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TOWN OF WILTON
2018 AUG 10 P 2:54
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MINUTES

August 9, 2018

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

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Gene Nazarro, Nazarro, Inc.; Holt McChord, McChord Engineering Associates, Cameron Munro, Neighbor; Jeremy Oskandy, Arthur Howland & Associates; Jeff Yates, Trout Unlimited

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

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 stated that Gregory & Adams submitted a letter of withdrawal for this application due to a defect in the public notice.

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

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

Mr. Nazarro explained the pond as silted in and filled with grass and weeds with little flow coming through. He is proposing to remove the sediment and vegetation without changing the current gravel bottom. Mr. Nazarro described that the pond is fed by a smaller stream and consists of mostly runoff from the road and other residential activities.

Mr. Nazarro described the sequence of the project which includes intercepting the water and utilizing a sediment sack which draws the water down. He confirmed there is one access point and described the equipment he will use which includes off-site disposal of the sediment. Mr. Nazarro explained he will build a small forbay sediment trap and the duration of the project should take four days to complete.

Mr. Lee suggested the applicant consider some shade plantings to be installed. Ms. Craig stated some ferns would be good for a buffer and asked when this activity would need to be redone in the future. Mr. Nazarro could not determine the timeframe as it is based on many environmental factors.

Mr. Conklin noted that a portion of the pond may be in the Town of Weston. He stated an A-2 Survey is required for the application and was not submitted. He suggested waiting for the vote until this issue is resolved and this Commission knows exactly what is taking place in each town. He also noted a mitigation planting plan is typical for this type of activity.

Mr. Nazarro confirmed there is little wildlife in the vicinity and they will protect any species that are present. Mr. Conklin stated the dirt bag location for dewatering is in a wetland which is positive for the area. Mr. Nazarro confirmed the slope in the vicinity is 3 to 1 or less and noted the activity near the dam is going to be dug by hand to avoid any breaches.

Ms. Mandel asked Mr. Conklin about work Mr. Nazarro has completed in the past. Mr. Conklin responded that he has seen his work and it is conducted in a neatly maintained manner. He added that the forbay makes a difference so that owners can clean this out annually by hand. Mr. Hall asked to see the sediment trap details for the next meeting. Ms. Craig asked about any contamination that comes out of the pond. Mr. Nazarro stated he does not want to inherit contaminated soil. Mr. Nazarro confirmed the septic and well are not in the vicinity.

With no further questions or comments, the Public Hearing was continued until the next meeting on September 13, 2018.

C. WET#2527(S) MCMULLAN – 128 Old Kingdom Road - proposed renovations to residence and B100a in a regulated area

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

Mr. McChord explained the residence as a 3-bedroom home in disrepair. The proposal is the rehabilitate the house, raise the roof pitch and add a bonus room over the garage with a 7 ft. high attic space. He confirmed the footprint and the driveway will not change. He is before the Commission because of a B100a requirement which would fall in the regulated area. He noted that the entire property is within a regulated area so there is no alternative. In the event the B100a needs to be installed, it would equate to 430 cubic yards of material.

Ms. Mandel noted the house location is on a knoll. Mr. McChord confirmed the former pool was filled in and the applicant is requesting a propane tank next to the house for heating purposes.

Ms. Craig asked if any vegetation will be removed. Mr. McChord responded some overgrowth will be removed at the front of the house but they are not extending the lawn, just reclaiming what was there.

Mr. Munro, neighbor to the property, asked if there was going to be any fill brought onto the site. Mr. McChord confirmed there is no fill planned to be placed on the site at this time.

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

Ms. Mandel MOVED to APPROVE WET#2527 with the normal Special Conditions, SECONDED by Mr. Stow and CARRIED 5-0-0.

III. APPLICATIONS READY TO BE REVIEWED

- 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.)

The Commissioners received a DRAFT copy of the Resolution of Approval for review.

Mr. Lee MOVED to APPROVE WET#2508 as drafted, SECONDED by Mr. Stow and CARRIED 5-0-0.

IV. APPLICATIONS READY TO BE ACCEPTED

- A. WET#2531(S) WILTON HEIGHTS, LLC - 300 Danbury Road, Whitewood Lane (Assessor's Map#58 Lot#37), Whitewood Lane (Assessor's Map#58 Lot#39), 3, 7, & 11 Whitewood Lane** – redevelopment of the properties with two buildings that still consist of retail space and residential units within a wetland with a watercourse crossing, an upland review area, and an extended upland review area

Mr. Lee MOVED to ACCEPT WET#2531 and hire LandTech to complete a Third Party Review for the Engineering only, SECONDED by Mr. Stow.

A discussion ensued relating to the concern of Ms. Craig that Mr. Conklin may not have the time to complete the biological review. Ms. Craig was concerned there was a conflict of interest. Mr. Lee and Mr. Hall noted that the Commission routinely looks to Mr. Conklin for guidance on matters within his expertise as that is his job as Director of Environmental Affairs. Mr. Hall also stated the First Selectman has expressed support for the project, and Mr. Conklin's status being a Town Employee does not create a conflict of interest.

The motion CARRIED 4-1-0 with Ms. Craig against omitting the Biological Third Party review.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

- A. WET#2530(M) GUERON – 30 Cannon Road** – to restore fish and aquatic organism passage through Cannondale dam due to breach

Mr. Conklin explained he wanted to get approval from the Commission for this Minor Activity as it is an emergency dam breach at Cannondale.

Mr. Yates explained that he is working with the CT DEEP to repair the dam to allow for fish passage. He stated they are not removing the dam, they just need a natural channel passage. Mr. Lee asked why the dam is not being removed. Mr. Yates responded that it is too expensive.

The Commissioners agreed that this application is approvable by staff.

B. Conifer Revetment in Norwalk River at Merwin Meadows – permit level determination

Mr. Yates stated that the Norwalk River is prone to flash flooding and erodes in the vicinity of Merwin Meadows. He explained that revetment means taking conifer trees and laying them into the eroded river channel which narrows and rehabilitates the slopes of the banks. Mr. Lee suggested the permit level be Minor as everything is done by hand and there is no disturbance. Ms. Craig asked if the revetment is completed all at once or in segments. Mr. Yates responded that it depends on the amount of volunteers and noted that it needs to be completed prior to October to avoid disturbing the spawning season. Ms. Craig asked if Mr. Yates has experience with this solution and he responded that this is common practice and he is experienced. The activity is scheduled to take place September 8th and 9th of this year.

All Commissioners were in agreement that this can be a Minor Level Permit.

C. VIOLATIONS

i. McFarland – 14 Partrick Lane – unauthorized tree clearing

Mr. Conklin stated he called Mr. McFarland and left a message in hopes that they can work together to file a complete Corrective Action Application in light of the fact that the Application received was deemed incomplete at the last meeting.

D. Approval of Minutes – July 26, 2018 Meeting Minutes

Ms. Larkin noted that the Minutes should be amended under the Wilton Heights Public Hearing where Mr. Bocanfusso stated the Application for Wilton Heights, LLC should note “capricious” and not “egregious”.

Mr. Lee MOVED to APPROVE the July 26, 2018 Meeting Minutes as amended,
SECONDED by Ms. Mandel and CARRIED 5-0-0.

VIII. ADJOURN

Mr. Stow MOVED to ADJOURN at 8:55 pm, SECONDED by Ms. Craig and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs