



MINUTES

September 8, 2016

**PRESENT:** John Hall (Chair), Liz Craig, Tom Burgess, Mark Andrews, Rick Stow, Dan Falta

**ALSO PRESENT:** Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Bob Nerney, Wilton Town Planner; Joe Canas, Tighe & Bond; Kate Throckmorton, Environmental Land Solutions; Tom Ryder, LandTech; Steven Nebel, Labhaus; Dan Berg, Conservation Commissioner; Sarah Duncan

**ABSENT:** Nick Lee (notified of intended absence)

**I. CALL TO ORDER**

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

**II. PUBLIC HEARINGS**

**A. WET#2394 (S) LTWJ, LLC – Cannon Road – proposed 8-lot subdivision**

Mr. Conklin read a letter into the record from Gregory & Adams requesting a continuation of the Public Hearing until September 22, 2016.

**B. WET#2396 (S) BRUBECK TRUST – 221 Millstone Road & 67, 69, 73, 85, & 87 Hickory Hill Road – access and development of six lots**

Mr. Conklin read a letter into the record from Gregory & Adams requesting a continuation of the Public Hearing until September 22, 2016.

**C. WET#2407 (S) STEVENSON – 417 Belden Hill Road – construction of an in-ground pool**

Mr. Conklin read a letter into the record from Gregory & Adams requesting a continuation of the Public Hearing until September 22, 2016.

**D. WET#2405(S) TOWN OF WILTON – Wilton Train Station – creation of pedestrian bridge over the Norwalk River**

Mr. Hall, Ms. Craig, Mr. Burgess, Mr. Falta, Mr. Stow and Mr. Andrews indicated they visited the site. Mr. Conklin read the list of documents into the record.

Mr. Nerney, Town Planner and Director of Land Use for the Town of Wilton, presented an overview of the proposed bridge. He explained the intent of the bridge, its benefits, and the construction timeline. He described the project as being in the works for 25 years to get better connectivity between the Wilton Train Station and Wilton Center. The design team had to work with several obstacles such as existing barriers, the Norwalk River, the Metro North Rail Service and the State Road, Route 33. He noted the proposed walkway is six times shorter than the current pedestrian access to the center.

Mr. Nerney confirmed the bridge would be constructed over existing paved areas. The pre-fabricated bridge is delivered in two pieces and will be 90 ft. in length to connect to the existing pathway to Portofino's where there is a pedestrian easement. Mr. Nerney concluded the bridge would increase economic vitality with the new residences on the east side of the river, while encouraging rail traffic, and reducing auto traffic and emissions. He confirmed the bridge will be constructed to be able to retrofit for natural gas on the underside of the decking if this becomes available in the future.

Mr. Canas showed the commission where the wetlands are located on the parcel and stated the floodway boundary constitutes design restraints. He confirmed the CT DOT and CT DEEP want the pedestrian bridge far enough upstream to not affect the potential repairs on Route 33 and the bridge needs to be high enough to let water flow beneath it due to the floodplain. Mr. Canas confirmed the CT DEEP requires a wood ramp on piers to access the bridge and the ramps must be ADA compliant with a 1 ft. rise every 20 feet. He also indicated handrails will be installed where required for safety and the Norwalk River Valley Trail will be slightly shifted to allow for fill to be deposited.

Mr. Canas confirmed a flood bench will be created for a low-flow channel for flood volume to be equalized. There is also a proposed riprap slope to prevent scour on the bridge abutments. A hydraulic model was prepared for velocity, heights and scour. The impacts noted include removal of 13 trees on the west side. The proposed bridge location was chosen as it is wholly on town land, not state land, which would require more permitting. The applicant has been in contact with CT Fisheries and Conservation and will need input from DEEP, Army Corps of Engineers, and Metro North Railroad.

Mr. Hall asked about digging in a flood plain. Mr. Conklin responded the area being removed is over the depth of the river. Ms. Craig inquired about the flood bench changing the flow. Mr. Canas replied that it would not. Ms. Craig then asked why there is so much riprap as it is not appealing and can cause loss of woody habitat. Mr. Canas confirmed they would plant willows. Ms. Craig asked why this bridge is so large compared to the bridge over the river at Schenck's Island and asked if the river will be shaded. In addition, she noted there is a large amount of gravel on the embankment and it is a heat trap if it is not vegetated. Mr. Conklin asked if the bridge will alleviate flooding in the center. Mr. Canas responded that this activity is upstream and the real impact would be downstream. Ms. Craig asked if the 500-year flood would be handled appropriately with the system and Mr. Canas said it would.

Ms. Throckmorton suggests improvements to the area for a more naturalistic setting. She confirmed she added a fair amount of trees that depict the surface pattern to bring more interest to the area. The planting plan includes 27 shade trees and 21 understory trees. They will be planted all the way to the shelf area which will provide long-term shade and a canopy where one

does not exist today. She described the plan as being a long-term woody edge. Per Ms. Craig's question, the re-establishment of plantings will take approximately five years.

Sarah Curtis asked if the plants chosen are natives. Ms. Throckmorton confirmed all plants are natives and reviewed the plant list.

With no further questions, the public hearing was closed.

Mr. Falta MOVED to APPROVE WET#2405, SECONDED by Mr. Burgess and CARRIED 6-0-0.

**E. WET#2401(S) PRICE – 166 Old Huckleberry Road – “corrective action” to address unauthorized clearing (cont.)**

Mr. Conklin read the new documents into the record and provided an update from the LEP Report recently received. He confirmed the timing of the removal of the contaminated soil as taking 2 weeks to stage the site and another 2 weeks to remove the soil and truck off for disposal. He stated no further contaminations were discovered and confirmed the area is isolated with 13 test pit samples.

Mr. Nebel stated the testing is completed and they are preparing for removal and replanting. He confirmed they will stabilize the area with a rye mix and plant trees in the spring per nursery recommendations. Mr. Hall asked about a long term soil stabilization proposal. Mr. Burgess stated they were planting a seed mix with warm and cold grasses with an annual rye then the shrubs and understory will be installed.

Mr. Nebel noted the Open Space Permit just to the north included a due date of September 15, 2016. While the silt fences and watering will take place prior to that date, the planting due date was requested for the fall. Mr. Conklin stated all plantings should be installed prior to October 15, 2016 on both sites for enforcement purposes.

With no further questions, the public hearing was closed.

Mr. Andrews MOVED to APPROVE WET#2401 with the normal Special Conditions and the condition to remove the fill, restore the site, and install mitigation planting plan by October 15, 2016, SECONDED by Ms. Craig and CARRIED 6-0-0.

**F. WET#2391(S) BELLINO – 20 Old Driftway – “corrective action” to address unauthorized clearing and grading (cont.)**

The commission had received correspondence from Mrs. Bellino requesting a continuation of the hearing, but Mr. Bellino appeared and asked to speak.

Mr. Bellino confirmed they went back to their landscapers after the last hearing to design a plan that would not be financially restrictive. In the interim, he indicated they would put soil and erosion measures in place such as silt fencing and hay bales. Mr. Hall responded that a permanent fix is needed, not the temporary measures noted. Mr. Bellino responded that he did not plan to be here, and that they initially just wanted to remove some trees. It was noted that the extent of clearing went beyond their property onto the neighboring property at 30 Old Driftway,

and that Michael Lato was the contractor. Mr. Bellino suggested he move some large boulders already on the property into areas that would create a permanent feature.

With no further questions, the hearing was continued until September 22, 2016.

**III. APPLICATIONS TO BE REVIEWED - None**

**IV. APPLICATIONS READY TO BE ACCEPTED**

- A. WET#2409(I) RIVERBROOK REGIONAL YMCA – 404 Danbury Road – riparian buffer restoration**
- B. WET#2410(I) TOWN OF WILTON – Lions Fields – riparian buffer restoration**
- C. WET#2413(I) NARULA – 1 Brenner Road – “after-the-fact” B100a for finishing a basement with full bath**
- D. WET#2415(I) FRUGONE – 25 Cardinal Lane – “emergency” septic replacement**
- E. WET#2416(I) YEAGER – 134 Ridgefield Road – “corrective action” to address unauthorized clearing and grading**

Mr. Conklin explained the two applications for riparian restoration as being town projects under the auspices of Trout Unlimited. The YMCA has requested the application fee be waived in this circumstance.

Mr. Andrews MOVED to WAIVE the application fee, SECONDED by Mr. Stow and CARRIED 6-0-0.

Mr. Falta MOVED to ACCEPT all above applications, SECONDED by Mr. Stow and CARRIED 6-0-0.

**V. APPROVED MINOR ACTIVITIES**

- A. WET#2406(M) PALMER – 16 Lynlee Lane – addition of screened porch and modify existing deck**
- B. WET#2412(M) PECK – 14 Wilton Acres – proposed 7 ft. x 8 ft. shed**
- C. WET#2411(M) SCHWARTZ – 249 Newtown Turnpike – remove and replace existing dock**
- D. WET#2408(M) FERENCZ – 42 Bhasking Ridge Road – construction of a new deck, install A/C, and above ground propane tank**

Mr. Conklin gave a brief overview of each permitted activity.

**VI. CORRESPONDENCE – None**

## **VII. OTHER APPROPRIATE BUSINESS**

### **A. Violations**

#### **1. CROSS – 105 Old Belden Hill Road – Town Counsel**

Mr. Conklin confirmed legal action has started with this property owner.

#### **2. STITES – 74 Westport Road – Request for Extension**

Mr. Conklin advised the commission that the property has changed hands and the new owner will be taking care of the corrective action. The new owner submitted a letter to the commission requesting an extension for the due date. The commission agreed to a 30-day extension.

#### **3. PETERS – 30 Old Driftway**

Mr. Conklin confirmed this is the neighbor of the Bellino's where clearing was done past the property line. He noted that Mr. Peters is working to correct the violation on his own. Mr. Peters did not provide authorization to the Bellino's to correct the matter as the Bellino's had indicated.

Mr. Andrews made a MOTION to ADD WET#2400(S) Map 127 Lot 4 to the agenda for a change in compliance date, SECONDED by Mr. Falta and CARRIED 6-0-0.

### **B. WET#2400(S) Map 127 Lot 4 – The due date for mitigation plantings was requested to be changed from September 15, 2016 to October 15, 2016**

Mr. Andrews MOVED to revise the due date to October 15, 2016, SECONDED by Mr. Falta and CARRIED 6-0-0.

### **C. Approval of Minutes – August 11, 2016 Site Walk and August 11, 2016 Meeting**

Ms. Craig MOVED to APPROVE the minutes, SECONDED by Mr. Stow, and CARRIED 6-0-0.

## **VIII. ADJOURN**

Mr. Burgess MOVED to ADJOURN at 9:18 pm, SECONDED by Mr. Andrews and CARRIED 6-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs

