



MINUTES

October 10, 2013

PRESENT: Frank Wong, Chair, Nick Lee, John Hall, Elisa Pollino

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Dan Falta, Josh Ryan, Timber & Stone; Holt McChord, McChord Engineering; Mike Lindberg, Beth Evans, Beth Evans & Associates; Jim Snedeker, John Ludwig, Dan Berg, Anne DeWare, Don Strait, Land Design Studios; Steve Danzer, Steven Danzer, PhD & Associates

ABSENT: Dennis Delaney (notified of intended absence), Liz Craig

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:33 p.m. and welcomed a new commissioner, Dan Falta. As Mr. Falta has not been sworn in, he will be an observer.

II. PUBLIC HEARINGS

A. WET#2192(S) – HALLMAN – 25 Spoonwood Road – “corrective action” for clearing a wooded area (cont.)

Ms. Sesto confirmed that she has not received a response from the Hallmans, and reminded the commission that they had granted a 2 meeting extension which brings us to this hearing. She suggested that the commission grant one more extension at this time for the next meeting on October 24, 2013.

Mr. Wong MOVED to continue the Public Hearing until October 24th, SECONDED by Mr. Hall and CARRIED 4-0-0.

B. WET#2202(I) – WILTON YOUTH FOOTBALL – 131 Middlebrook Farm Road – convert existing sod field to a new artificial turf field at Middlebrook School

Ms. Sesto read the new documents into the record including a letter from the applicant requesting a continuance of the Public Hearing.

C. WET#2221(S) – NORWALK RIVER VALLEY TRAIL – Route 7 Right of Way –

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construct a 10 ft. wide soft surface and boardwalk trail in and adjacent to wetlands and watercourses

Ms. Sesto read the documents into the record. Mr. Hall and Ms. Pollino indicated they visited the site.

The builder, Josh Ryan of Timber and Stone, provided information about how the trail is created in the field. He described how they walked through and center-line flagged the 10 foot wide trail with a curved and linear design. They are taking care to purposefully go up and down the landscape to segment the hydrology to prevent any channeling. They will build some culverts through the trail when necessary to avoid flooding.

Mr. Ryan confirmed they will incorporate 3 – 4 boardwalks of varying lengths for wetlands that have standing water. These boardwalks will include 54 inch rails on both sides. The boardwalk piers are supported by with helical anchors which have low impact.

Mr. Ryan stated that the 10 foot wide trail surface will include a 4- 6 inch layer of dense stone dust. This material will be imported to the area and compacts well. They propose to set up a staging area at each end of each section they will complete. They will install silt fence or silt socks and cart in materials with a small track machine. He noted that the impact is minimal in the actual creation of the trail and goes fairly quickly.

Mr. Hall inquired if a retaining wall is constructed in key areas to keep mud in its place. Mr. Ryan confirmed there will be some shallow walls that will switch back, but that the trail will be crowned with a 2 – 3 % upslope. Ms. Pollino asked how long each section takes to build. Mr. Ryan responded that each section takes approximately 8 weeks weather permitting. He added that the work can continue in the winter months as long as the ground is not frozen.

Mr. Wong inquired about how the base material holds up to bike traffic. Mr. Ryan confirmed there is less maintenance, low cost and no erosion as it is gritty and binds well for bike traffic. Mr. Lee asked what the width of disturbance will be. Mr. Ryan stated it is 11.5 – 12 feet. He added that the canopy is cleared high enough for bikers to get through as they are at a higher elevation than if they were on foot. Mr. Ryan also confirmed that there will be some pinch points where the trail will be 8 feet wide to go around rock outcroppings and notable trees. Mr. Hall asked if there is a shoulder to pull off the trail. Mr. Ryan responded that there is no shoulder but 10 feet is ample room to move over if a biker wants to get through.

Mr. Ryan explained that they use an 8 foot wide track excavator to initially clear the trail and a 5 foot wide excavator to clear the ground area. A filter fabric is laid and the base material is brought in by a hauler. Finally, a skid-steer and tractor is used to flatten the trail. Mr. Ryan confirmed they never disturb anything out of the trail route. Mr. Hall confirmed there is no removal of soil for the creation of the trail. Mr. Ryan added that the machines they use are bi-directional which assists with the creation of the trail as an 8 foot roller backs out of the area they have built during a work day.

Ms. Pollino inquired if they have a plan for storms or flooding during construction. Mr. Ryan confirmed that he walked the proposed trail route during a recent heavy storm so he is prepared and aware of the areas of concern.

Holt McChord, McChord Engineering reviewed the construction of the boardwalks. He described the first section of boardwalk is 150 feet in length. The boardwalk is installed using helical metal rods that are screwed into the ground. These rods are installed with a track machine which drives it into the ground with minimal disturbance. The wood materials used for the boardwalk are pressure treated, except for the walking surface as it is slippery. Mr. Ryan confirmed the walking surface consists of black locust which is non-toxic, long-lasting, and not slippery. There will be railings installed on both sides per Mr. McChord. Ms. Sesto confirmed that the boardwalk at Bradley Park, which is constructed of locust, has only needed replacement once since her time here.

Beth Evans, Evans Associates, confirmed that she completed an environmental assessment which focuses on the wetlands, watercourses and upland review areas. She described the four different types of wetlands she found in the trail corridor. There were streams, a large forested area with deeper muck soils, a riverine system and a variety of vernal pools. She confirmed that every effort should be made to avoid large trees. She stated that the current proposed route maintains hydrology, allows for movement of habitat, and is a valuable resource which allows educational opportunities and public access.

Mr. Hall asked what is being done to avoid adverse impacts to the homes that are close to the trail route. Ms. Evans confirmed there is no impact to their properties. Any water that is in the area will be able to flow under the boardwalk. Ms. Pollino asked if any thought was made to timing of the trail construction for any wildlife that may be breeding. Ms. Evans responded that most breeding is typically in the early spring and migrations take place in the summer so this is not a concern.

Mr. Hall inquired about deer crossing and safety, especially for bikers. Ms. Sesto noted that this was not considered. Ms. Evans added that there is no lighting on the trail so most activities will be during the daylight hours when deer are not moving. Mr. Hall asked if there was any foliage or a sound barrier that can be added for the closer neighbors. Ms. Sesto stated there is not a lot of vegetation in between but properties can be considered on a case by case basis. Ms. Evans added that there are some invasive species that should be removed.

Sally Simmons, neighbor to the trail, inquired if the staging areas will be permanent. Mr. Ryan confirmed that they are only temporary in nature. They initially create a pad to hold materials and when the portion of the trail is completed, they will remove their equipment, re-naturalize and re-vegetate each staging area.

Frank Baggio, neighbor to the trail, inquired if there will be any correction to the catch basins on Sharp Hill Road as they are being disturbed. Ms. Sesto confirmed that the trail is off the road so any road features will not be affected. Ms. Evans added that the catch basin which has some issues is not in the trail's corridor.

Mr. Berg, Chairman of the Conservation Commission, stated that the Conservation Commission is very much in favor of the trail, especially to make the wetlands accessible for educational purposes.

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

D. WET#2222(S) – LUDWIG – 350 Sturges Ridge Road – “corrective action” to remove

wood chips deposited in a regulated area and to renovate a single-family residence Ms. Sesto read the documents into the record. Mr. Hall, Mr. Lee, and Ms. Pollino indicated they visited the site.

Mr. Strait explained that the owner would like to restore the home that was in disrepair both inside and outside. He explained that Mr. Ludwig had removed trees, cut vines, and restored the lawn. The wood chips that were deposited were removed right away when this violation was noticed. Mr. Strait passed around some before and after photos so that the commission could see what was there previously and how it looks today as it is well stabilized.

Mr. Hall asked what affect the clearing would have on the wetland. Ms. Sesto responded that it creates a compromised protective buffer. Ms. Pollino asked how long the chips were in the wetland. Mr. Ludwig confirmed he asked some tree experts to help on the property and they placed the chips in the area when he was away. Ms. Sesto stated the owner knew that clearing of the understory would not be allowed. Mr. Ludwig countered that there was no malice and that he is willing to replace more trees than were removed.

Ms. Sesto noted that the wetland comes around the rear of the house and there is some existing lawn in the wetland leading down to the pond. Mr. Hall confirmed that Mr. Ludwig plans to keep the area to the north of the driveway as lawn. Mr. Strait added that the buffer is 30 feet and the lawn is 20 feet. His proposal includes planting five trees such as maples and shadblow for variety and diversity.

Mr. Hall inquired about the driveway surface. Mr. Strait confirmed it is gravel and will remain as is. Ms. Pollino asked if there was a significant canopy that was removed with the activities. Ms. Sesto stated that it was a woodland edge but that there were vines present. Mr. Wong asked if there were any boulders that can be added for lawn demarcation. Mr. Strait confirmed they could add boulders at the edge of the buffer.

Ms. Sesto stated that the applicant was questioning the significant level activity as the amount of fill was less than 100 yds. There is a letter from Performance Landex that was submitted confirming that only 70-80 yds. of fill, or 4 trailer loads were removed.

Mr. Lee MOVED to change the application level from Significant to Intermediate based on the amount of fill, and to APPROVE the application with General and normal Special Conditions, and the additional Special Condition that the plantings will be installed by May 15, 2014, SECONDED by Mr. Hall and CARRIED 4-0-0.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2227(I) – MINOGUE/SMITH – 93 Kent Road – B100a 75 ft. from a wetland

Mr. Danzer explained that the owners would like to convert a portion of their garage to a bedroom with no expansion of the footprint. As they are increasing the amount of bedrooms, a B100a is required by the Health Department. He described all the activities as being 75 feet from the wetland. He indicated where the limit of lawn will be on the plan and confirmed most of the property is forest and brush. The B100a will not be installed at this time.

Mr. Lee MOVED to APPROVE WET#2227, SECONDED by Mr. Hall and CARRIED 4-0-0.

- B. WET#2221(S) – NORWALK RIVER VALLEY TRAIL – Route 7 Right of Way** – construct a 10 ft. wide soft surface and boardwalk trail in and adjacent to wetlands and watercourses

Mr. Wong stated he was concerned about the long-term maintenance of the trail. Ms. Sesto stated that the volunteer pool is very strong in this area. Mr. Lee stated he was okay with temporary short term issues as it is worth the long term gain.

Mr. Wong asked about the timing of the construction. Ms. Sesto confirmed that they hope to break ground in November. Mr. Hall asked how many culverts will be needed. Ms. Sesto confirmed they will not be in the wetlands, but facilitating movement of run-off outside of the wetland areas.

Mr. Hall MOVED to APPROVE WET#2221, with the General and normal Special Conditions, and the additional Special Condition that staff will review culverts prior to installation, SECONDED by Mr. Lee and CARRIED 4-0-0.

IV. APPLICATIONS TO BE ACCEPTED

- A. WET#2228(S) – CHEMLALI – 161 Linden Tree Road** – “corrective action” for unauthorized clearing and grubbing in a wetland

Mr. Wong MOVED to ACCEPT WET#2228, SECONDED by Mr. Hall and CARRIED 4-0-0.

V. APPROVED MINOR ACTIVITIES

- A. WET#2225(M) – RANIOLO – 6 Old Kings Highway** – generator installation 30 ft. from wetlands
- B. WET#2226(M) – KIMBALL – 38 Ambler Lane** – generator and 2 propane tanks 20 ft. from wetlands
- C. WET#2229(M) – GIANCOLA – 158 Westport Road** – generator installation

Ms. Sesto provided a brief explanation of the approved minor applications.

VI. CORRESPONDENCE

- A. CUTE ASSOCIATES, LLC – 991 Danbury Road** – request to lift Cease & Desist Order

Ms. Sesto confirmed that the final as-built has not been received so the Cease and Desist should remain on the property until local and state health departments have confirmed compliance.

VII. OTHER APPROPRIATE BUSINESS

- A. DeVito Show Cause Hearing**

Ms. Sesto confirmed that a Show Cause Hearing for the DeVito's should be added to the agenda.

Mr. Hall MOVED to ADD the DeVito Show Cause Hearing to the agenda, SECONDED by Mr. Lee and CARRIED 4-0-0.

Ms. Sesto read the documents into the record and described the nature and history of the violation. She indicated that the DeVito's have made no contact with staff after sending notices of violations.

Mr. Hall MOVED to UPHOLD the Cease and Desist Order, SECONDED by Mr. Wong and CARRIED 4-0-0.

B. Violations

- 1. Kevin Smith & Carol McDonnell-Smith – 281 Sturges Ridge Road**
- 2. Lussier – 347 Thayer Pond Road**

Ms. Sesto noted that the Smiths are making progress and their reports are forthcoming. Staff is due to contact the Lussiers.

C. APPROVAL OF MINUTES – September 26, 2013

Mr. Lee MOVED to APPROVE the minutes, as drafted, SECONDED by Mr. Wong and CARRIED 3-0-1 with Mr. Hall abstaining as he was absent.

VIII. ADJOURN

Mr. Wong MOVED to ADJOURN at 9:06 p.m., SECONDED by Mr. Lee, and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary