



RECEIVED FOR RECORD
TOWN OF WILTON
2018 JUL - 1 P 4: 27
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MINUTES

July 26, 2018

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

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Jeremy Oskandy, Arthur Howland & Associates; Sigrun Gadwa, REMA Ecological Services; Steve Kochis, VHB; Casey Healy, Gregory & Adams; Paxton Kinol, Wilton Heights, LLC; Anthony & Alexis Boccanfuso, Neighbors; Sarah Curtis, Resident; Florence Johnson, Resident; Jessica Christ, Property Owner; Richard Muhlfeld, New Field Builders; Heidi Poisella, Property Owner; Joe Thomas, JT Builders

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:35 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 (cont.)

Ms. Mandel is RECUSED from this application and left the meeting room.

There was a second formal site walk of this property directly before the meeting and Mr. Hall, Ms. Craig, Mr. Lee, Mr. Andrews and Mr. Conklin indicated they attended this site walk.

Mr. Oskandy confirmed he received the latest comments from VHB and prepared responses. He noted he submitted a new Declaration to Maintain Facilities which includes past agreements so there is one document that pertains to the maintenance of the entire site. Mr. Oskandy confirmed there will be no filling in the floodway and the sizing for the manholes has been provided. In addition, all outlets have hoods, all catch basins have sumps, and crash protection is being installed via a retaining wall. Mr. Oskandy confirmed he has submitted the State Reporting Form which has updated numbers for the additional mitigation they are adding in the northern portion of the site.

Ms. Gadwa stated she has increased the number of species and the sizes of the plantings. She confirmed all plants near the road, driveway, and parking lot are resistant to salt spray. She

noted blueberry bushes provide screening and air filtration and asked that Eco-Grass be approved for easy maintenance.

Mr. Kochis confirmed all questions were properly addressed and asked where the flood storage will be kept. Mr. Oskandy responded 90% will be in the pond and the other 10% will be where the existing pavement is being removed. Mr. Oskandy reviewed the letter from the Norwalk River Watershed Association, addressing all of their comments.

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

Mr. Lee MOVED to DIRECT STAFF to Draft a Resolution of Approval for the next meeting on August 9, 2018 with General and normal Special Conditions and the additional Special Conditions that the Declaration to Maintain Stormwater Facilities be filed on the Land Records, and a weekly Site Monitor Report for soil and erosion measures which can be completed by the on-site engineer, SECONDED by Ms. Craig and CARRIED 5-0-0.

Ms. Mandel was re-seated at 8:13pm.

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

Mr. Conklin noted the Applicant submitted two letters for the hearing. One letter relates to the Applicant's request that the Third Party Consultant Review be limited to the Engineering portion of the Application and not the Environmental review as Mr. Conklin is qualified to make these recommendations. The second letter requests a continuation of the Public Hearing for this meeting.

Mr. Conklin confirmed he contacted five (5) firms for a Request for Proposal. Of the five, three firms could not accommodate due to time constraints and conflicts of interest and two have provided quotes. Of the two, VHB is less expensive.

A discussion ensued relating to the timing and restraints that Mr. Conklin has in being able to spend quality time in his review. Mr. Conklin confirmed he feels he can complete the review and stated he would submit a second Staff Report for this purpose. Mr. Conklin confirmed with Mr. Kochis that the time frame is acceptable and that VHB can do the engineering review only.

Ms. Curtis, of Cannon Road, stated she was confused on how the application started as not requiring a third party review and now it does. She said the Commission should not reverse themselves. She questioned the negotiation process taking place at the hearing and suggested the Application be sent to an independent 3rd party review.

Mr. Boccanfuso, of 13 Crowne Pond, stated there appears some impropriety in this application as the information is arbitrary and egregious. He asked that the record be clear that an Environmental Consultant is not needed and that this would be going "halfway".

Mrs. Boccanfuso, of 13 Crowne Pond, stated she thinks the Commission is flip-flopping. She quoted Mr. Hall from earlier in the hearing where he stated the engineering and environmental

issues are inseparable. She stated the Applicant is choosing to develop on 74,000 square feet of wetlands, which is why the application fees are high. She stated the extra burden on Mr. Conklin is setting a precedent. Mr. Lee countered that this is not setting a precedent as the Commission always counts on Mr. Conklin's expertise for environmental issues and advice on applications.

Ms. Johnson, of Ridgefield Road, asked that an RFP is re-sent as the job has changed. She stated she supports the Application in principle.

Mr. Lee MOVED to DIRECT Staff to obtain revised RFP's for the Engineering review only, for approval by the First Selectman and engage the less expensive firm, SECONDED by Ms. Mandel and CARRIED 5-1-0 with Ms. Craig against separating the review.

Mr. Stow MOVED to GRANT an extension of the timeframe of the application, SECONDED by Mr. Andrews and CARRIED 6-0-0.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2526(I) CHRIST – 12 Coachmans Place – proposed addition to residence within a regulated area

Ms. Craig, Mr. Lee, Ms. Mandel, and Mr. Conklin confirmed they visited the site.

Mr. Conklin noted that he received a letter from South Norwalk Electric & Water stating that the property does not fall within their watershed so he was concerned the water company notice was not completed properly. Ms. Larkin confirmed the map in the office shows the property falls within the SNEW Watershed. Mr. Conklin confirmed a mistake was not made and the Commission can move forward with the application as normal.

Ms. Christ explained that her home on Coachmans Place was frozen over the winter. The family was away and the oil company did not deliver so their pipes froze. They were forced to gut the house and she wants to re-build with a master bedroom and laundry room above the basement which were missing before. To accommodate, she is proposing an extension to the home. She explained the bump out is towards the wetland area with a crawlspace and piers for the least amount of disturbance.

Mr. Muhlfeld stated that the addition consists of a bump out with a crawlspace underneath. Mr. Hall noted all structures are currently outside the regulated area and the addition is being proposed within the area. Mrs. Christ responded that an alternate location is not feasible due to the septic system and rock outcroppings. Mr. Muhlfeld added that the bump out for the kitchen will be on piers with a screened porch that has engineered beams. Mr. Lee noted the pavement is being removed by the garage closer to the resource which accounts for the mitigation. Ms. Craig confirmed the area being disturbed for the addition is currently lawn.

Mr. Conklin confirmed the construction access and stockpile areas are accounted for and the large debris pile will be removed. Mr. Muhlfeld added that silt fencing will be installed around the stockpile and limit of disturbance and the activities will not disturb the current flow of runoff.

Ms. Craig MOVED to APPROVE WET#2526, with the normal Special Conditions and the

additional Special Condition that the debris pile is removed within six (6) months of obtaining the Certificate of Occupancy, SECONDED by Ms. Mandel and CARRIED 6-0-0.

B. WET#2528(I) POISELLA – 58 Glen Hill Road – proposed renovation and additions to residence within a regulated area

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

Ms. Poisella stated she bought the house five (5) years ago and they love the location but they have grown out of the home. She is proposing demolition of their two-car garage to allow for family room, mud room, office, and bonus room. Ms. Poisella noted the location of the addition is where the current walkway sits. Ms. Craig asked if she was considering putting another walkway farther out from the addition. Mr. Tomas stated the patio and walkway are not designed yet but will be in stone dust.

Mr. Conklin noted that South Norwalk Electric & Water submitted a response to the notice suggesting a bigger buffer to the intermittent watercourse and the debris removal has left the property in better condition than previous. Ms. Mandel noted the lawn goes right up to the watercourse and asked if the owner utilizes chemical lawn treatments. Ms. Poisella confirmed they do not use chemical fertilizer. Ms. Craig asked if new trees were proposed. Mr. Tomas responded that there are dogwood trees noted on the plan.

Mr. Tomas explained the drywell that exists in the front of the house which takes roof runoff. He confirmed there will be minimal digging and the areas will be protected by a silt fence. He also noted the driveway will now be further from the resource and the front of the garage will be landscaped. The Commission agreed that staff could approve the driveway and walkway location once these are designed. Mr. Conklin stated areas that are bare could use more plantings. Ms. Craig suggested adding ferns or jewelweed in between the dogwoods for a better buffer.

Mr. Stow MOVED to APPROVE WET#2528 with the general and normal Special Conditions and the additional Special Condition that the applicant shall provide staff with a revised plan which includes the additional ferns, new driveway and walkway locations for approval, SECONDED by Ms. Mandel and CARRIED 6-0-0.

IV. APPLICATIONS READY TO BE ACCEPTED

A. WET#2522(S) LOWY – 61 Little Fox Lane – proposed pond dredging project to restore the depth and shape and improve the water quality of the water body

Mr. Lee MOVED to ACCEPT WET#2522, SECONDED by Mr. Andrews and CARRIED 6-0-0.

V. APPROVED MINOR ACTIVITIES

A. WET#2529(M) PETERSON – 34 Rockhouse Road – after-the-fact permit for a new deck approximately 80 ft. from a wetland

Mr. Conklin provided a brief review of the recently approved Minor Application.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. VIOLATIONS

- i. McFarland – 14 Partrick Lane – unauthorized tree clearing**
 - a. Review of Enforcement Procedure Memo from Nicholas Bamonte

Mr. Conklin noted that Town Counsel submitted a letter explaining the enforcement procedure, which this Commission is following. The property owners submitted four copies of a letter to the Commission, the Application Form, and a map that was deemed to be incorrect as far as the trees that were removed. Mr. Lee noted two of the trees on the plan that are slated for removal are on Town property which would require approval by the Tree Warden.

Mr. Hall noted that the plan shows only three trees were removed and they are requesting to remove seven additional trees. He stated this is not a good faith effort as the photo documentation shows many more trees removed and the application requires more documentation and a check for the "Corrective Action" Application fee. The Commission noted the Application Fee from their withdrawn application does not get credited to this Application.

The Commissioners agreed to continue with enforcement action to get this property into compliance.

B. Approval of Minutes – July 12, 2018 Meeting Minutes

Ms. Craig MOVED to APPROVE the July 12, 2018 Meeting Minutes, SECONDED by Ms. Mandel and CARRIED 6-0-0.

VIII. ADJOURN

Ms. Mandel MOVED to ADJOURN at 9:58 pm, SECONDED by Mr. Andrews and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs