

INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

MINUTES

December 13, 2018

RECEIVED FOR RECORD
TOWN OF WILTON
2018 DEC 19 P 3:12
BY: OJ

PRESENT: John Hall (Chair), Kathie Mandel, Scott Fischer, Karen Silverberg

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; Kevin O'Brien, O'Brien Premiere Properties; Meghan Miles, Carmody, Torrance, Sandak & Hennessey, Jeff Kaplan, Resident; Matt Bostwick, Resident; Domenic Musilli, Resident; Scott & Beth McFarland, Property Owners

ABSENT: Liz Craig, Nick Lee, Rick Stow (notified of intended absences)

I. CALL TO ORDER

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

IV. 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 (cont.)

Mr. Conklin advised that additional documents were submitted for the file and are available for review during business hours.

Mr. Healy confirmed they have submitted detailed revised plans including revised drainage calculations and landscape updates. He stated the modifications include a nine foot shift of the northern building away from wetlands. In addition, the two easterly retaining walls were eliminated and the foundation wall was pulled back to adhere to a 40 ft. setback from the wetland. This shift allows four mature trees to remain that were originally slated to be removed. Mr. Healy confirmed Mr. Bartos, the Commission's Third Party Consultant with LandTech, reviewed the newly submitted documents and his comments have not changed from previous reviews. The previous comments stated that the activities proposed will result in a substantial reduction of stormwater runoff on the site.

Mr. Flaherty showed a plan that clearly shows the changes and new limit of walls. He described that they removed four parking spaces in the northern building garage which provided 9ft. of additional buffer between the building and the wetlands. He confirmed they were able to straighten the utilities which will require less excavation. Mr. Flaherty advised the second floor of the north building is a bit below grade with an elevated floor and sloped hallway to accomplish the grade change. He reminded the Commission that there are currently two acres of impervious surfaces with no stormwater treatment and the proposal would include three acres of impervious surfaces with 96% of the runoff treated.

Mr. Hall asked if they expect parking for 200 cars. Mr. Flaherty responded that the amount of exposed asphalt is reduced by 40% because of the underground parking lot.

Ms. Throckmorton showed her revised planting plan highlighting the four trees that are being saved by means of the walls being shifted back. She advised this allows for more plantings and a larger canopy. She also swapped out some evergreens for white oaks and flowering dogwoods for more diversity in the wooded area. Ms. Silverberg asked how the water is protected at the bridge crossing. Mr. Flaherty responded by describing the bridge abutments and construction sequence. He added that the bridge is slightly pitched so that any rainfall is captured by the treatment system.

Mr. Conklin confirmed everything that was outstanding has been addressed with the alternate 40 ft. plan and a DRAFT Resolution has been completed which includes normal special conditions and two project specific Special conditions. He added that Town Counsel will need to review the stormwater maintenance agreement. Mr. Healy advised that Town Counsel has already approved the language. Mr. Flaherty asked that the weekly on-site monitor be utilized when appropriate. Mr. Hall requested that the contractor maintain contact with staff on construction timing.

Mr. Jeff Kaplan, of Greenbriar Lane, stated he fully supports the proposal. He noted the developer has listened intently to the suggestions and spent hundreds and thousands of dollars to create a tremendous improvement to this site.

Mr. Matt Bostwick, of 28 Woodhill Road, stated the proposal is a net improvement to the community.

Mr. Domenic Musilli, of 18 Salem Road commented that this is a great project and the applicant has gone to extraordinary lengths to be sensitive to the environmental nature of this site.

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

Ms. Mandel MOVED to APPROVE WET#2531 with the normal special Conditions and Special Conditions as drafted, SECONDED by Mr. Fischer and CARRIED 4-0-0.

V. APPLICATIONS READY TO BE REVIEWED

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

Mr. Hall reminded the Commission that the owners removed 28 trees and were hesitant to replant in the same location due to rock ledge. The Commission reviewed the email from the owners which explains what they would like to replant. Mr. Conklin stated the trees and their proposed sizes are reasonable. Mr. Conklin then described the typical bonding with this type of planting plan. Mrs. McFarland stated the Commission was penalizing her due to the bond. The Commissioners attempted to confirm that bonding is not punitive. The Commissioners agreed the McFarlands can phase the plantings so that the first phase is planted by the end of April and the second at the end of October. The entire bond for both phases must be submitted prior to any activities on the site.

Mr. Fischer MOVED to APPROVE WET#2533 with the normal and Special Conditions and Special Conditions to plant 13 trees and 5 shrubs by April 30, 2019, and 13 trees and 5 shrubs by October 30, 2019, SECONDED by Ms. Mandel and CARRIED 4-0-0.

B. WET#2544(I) BEMA GROUP, LLC – 338 Westport Road – “corrective action” to address encroachment past approved limit of disturbance

The Applicant and the Agent were not in attendance to present the application.

Mr. Conklin advised that the property owner has been bringing information to staff during office hours, but he has repeatedly told him he needs to work with this commission. He reminded the Commission that work has continued at the site while the Cease & Desist was in effect. He also noted during the acceptance stage of this application, the agent, Aleksandra Moch, started presenting the corrective action plan and was stopped as the hearing was scheduled for tonight.

Mr. Conklin advised that Michael Lato, the contractor that delivered the fill was issued a Municipal Citation for \$2,000 for multiple violations per the Commission’s direction. Mr. Lato has asked for a Citation Hearing which is taking place on December 17, 2019.

Mr. Fischer MOVED to APPROVE WET#2544, SECONDED by Ms. Silverberg and FAILED TO CARRY 0-4-0.

VI. APPLICATIONS TO BE ACCEPTED

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

Mr. Conklin advised the property owner submitted a letter to the Board of Selectmen to obtain a waiver for the corrective action application fee.

Ms. Mandel MOVED to ACCEPT WET#2539, SECONDED by Mr. Fischer and FAILED TO CARRY 0-4-0.

B. WET#2547(I) CROWTHER – 515 Belden Hill Road – “corrective action” to address unauthorized clearing of a stream buffer

C. WET#2549(I) LYNCH – 162 Range Road – proposed two-car garage, screened porch and

open porch and deck above garage including new steps to grade, a generator located below with wood storage, and rebuild deck over new well pump room and part of garage

D. WET#2550(S) HELMAN – 74 Rivergate Drive – “emergency” septic replacement

Ms. Silverberg MOVED to ACCEPT WET#2547, WET#2549, and WET#2550, SECONDED by Ms. Mandel and CARRIED 4-0-0.

VII. APPROVED MINOR ACTIVITIES

A. WET#2542(M) CANNON WOODS, LLC – Cannon Road (Map#21 Lot#13) – install driveway apron to access property

B. WET#2543(M) TOWN OF WILTON – 26, 28, 30 Cobblestone Place – drainage ditch maintenance

C. WET#2541(M) ZHAO – 62 Valeview Road – proposed installation of four propane tanks 25 ft. from wetlands

D. WET#2546(M) NEWCOMER – 78 Longmeadows Road – proposed above ground propane tank

E. WET#2545(M) HUCKLEBERRY HILL ROAD, LLC – 144 Huckleberry Hill Road – proposed electrical vault installation approximately 75 ft. from a pond

Mr. Conklin provided a brief description of the Minor Permits that have been issued since the last meeting.

VIII. CORRESPONDENCE

A. Request for Letter of Support for Wilton Land Conservation Trust purchase of 183 Ridgefield Road – Mr. Conklin advised that the Wilton Land Conservation Trust (WLCT) has asked for support of their purchase of this important piece of land for their grant application.

Ms. Mandel MOVED to PROVIDE a Letter of Support to the WLCT, SECONDED by Mr. Fischer and CARRIED 4-0-0.

IX. OTHER APPROPRIATE BUSINESS

A. 2019 ELECTIONS – Ms. Mandel MOVED to NOMINATE Ms. Craig as Chairperson, Mr. Lee and Vice Chairperson and Mr. Stow as Secretary, SECONDED by Mr. Fischer and CARRIED 4-0-0.

B. 2019 MEETING SCHEDULE – The Meeting Schedule includes Meetings on the second and fourth Thursdays of each month except for August, November and December where the second meeting is not held.

Ms. Mandel MOVED to APPROVE the 2019 Meeting Schedule as drafted, SECONDED by Ms. Silverberg and CARRIED 4-0-0.

C. VIOLATIONS

- i. AMERICAN HINDU RCO, INC – 74 Westport Road – Warning for chipping cut trees and leaving them adjacent to a wetland**

Mr. Conklin explained the owner was provided with past approval to cut some trees on the property but they did not discuss the placement of chips. The trees were chipped and left near the wetland so Mr. Conklin sent a written warning to remove the chips from the regulated area prior to February 1, 2019.

D. Approval of Minutes – November 8, 2018 Meeting Minutes

Mr. Fischer MOVED to APPROVE the November 8, 2018 Meeting Minutes as drafted, SECONDED by Ms. Mandel and CARRIED 4-0-0.

X. ADJOURN

Ms. Mandel MOVED to ADJOURN at 9:05 pm, SECONDED by Mr. Fischer and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs