A. WET#2511(I) MALAY – 23 Appletree Lane – proposed removal of large trees grown over pool area (cont.)**

Mr. Polito confirmed that he consolidated the plantings as requested at the last hearing in his revised planting plan. He also confirmed the family doctor provided a note about a nut allergy in the family. He stated they are keeping the canopy but he would like to remove 2 Hickory trees in the rear lawn area. Mr. Conklin also confirmed the 2-man boulders are now shown on the plan.

Mr. Lee MOVED to APPROVE WET#2511 with the General and normal Special Conditions

and the additional Special Condition that new plantings will be installed within 30 days of removal of the approved trees, SECONDED by Mr. Andrews and CARRIED 4-0-0.

**B. WET#2516(M) KOTONSKI – 306 Sturges Ridge Road** – proposed removal of three trees Mr. Conklin and Mr. Andrews confirmed they visited the site.

Mr. Conklin explained that the owner would like to remove three trees within the wetland buffer of the property. The first tree is an ash that has no leaves and is considered dead, the second tree is large and if it fell would crush the new pool house and the third tree had the top fall off so they would like to remove the rest of it before it loses more branches.

Ms. Craig asked if there is an opportunity to plant new trees on the site. Mr. Andrews stated there are already large trees on the site but noted these are not contributing to the canopy. Mr. Conklin confirmed there is an understory of trees. Mr. Kotonski confirmed all three trees will be hauled off-site after removal.

Mr. Andrews MOVED to APPROVE WET#2516, SECONDED by Mr. Stow and CARRIED 4-0-0.

**C. WET#2517(I) CHUTE – 44 Graenest Ridge Road** – proposed single-family dwelling and associated activities within an established upland review area

Mr. Quinn described the site as previously developed with off-site wetlands. He confirmed the house, septic system and pool are outside the regulated area. The activity within the regulated area includes the lawn and the driveway access. Mr. Quinn noted there will be 10,000 sq. ft. of disturbance between the front of the house and the street and there is a significant planting bed being proposed just down-gradient from the septic.

Ms. Throckmorton stated there is no disturbance within the 100 ft. regulated area and the area will remain wooded. Ms. Craig asked how many trees will be removed for the construction of the driveway. Mr. Quinn responded that they are saving all trees on the site with the exception of the ones adjacent to the house location and added the area is thickly wooded. Mr. Chute stated about 12 trees will be removed. Mr. Lee noted that 12 trees are being removed and 13 trees and 22 shrubs are being planted with shade from the south which makes sense.

Mr. Lee MOVED to APPROVE WET#2517 with the General and normal Special Conditions, SECONDED by Mr. Stow and CARRIED 4-0-0.

#### **IV. APPLICATIONS READY TO BE ACCEPTED**

**A. WET#2519(S) WILTON HEIGHTS, LLC – 300 Danbury Road** – redevelopment of properties with two buildings that will consist of retail space and residential units within a wetland

Mr. Lee MOVED to ACCEPT WET#2519, SECONDED by Mr. Andrews and CARRIED 4-0-0.

#### **V. APPROVED MINOR ACTIVITIES**

- A. WET#2510(M) WILTON 40, LLC – 40 Danbury Road** – injection of chemical oxidant and oxygen releasing compound into the subsurface using a geoprobe to remediate the remaining petroleum contamination in the groundwater/vadose zone
- B. WET#2514(M) LEOVICS – 213-217 Westport Road** – “after-the-fact” permit for gazebo, shed, generator and LP tanks within a regulated area
- C. WET#2518(M) GREEN – 3 Lynlee Lane** – proposed deck within a regulated area
- D. WET#2515(M) YANTORNO – 16 Signal Hill Road** – proposed generator and 120 gallon propane tank

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

## **VI. CORRESPONDENCE**

- A. MILLSTONE PROPERTY HOLDINGS, LLC – 180 Millstone Road – NOTICE OF VIOLATION** – request for determination of permitted non-regulated use (pasture plan)

Mr. Conklin reminded the Commission that they requested that a Notice of Violation be issued for the unpermitted clearing of a pasture in a regulated area. He stated a letter was received from Gregory & Adams asking that the Commission determine the clearing activity is a farming activity and does not require a permit.

Ms. Throckmorton stated she was contacted when the clearing was done and it was unclear at the visit that something was required immediately. She stated the owners were re-establishing the pasture. The wetland sits in the southwest corner of the property where the Comstock Brook passes through. Ms. Throckmorton confirmed there is a fence along the brook and invasives were removed as well as two trees along the edge.

Mr. Lee MOVED to APPROVE the creation of pastures with no requirement for permits as this will be as-of-right, SECONDED by Mr. Stow and CARRIED 4-0-0.

- B. MILLSTONE PROPERTY HOLDINGS, LLC – 180 Millstone Road** – request for determination of permitted non-regulated use (trail construction)

Mr. Conklin advised that Gregory & Adams provided a letter asking that the trail location and construction be a permitted non-regulated use. Mr. Conklin noted the trail location has not been finalized and the owner may need to clear land for views as noted in the Conservation Restriction.

Ms. Throckmorton stated there will be no change to the ground for the trail. She confirmed the current meadow will remain and there will be a couple steps and grade changes that will be done by hand for a 3 foot wide trail through the woods. Ms. Throckmorton confirmed there will be no tree removal, no roots pulled and no earthwork. She did note two footbridges may be required to cross wetlands.

Mr. Gaboriault stated the owners of the farm are willing to pay for the creation of one of the best

trails that will be in Wilton. He noted the Wilton Land Conservation Trust has never received a permit for a trail as this will put them out of business. Mr. Gaboriault confirmed there have been modifications to the Town Forest trails which have never required a permit.

Ms. Curtis asked why no permit would be required to clear up to a brook. Mr. Conklin responded this is an exempt activity for farming. Mr. Quinn added that the trails are for the use of public enjoyment. Mr. Motley stated the location of the trail is irrelevant as they do not believe they need a permit.

Mr. Lee MOVED to APPROVE the creation of the trail as-of-right for this instance only, SECONDED by Mr. Stow and CARRIED 4-0-0.

## **VII. OTHER APPROPRIATE BUSINESS**

**A. POCD Questionnaire Discussion** – this item was tabled due to the late hour.

### **B. VIOLATIONS**

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

Mr. Conklin confirmed the Notice of Violation was issued.

- ii. LESKA – 50 Sunset Pass** – construction of a patio in a regulated area without a permit

Mr. Conklin advised a Notice of Violation and Municipal Citation was issued as this is the second violation from this owner.

- iii. MILLSTONE PROPERTY HOLDINGS, LLC – 180 Millstone Road** – work performed in a regulated area without prior Commission review

This item was discussed previously during Correspondence.

### **C. Approval of Minutes – April 26, 2018 Meeting Minutes**

Mr. Lee MOVED to APPROVE the April 26, 2018 Meeting Minutes as drafted, SECONDED by Mr. Andrews and CARRIED 4-0-0.

## **VIII. ADJOURN**

Mr. Lee MOVED to ADJOURN at 11:57 pm, SECONDED by Mr. Andrews and CARRIED 4-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs