



MINUTES

September 22, 2016

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

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Scott Bellino, Property Owner; Matthew Biron, Hoffman Landscapes; Casey Healy, Gregory & Adams; Holt McChord, McChord Engineering Associates, Inc.; Kate Throckmorton, Environmental Land Solutions, LLC; Cathy Brubeck, Property Owner; Michele Cronin, Neighbor; Marjorie Shansky, Attorney; Jeff Yates, Trout Unlimited; Kyle Wilson, Eagle Scout; Tarun Narula, Property Owner; Michael & Diana Yeager, Property Owners; Frank Simone, Conservation Commissioner

ABSENT: Dan Falta (notified of intended absence)

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:34 p.m.

II. PUBLIC HEARINGS

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

Mr. Conklin read the new documents into the record.

Mr. Biron displayed the revised plans, noted the soil and erosion measures, and stated the limit of disturbance is less than previously proposed. He stated the goal of this revised plan is to stabilize the fill soil and establish a native plant mix including a native rye for this fall season.

Mr. Biron confirmed the slopes will be brought back to the allowed 2-1 grade and they will extend the existing 2 ft. fieldstone wall. In addition, the owners are proposing a potential patio or deck with stairs to the grade. He stated they would include a mulch/hay mix to stabilize the site and minimize disturbance so there will be no additional erosion issues going forward. There will be some existing fill over the septic to minimize the grade. He confirmed the upland review area comes right up to the back of the house.

Ms. Craig asked if there was any maintenance plan for the cleared area. Mr. Biron stated the homeowners could mow it but it will not be required so it will revert back to trees in a few years.

Mr. Andrews asked if this plan will stabilize the slope. Mr. Biron responded that it will with the additional placement of large on-site boulders. Ms. Craig asked for the timeframe of the completion of the project. Mr. Biron responded they would like to complete the work as soon as possible.

Mr. Conklin confirmed he has been in contact with Mr. Peters, the neighbor whose property was included in this clearing violation. He also confirmed the Citation sent to M. Lato, the Contractor for the Bellino's came into the office to pay his fine that afternoon.

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

Mr. Lee MOVED to APPROVE WET#2391 with the General and normal Special Conditions, and the additional Special Condition that all approved activities will be completed by October 31, 2016, SECONDED by Mr. Andrews and CARRIED 6-0-0.

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

Mr. Conklin, Mr. Hall, Ms. Craig, Mr. Burgess, Mr. Lee, Mr. Stow and Mr. Andrews indicated they visited the site.

Mr. Conklin read a letter from Gregory & Adams into the record which asks the hearing be opened and continued.

Ms. Craig MOVED to CONTINUE the Public Hearing, SECONDED by Mr. Burgess and CARRIED 6-0-0.

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

Mr. Lee recused himself from this hearing and left the conference room.

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

Mr. Healy provided background on the property including confirmation there was a subdivision approved in 1954 and again in 1968. The 221 Millstone Road parcel is served with a single family residence and farm with the balance of the property undeveloped. The approval they are seeking today shows the boundary lines modified from the existing approval. He confirmed the applicant is before this commission specifically to modify existing wetland crossings. Mr. Healy confirmed there will be two common driveways that serve all the lots, one on Millstone Road, and one on Hickory Hill Road. He also confirmed the applicant's team has responded to comments received from SNEW and Dewberry, and they plan to continue this hearing to allow time for further review.

Mr. McChord reviewed the revised lot lines, the topography of the parcels, and wetlands on the property. He indicated the topography on the Hickory Hill Road side to the east slopes west towards the valley that runs north to south. He confirmed the East Branch of the Comstock Brook, the Spectacle Lane Brook, and an unnamed watercourse is present. Mr. McChord showed where the existing dwelling and outbuildings sit, and noted there are Jeep roads and

other pathways that meander through the parcels. He also stated the 100-year flood line is present on the plan but is notoriously inaccurate. As such, they completed a flood study to get the true elevation to ensure no development is within this flood zone. Mr. McChord stated the revised lot lines take the building area to the other side of the watercourse and is more sensitive to the resources on the property than previously approved.

Mr. McChord reviewed the overall development plan which leaves the existing house unchanged. There is a common driveway that serves the two properties off Honey Hill and a common driveway off Millstone that serves the other four lots. The plans show on-site septic systems and stormwater detention facilities for roof leaders. The east side driveway off Millstone Road pitches away from the resources and drains to a grass swale and fed into four water quality basins. The Honey Hill driveway would also be pitched to lead into the water quality basin to the front of the first house. He also confirmed all electrical will be underground.

Mr. Andrews asked why the accessways are placed in their proposed locations. Mr. McChord responded these are placed this way for Planning & Zoning regulations for frontage. Mr. McChord noted shared driveways are typically 16 ft. wide but they are proposing a smaller width at the wetlands crossings of 12 ft wide and walls will be constructed on both sides to avoid skidding into the wetland. The proposed culvert has been revised to include a pipe to maintain the existing natural bed. He confirmed there are two catch basins and curbs on the Honey Hill accessway which forces the runoff to turn down the wetland corridor after passing the bridge. This includes a 10 ft. wide existing channel which has no blockage or acceleration of flow. There will be a maintenance narrative on what needs to be checked and how often it needs to be cleaned to ensure proper flow.

Ms. Craig asked what types of storms the stormwater system can handle. Mr. McChord responded it can receive the 2, 5, 10 and 25 year storms. Mr. Conklin asked about fill being brought in for the driveway and questioned how far it will be raised up for safety concerns. Mr. McChord responded they are installing guard rails along the sides for this purpose. He also explained there are 2 existing 12" pipes on site but one is currently plugged. They propose new 36 in pipes that will direct the runoff to Comstock Brook. He added the basins have 10 ft. weirs to handle the 2 – 25 year storms and no overtopping on the 100 year storm. Mr. Conklin confirmed the basins capture the first flush which is the first inch of runoff which has the most pollutants. Mr. Conklin mentioned another property that includes these basins that has had issues with erosive soils. Mr. McChord confirmed they would use native soil from the site and it will meet stability requirements. They will utilize riprap and cover the exposed basin with hay bales and jute mats and any unsuitable soils will not be used.

Ms. Craig asked if the existing vegetation will be removed for the development. Mr. McChord responded 4 – 6 trees will be removed but the area is fully wooded. Mr. McChord also noted soil and erosion measures include silt fence, anti-tracking aprons, riprap, plunge pools, and their outlets. He confirmed the construction sequence is on the plan and waterbars may be used during construction. He suggested the commission may ask for a construction site monitor.

Mr. Andrews asked if the driveways will be revised when houses are ready to be developed. Mr. McChord stated the driveways will remain the same but the house locations and configurations may change depending on the buyer. Mr. Andrews questioned the fill material over the pipes. Mr. McChord stated one pipe handles the flow and the fill will stabilize the situation. The fill covers the pipe and keeps drainage away from the river.

Mr. McChord showed the proposed 6-acre conservation easement areas and confirmed they would allow a tall meadow which can be mowed once per year.

Mr. Hall realized his firm works with the Applicant and recused himself from the Public Hearing.

Ms. Craig asked how they determined the easement lines. Mr. McChord explained they matched the easement with the 100 ft. setback from wetlands.

Ms. Throckmorton completed a Biological Assessment for the property. She confirmed the biggest wetland is in a valley with a perennial watercourse. She stated this is a large system with high value and a well-developed forest. This flood plain will be maintained as lawn as it works like a floodplain functions. She noted this wetland has a deep water habitat and the pond is aesthetically pleasing. The other two wetland systems consist of one intermittent watercourse to the east where there is an existing culvert being re-worked.

Ms. Throckmorton noted there are two pocket wetlands off Honey Hill. She explained one runs into the road as fill was brought to this site years ago. The second is a more well-defined wetland with direct discharge to a narrow pooling area. This pooling area was not defined as a vernal pool but there were some amphibians present. Ms. Throckmorton confirmed the driveway would not come through this area.

Ms. Throckmorton confirmed the temporary impacts of the development include the clearing of some trees, an under-drained culvert and aggressive replanting. This replanting will include herbaceous seeding and mulch with no distribution within 100 ft. of the pooling area. Ms. Craig asked how long it would take for this area to re-vegetate. Ms. Throckmorton responded it would take 2 weeks and this is when the water quality basin is installed as well. Ms. Throckmorton addressed the comment from Dewberry for concentrating flows by using an open bottom.

Ms. Throckmorton stated the east side re-vegetation will include a 50 ft. buffer for the watercourse. They propose shade trees be installed due to past storm damage. The west side will include supplemental plantings to reinforce any open areas. Shade trees will also be planted along the driveway to provide a long term shade canopy. Ms. Throckmorton confirmed they planned the development to avoid removal of any large trees by pulling the driveway to the east using the existing Jeep road which is the stopping point for disturbance.

Ms. Throckmorton noted the permanent loss of wetlands equates to 833 sq. ft. which are for the driveway crossings. This loss will be addressed by creating wetlands and leaving the existing grass area to a tall meadow. She noted there was fill placed in this area previously so they will remove 18 – 24 inches to meet the existing topography and seed as a wet meadow mix. Ms. Throckmorton explained the invasive management area with goals and targets for a five year commitment to address invasives. She also noted the limit of disturbance has a boulder row which is typical for development near a wetland in Wilton.

Ms. Throckmorton reviewed the easement areas. Mr. Conklin asked why the easement stops on the western side where it does. Ms. Throckmorton confirmed this is the 100 ft. regulated area location. Ms. Throckmorton submitted a monitoring plan for this area. Mr. Andrews asked if the removal of the fill justifies the disturbance. Ms. Throckmorton responded they would regain

function which is a net for the property as a whole. Mr. Conklin raised concern about the area of wetland creation as he wants to confirm when they excavate organic soils will be put back. Ms. Throckmorton stated she would provide more detail on that piece on the plans. She added that wetland soils will not be removed. They will be excavating fill and plan to discover wetland soils underneath. She said they can over excavate for this purpose and while once a house is being built, that wetland will be created by removing soil. Mr. Healy stated he would provide details on how they will create the lots in order. Mr. Conklin confirmed the existing Jeep roads will be used for construction access.

Mr. Burgess questioned the flooding potential crossing over the unnamed brook. Mr. McChord confirmed that it does flood now as there are two pipes and one is plugged. The current pipes are two 12 inch pipes and the proposed pipes will be 36 inches with more freeboard behind the driveway. Mr. Burgess confirmed the clogged pipe is filled with sediment.

Mr. Conklin asked how high the driveway will be. Mr. McChord responded it would raise the grade by 4 ft. Mr. Conklin asked if it would be possible for the 36 in. pipe to clog and backup. Mr. McChord admitted there was no past maintenance agreement in place which caused the clog. Ms. Craig raised concern about salt coming from the driveway into the wetlands. Mr. McChord responded that any runoff from the driveway will be sent away from the watercourse into the water quality basin.

Ms. Shansky confirmed she is filing petitions to intervene. She stated studies have been completed based on water quality and this application is missing information that should be required by the board. She noted the nature of terrain and development needs to be factually supported and the lot line adjustment being studied has to abide by laws.

Mr. Yates noted he has not been on the property since he was a child but the Comstock Brook is the southern-most population of trout which are fragile and need very clean water. He stated his Chapter of Trout Unlimited recently completed a study and found the issues are with pollution which is impacted by flooding. He confirmed the water quality basin only captures the first inch of rainfall and does not do anything for the rest of the runoff. Mr. Yates confirmed these spikes in flow cause erosion on the stream banks. He suggested having an open span or box culvert at the wetland crossings which gives the opportunity to open the spawning habitat. Mr. Yates requested an overly cautious soil and erosion plan to protect the resource, accelerated planting, add riprap to shade the resource, and remove the pond dam or build a fish passage.

Ms. Brubeck asked Mr. McChord to explain what a water quality basin looks like as she has not noted any on the property. Mr. McChord stated it would look like a depression in the ground, which is planted, and a discharge pipe would be apparent.

Ms. Cronin, of 56 Honey Hill Road, asked if her understanding of this plan being conceptual is accurate, and asked for confirmation that the vernal pool will be protected. Mr. Healy responded there is no definitive plan for the houses. He noted the first thing the applicant would accomplish is the execution of the easement. He added that a driveway will not be built until a property is sold. Ms. Throckmorton also confirmed the questionable vernal pool is in the easement area and will not be disturbed.

Mr. Conklin asked about the approval of septic on the western lots. Mr. McChord confirmed the Health Department will not respond to testing until a lot is sold and the crossing is built. Mr.

Conklin confirmed the Wetlands Permit is required before Health can complete their percolation testing.

Ms. Shansky asked if the permit for the crossing give permission to do the filling. Mr. Conklin responded that this application includes everything such as buildings, crossings, and septic systems. Ms. Shansky asked if the testing for septic would come before this commission. Mr. Andrews responded that if the house locations and configurations are the same as on the plan, they would not be required to come back for additional approval. If the plans were substantially changed, they would be required to submit a new application.

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

Mr. Burgess MOVED to CONTINUE the Public Hearing until the next meeting on October 13, 2016, SECONDED by Mr. Stow and CARRIED 4-0-0.

Mr. Lee and Mr. Hall were reseated.

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

Mr. Conklin read a letter into the record which requests a continuance of the hearing.

With no further discussion, the Public Hearing was continued.

III. APPLICATIONS TO BE REVIEWED

A. WET#2409(I) RIVERBROOK REGIONAL YMCA – 404 Danbury Road – riparian buffer restoration

Mr. Yates described his company, Trout Unlimited, as a national company with 400 Chapters who have spent \$775,000 in the last five years to save brown trout and keep rivers clean. He stated their mission is to engage the public and get a healthy habitat in place for the fish in the river.

Mr. Yates explained the current proposal to focus on an area just south after the bridge to the YMCA which is a visible spot, to clean up and remove invasives and replant. He mentioned that a Scout, Ben Woods, who passed away recently, had raised \$50,000 for this project. In addition to the cleaning in this area, there is an old tire playground that will be removed and stone steps and a walkway with a kiosk will be installed. The work is being scheduled for October 15 – 16, 2016 and he indicated it would look similar to the work that was recently completed at Merwin Meadows. Mr. Yates added that they intentionally left the surveyors tape so residents can see what transpires in these areas.

Ms. Craig inquired as to why they chose this location. Mr. Yates responded they received a study from the Mellissa & Doug Company down the road that the river is in bad health from Factory Pond in Georgetown all the way to Mellissa & Doug. Mr. Yates referred to the location as a “low-hanging fruit” with a great opportunity to get people educated and involved to create a community aspect to this project.

Ms. Craig questioned the dumpster location by the bridge. Mr. Yates responded that the flooding

issues are due to the bridge span which gets filled and channelized with concrete struts under the level of the stream bank. He stated this causes a reverse dam as it backs up and floods the area.

Ms. Craig MOVED to APPROVE WET#2409, SECONDED by Mr. Burgess and CARRIED 6-0-0.

B. WET#2410(I) TOWN OF WILTON – Lions Fields – riparian buffer restoration

Mr. Wilson, a senior at Wilton High School and Eagle Scout, explained that the runoff from Route 7 erodes the stream bank of the Norwalk River. He is proposing to restore the stream bank by removing invasives and adding native plantings. This restoration will secure 450 ft of the river and will create a suitable eco-system while hindering runoff.

Mr. Wilson stated the work is scheduled for Saturday, September 24th from 9 am – 12 pm. He confirmed the plantings will be watered and all weeds and brush removed will be broadcasted into the woods.

Ms. Craig MOVED to APPROVE WET#2410, SECONDED by Mr. Burgess and CARRIED 6-0-0.

C. WET#2413(I) NARULA – 1 Brenner Road – “after-the-fact” B100a for finishing a basement with full bath

Mr. Narula explained that a portion of his property is in Norwalk. He confirmed he has lived in the home for one year and recently approached the Building Department about changing some cabinets and finishing an existing bathroom while adding a wall in the basement for his office. The Building Department had no record of permits pulled for the basement or bathroom, so the legalization process was started. As a bathroom was added, a B100a is required.

Ms. Craig MOVED to APPROVE WET#2413, SECONDED by Mr. Burgess and CARRIED 6-0-0.

D. WET#2415(I) FRUGONE – 25 Cardinal Lane – “emergency” septic replacement

Mr. Conklin provided a description of the septic replacement and confirmed an emergency permit was already issued.

Ms. Craig MOVED to APPROVE WET#2415, SECONDED by Mr. Burgess and CARRIED 6-0-0.

E. WET#2416(I) YEAGER – 134 Ridgefield Road – “corrective action” to address unauthorized clearing and grading

Mr. Conklin stated he received a call from the Yeager’s neighbor reporting the filling of a pool, re-grading of the front yard and removal of trees within a regulated area.

Mr. Yeager confirmed he has worked with Kate Throckmorton of Environmental Land Solutions, LLC, to create a mitigation planting plan. They propose planting 3 – 4 dogwoods along the Comstock Brook. Mr. Yeager stated some of the trees they removed were due to their

electrical meter failing and requiring re-trenching 175 ft. to the road. Mr. Conklin confirmed he spoke to the Electrician and provided approval for him to complete this emergency work to fix the line. Mr. Conklin also confirmed that the contractor, Michael Lato, came into the office and paid the citation for this violation as the contractor.

Ms. Craig asked how far the bank is from the trees that were removed. Mr. Yeager responded the distance ranges from 10 ft. to 40 ft. from the bank. Ms. Craig also asked if there were any erosion concerns to which Mr. Yeager confirmed there are not. Ms. Craig stated dogwoods and Norway Spruce are good choices as they grow quickly and are good for habitat. Mr. Conklin stated the building department had approved the filling of the pool without notifying Wetlands. This oversight has been corrected so that any future requests will come through Wetlands for review. He added that they removed some concrete which is a positive for the site. The commissioners agreed April 15, 2017 is the date all mitigation should be completed. The commissioners provided more time for the mitigation than normal violations as Eversource is involved and is taking some time to respond.

Ms. Craig MOVED to APPROVE WET#2416, SECONDED by Mr. Andrews and CARRIED 6-0-0.

IV. APPLICATIONS READY TO BE ACCEPTED

- A. WET#2417(I) GELLER – 64 Wilton Woods Road** – proposed addition and new deck on sonotube foundations, bluestone patio set in stone dust, and rain garden for stormwater collection

Mr. Lee MOVED to ACCEPT the above application, SECONDED by Ms. Craig and CARRIED 6-0-0.

V. APPROVED MINOR ACTIVITIES

- A. WET#2414(M) CH DANBURY ROAD ASSOCIATES, LLC – 241 & 249 Danbury Road & 16 & 22 Cricket Lane** – reconfiguration, renovation, and resurfacing of a portion of existing parking lot

Mr. Conklin gave a brief overview of the above 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 is taking place with this property owner.
- 2. STITES – 74 Westport Road – Request for Extension**
No update.
- 3. PETERS – 30 Old Driftway**
Mr. Conklin confirmed that 50 cu. yds. of fill was deposited from the neighboring

property and the owners are working to submit a Corrective Action Application.

B. Mr. Lee MOVED to ADD the ACCEPTANCE of WET#2418 to the agenda, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Mr. Lee MOVED to ACCEPT WET#2418, SECONDED by Mr. Burgess and CARRIED 6-0-0.

C. Approval of Minutes – September 8, 2016 Meeting Minutes

Mr. Burgess MOVED to APPROVE the meeting minutes as drafted, SECONDED by Ms. Craig, and CARRIED 6-0-0.

VIII. ADJOURN

Mr. Andrews MOVED to ADJOURN at 10:18 pm, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs

