

INLAND WETLANDS
COMMISSION
Telephone (203) 563-0180
Fax (203) 563-0284



TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

MINUTES

October 25, 2018

RECEIVED FOR RECORD
TOWN OF WILTON
2018 OCT 31 P 1:56
BY: LK

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

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Craig Flaherty, Redniss & Mead; Kate Throckmorton, Environmental Land Solutions; Paxton Kinol, Wilton Heights, LLC; Carver Gleason, Triton Environmental; Dave Barstow, GZA; Louise Washer, NRWA; Sarah Curtis, Resident; Kevin O'Brien, O'Brien Premiere Properties; Scott McFarland, Property Owner; Dean Price, Property Owner

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

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. Conklin advised that the Third Party Engineer was not in attendance for this meeting but there was a staff meeting he attended earlier in the day.

Mr. Healy advised this Public Hearing was continued from the last meeting to be able to respond to Staff and Third Party Consultant questions and comments. He noted that they have provided the Soils Report that was inadvertently left out of the application package. Mr. Healy confirmed the limit of disturbance and building corners have been staked in the field and a colored elevation rendering has been submitted. In addition, the letter from Triton Environmental has been submitted under this new application package. Mr. Healy distributed a chart prepared by Redniss & Mead which shows existing conditions vs. proposed conditions and a revised stormwater management plan in response to comments from LandTech. The Commission also received an enhanced planting plan from Environmental Land Solutions and a blasting plan from GZA.

Mr. Flaherty pointed out the staking plan that was submitted. He stated each lath has a letter and number that corresponds to the plan for reference. He responded to Land Tech's comment relating to temporary sediment traps during construction by noting the water will go into a catch basin before the riprap. He confirmed he will submit a plan with this in more detail. Land Tech questioned the south central stormwater basin to make sure the targeted areas are all captured. Mr. Flaherty explained they will be captured prior to the oil grit separator. Mr. Flaherty conceded that the clay liner for the micro-pool is being removed based on Land Tech's recommendation. Mr. Flaherty showed a cross-section of the driveway which ensures deeper and wider excavation which will have hay bales installed to protect from erosion.

Mr. Flaherty reviewed the Area and Coverage Comparisons table for what currently exists and what is being proposed. Ms. Craig asked where the air conditioning units will be placed. Mr. Flaherty responded that they are close to the buildings and behind a wall below grade so they are not easily seen.

Mr. Flaherty reviewed the placement of the proposed buildings and confirmed the contour of the south building requires minimal excavation. They considered putting some additional wings on that building but this would require much more earth work. He stated the current proposed locations are the most efficient. They are trying to reduce the area jutting towards the wetlands. Ms. Craig stated there is a big intrusion in the buffer with the possibility of channelizing the watercourse which will cause a loss of recharge and habitat if approved.

Mr. Hall suggested removing six of the rear units so that there are 68 residential units instead of the proposed 74 units, restoring 14,450 sq. ft. of disturbance. Ms. Craig stated she would like to keep the entire 100 ft. regulated buffer free of disturbance as the applicant cannot guarantee the plans will work. Mr. Flaherty confirmed that they are not negatively impacting the wetlands and watercourse. He stated he has been practicing engineering for 24 years and has worked on hundreds of site designs with success. Mr. Flaherty confirmed they are not proposing anything that will alter the conveyance or storage capacity. Mr. Hall interjected that the concern lies within the permanent encroachment of an area that the town has deemed important based on science.

Ms. Throckmorton provided a new concept plan to the board. She clarified per the Staff Report that all plants except for one are native. The non-native plant was chosen as it works in an urban setting and extends the flowering time. Ms. Throckmorton reviewed the proposed shade trees and small and large shrubs. She offered to increase the sizes of the plantings if necessary and confirmed invasives will be carefully targeted and replanted. She added that the mitigation area is now expanded to the stream. Mr. Hall asked if the north building was shorter, would the 13 trees slated for removal be able to remain. Ms. Throckmorton stated they would remain. Mr. Conklin suggested that native plantings can provide a positive impact on a broader scale.

Mr. Gleason stated the transfer of the property is subject to the Connecticut Transfer Act. There was an old photo development store on the site and there are soils that require remediation. They found arsenic in septic areas, lead from the perimeter of some buildings, and petroleum hydrocarbons. Mr. Gleason explained the process as normal in that they characterize the soil, load into trucks and it is hauled to a regulated waste site. He explained the benefit to the area after remediation to the ground water and aquifer. Mr. Gleason noted the soil and erosion

measures, the avoidance of stockpiling, and stated localized protective sheeting can be laid if necessary. Ms. Craig asked how deep they will dig down. Mr. Gleason responded that 10 ft. is the deepest and they will not hit the water table. Ms. Mandel asked if this is the only method of remediation. Mr. Gleason responded that they can cap the impacted areas but the arsenic will remain as there is no way to treat it in the ground. Mr. Lee added that these particular contaminants are slow moving.

Mr. Barstow reported on the proposed bedrock removal and controlled blasting. He indicated up to 12 ½ feet depth will be removed and the blasting is regulated and requires approval from the Fire Marshall. The application process includes identifying buildings within 500 feet of the site, conducting pre and post construction surveys and photos to ensure a baseline of existing conditions. Mr. Barstow noted 25 structures are within the 500 ft. radius and he recommends vibration monitoring at the property boundaries. The contractor will provide the details of the sequencing, spaces, and charges used. Ms. Craig questioned what happens if the area is over-blasted. Mr. Barstow responded they can reduce the size of the blast and increase the delay. Ms. Craig asked if there was a concern about water going into the cracks this blasting may cause. Mr. Barstow stated the area already has fractures which fill with sediment. Mr. Fischer, a Professional Geologist, agreed that additional potential fractures will not negatively affect the area as it will recharge the ground water table.

Mr. Kinol stated that the 100 ft. wetland setback for structures was not held in the Wilton Center district for which they have just been approved to change. Ms. Craig countered that water is moving downstream and the pipes as proposed could create a bottleneck effect. Ms. Silverberg added that the Commission needs to remain consistent and will not revert back to history when we have the environmental science correct now. Mr. Kinol responded that they are cognitive of that and are trying to strike the right balance.

Ms. Washer confirmed the Commission and Applicant received her letter from the NRW. She raised concern over having cool and clean water especially with the current application from Aquarion Water Company for the Cannondale well draw with an already impaired system.

A question was raised to include the documents from the previous withdrawn application. This decision is determined by the attorney for the applicant.

Ms. Curtis asked the Commission to clarify if the letters submitted from the public under the old application are carried forward to this application. Mr. Conklin confirmed all letters would need to be re-submitted to be a part of this application. Mr. Healy submitted a letter to the Commission asking for an extension on the Public Hearing timeframe.

Mr. Stow MOVED to extend the Public Hearing timeframe until November 8th as requested by the applicant, SECONDED by Mr. Fischer and CARRIED 7-0-0.

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

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2533(I) MCFARLAND – 14 Partrick Lane – “corrective action” to address unauthorized tree removal in a regulated area

All present Commissioners indicated they visited the site.

Mr. Conklin reviewed the timeline of events that have taken place regarding this violation. He confirmed the Town stopped enforcement for some time as there was a federal lawsuit presented to the town. Now that the legal matter is completed, the Commission is moving forward with a request for the corrective action. Mr. Conklin noted that Mr. McFarland met with him to complete the application and provided guidance on the site plans and requirements.

Mr. McFarland stated he vehemently disagrees that 28 trees were removed. He noted some trees were down from some time ago and some were diseased. He is concerned about the possibility of new planting requirements as he said the rock ledge in the area would not allow for successful growth.

Mr. Conklin noted the planting plan as proposed has oversized plantings which would make the mitigation more expensive than what the board typically requests. Mr. Lee added that the smaller trees will be easier to plant and will survive with proper care. Mr. Hall suggested a mix of canopy and understory trees. The Commissioners then asked Mr. McFarland to return to the next meeting with a revised planting plan with these items in mind.

B. WET#2536(I) PRICE – 33 DeForest Lane – proposed 3-car detached garage and driveway 60 ft. from a wetland and a B100a within a regulated area

Mr. Conklin, Ms. Craig, Mr. Fischer, Ms. Mandel and Ms. Silverberg indicated they visited the site.

Mr. O'Brien confirmed he is asking for a detached 3-car garage within 60 ft. of a wetland which requires a B100a. He noted Mary Jaehnig flagged the wetlands on the site, Ryan & Faulds completed the survey, and Brian Andronico created the septic plan. Mr. O'Brien explained that some trees will need to be removed and silt fence will be installed within 10 feet of the garage. There is no proposed new lawn and the location of the garage limits grading and tree removal.

Mr. Hall pointed to the well location and confirmed this well is the reason the garage is being proposed in this particular location. Mr. O'Brien confirmed that seven trees will be removed for the garage, but none will be removed for the driveway. He also confirmed the surveyor will stake the set back lines to ensure it fits in the requested location.

Ms. Silverberg asked if there was an alternate location for the garage. Mr. O'Brien responded that they would have to remove more mature trees and create a longer driveway for an alternate location. Mr. Lee asked if he gets approved for the garage, could he remove the existing sheds closer to the wetlands. Mr. Price stated this would be acceptable if this is what the Commission needs to approve the garage.

Mr. Stow MOVED to APPROVE WET#2536, with the normal Special Conditions and the additional Special Conditions that the sheds will be removed from the property within 90 days of obtaining the C.O. for the garage, SECONDED by Ms. Mandel and CARRIED 7-0-0.

IV. APPLICATIONS READY TO BE ACCEPTED

A. WET#2539(I) DOSTAL – 200 Rivergate Drive – “corrective action” to address fill material in a wetland

Mr. Conklin advised that the property owner did not want the Commission to accept or discuss this new Application until the next meeting on November 8, 2018. He noted that due to child care issues, the Applicant would like to appear first on the agenda. The Commission agreed to this request.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. VIOLATIONS

i. WET#2481(I) BEMA Group, LLC – 338 Westport Road – Notice of Permit Violation for encroaching past the approved limit of disturbance

Mr. Conklin explained that this applicant has missed his deadline to submit the “Corrective Action” application. Mr. Hall suggested sending a cease and desist order. The Commission agreed and directed staff to send a notice.

ii. CROWTHER – 515 Belden Hill Road – clearing of a stream buffer

Mr. Conklin advised that he received a neighbor complaint of this owner clearing land along a stream. He confirmed the owner is responsive and a Notice of Violation is being generated.

B. Approval of Minutes – October 11, 2018 Meeting Minutes

Ms. Mandel MOVED to APPROVE the October 11, 2018 Meeting Minutes as drafted, SECONDED by Mr. Stow and CARRIED 7-0-0.

VIII. ADJOURN

Mr. Lee MOVED to ADJOURN at 9:58 pm, SECONDED by Ms. Mandel and CARRIED 7-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs