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MINUTES

June 22, 2017

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

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Jenn Fanzutti, Environmental Analyst; Liz Larkin, Recording Secretary, Lynn and Peter Dey, Property Owners

I. CALL TO ORDER

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

II. SHOW CAUSE HEARING

A. DEY – 71 Chicken Street – unauthorized work being done in and adjacent to a vernal pool

Mr. Conklin described that the office received a phone call that work was being done in a wetland area. He confirmed he and Ms. Fanzutti visited the site on June 13, 2017 and site work and grading was taking place to smooth out an area for lawn. Mr. Conklin noted it was apparent that work was recently completed in the vernal pool including deposition of fill material. A verbal Cease & Desist was ordered and followed up with a written Notice with the exception to immediately install silt fence.

Mrs. Dey stated she brought pictures and explained they purchased the property in June of 2016. She stated they were attempting to add a flat area for a yard. She noted they watched the pond for a year to find where the high water line is located so they could line the outer perimeter of the pond with boulders and plantings for safety reasons.

Mrs. Dey explained that they hired an excavator to move the rocks to the high water line and level out some areas with a limited amount of dirt brought in to the site. Mr. Hall asked if they came in to speak with Mr. Conklin. Mrs. Dey responded that they thought this was the first opportunity they had to speak about the situation. Mr. Hall explained what a regulated is and why it is important to understand the reasoning behind the law. He confirmed that they did install the silt fence and stated they would need to restore the area in violation. Mrs. Dey confirmed they are already in contact with Jerry Beckett and Bill Kenny. Mr. Hall suggested they have their wetlands and the buffer flagged and added that the mitigation does not need to be expensive. Mrs. Dey suggested ferns at the recommendation of Jerry Beckett.

Mr. Conklin confirmed he spoke to Jerry Beckett who stated Bill Kenny would be hired. He advised the Dey's to stay with a Connecticut Certified Soil Scientist and reported to the commission that the homeowners have been very receptive.

Mr. Andrews asked why this is not designated as a pond. Mr. Conklin responded that this area dries up in the summer as described by Mrs. Day. Mrs. Dey described that many trees fell on the property during Super Storm Sandy and the stumps were removed from the soil, but sitting on top, and this area is bumpy. In addition, the driveway is 3 – 4 inches higher than their garage so they want to shave off some of the driveway to stop the flooding in the garage. She asked if they could complete this work under the Cease & Desist. Mr. Hall stated he did not have an issue with them completing this work. Mr. Conklin agreed that they could fix their driveway as long as nothing is placed in the wetland or regulated area and suggested a plan be required in order to make these approvals. Mr. Lee stated he felt the owners should be able to complete the removal of the stumps and fix their driveway to avoid further flooding. The commission agreed that the Cease & Desist order is limited to activities that affect the wetland.

Mr. Lee MOVED to UPHOLD the Cease & Desist with a deadline to submit a Significant Corrective Action Application by July 27, 2017, SECONDED by Ms. Mandel and CARRIED 6-0-0.

III. PUBLIC HEARINGS – None

IV. APPLICATIONS READY TO BE REVIEWED

A. WET#2449(I) – MCFARLAND – 14 Partrick Lane – “corrective action” for tree clearing (cont.)

Mr. Conklin advised the commission that a letter was slipped under the office door after closing time from the McFarlands stating that they are withdrawing their Corrective Action Application pending Judicial Review under the Administrative Procedures Act. Mr. Hall, an attorney, stated this matter is not close to being at that level of judicial review.

Mr. Conklin confirmed that Ms. Larkin sent them sample Planting Plans to provide them with an idea of the kind of planting plan the commission is looking to review after the last hearing.

The commissioners stated a Cease & Desist should be placed on the property. Mr. Conklin advised there needs to be a Show Cause Hearing within 10 days of issuing a Cease & Desist. In order to fall within the normal meeting schedule, the Commission agreed a Cease & Desist should be issued on July 5th for the Hearing to fall on the July 13, 2017 meeting.

V. APPLICATIONS READY TO BE ACCEPTED

A. WET#2460(I) – FILIP – 11 Wolfpit Lane – “corrective action” to address unauthorized tree removal, replace existing deck with 600 sq. ft. patio, and add boulder wall, lawn, and planting area

B. WET#2461(I) – VAN NOSTRAND – 11 Forge Road North – proposed kitchen addition and renovations to laundry room, powder room, and family room, new bracketed overhang

with wood landing and steps, and relocation of bluestone patio

- C. WET#2462(I) – KOWAL – 75 Glen Hill Road** – proposed one-story addition and new greenhouse
- D. WET#2464(S) – JENKINS – 58 Musket Ridge Road** – lowering of 3 areas of existing small stone dam by 6 -12 in. and replanting wetland area
- E. WET#2465(S) – LTWJ, LLC – Cannon Road (Map #21 Lot#13)** – subdivide approximately 55 acres of land into 8 conservation subdivision lots with approximately 43 acres of land set aside as conservation area
- F. WET#2466(I) – ROPO NINE, LLC – 248 Sturges Ridge Road** – “corrective action” for construction of a dwelling approximately 13 ft. closer to the wetland limit than approved by the commission

Mr. Lee MOVED to ACCEPT the above applications and schedule them for the next Regular Meeting on July 13, 2017, and retain a 3rd Party Consultant for LTWJ, LLC, SECONDED by Ms. Mandel and CARRIED 6-0-0.

VI. APPROVED MINOR ACTIVITIES - None

VII. OTHER APPROPRIATE BUSINESS

- A. Approval of Minutes – May 25, 2017 Site Walk, May 25, 2017 Meeting, June 1, 2017 Special Meeting, June 14, 2017 Special Meeting**

Ms. Mandel MOVED to APPROVE all Minutes, SECONDED by Mr. Andrews and CARRIED 4-0-2 with Mr. Hall and Mr. Lee abstaining.

VIII. CORRESPONDENCE

Mr. Conklin recommended that the commission make a motion to add Brubeck Application Process to the Regular Agenda.

Mr. Andrews MOVED to ADD Brubeck Application Process to the Agenda for Discussion, SECONDED by Ms. Mandel and CARRIED 4-0-2 with Mr. Hall and Mr. Lee abstaining as they are recused.

Mr. Hall and Mr. Lee left the meeting.

Ms. Craig advised that a letter was submitted by Gregory & Adams earlier in the day that calls out her status as the Secretary of the Norwalk River Watershed Initiative (NRWI) which wrote a letter to oppose the application. Ms. Craig recused herself from the application and noted she does not want anything to deter the commission from making a sound decision. She confirmed Louise Washer, the President of NRWI, wrote the letter without anyone else's input from the Board. She stated her position with the NRWI did not affect her judgment or opinion and the information reported in the NRWI Letter was reiterated by the letters from the Intervener's

experts.

Ms. Craig apologized about the late development and noted there was an inaccuracy in the letter submitted by Gregory & Adams in that it reads as if the NRW Letter was the only letter read into the document, when many letters were read into the record. She stated the night the hearing opened, it took more than an hour to read everything into the record.

Ms. Craig left the meeting at 8:24pm.

Mr. Conklin stated he is making progress drafting the resolution and noted the decision needs to be made by July 21st statutorily. As there are now only four commissioners that can discuss the Brubeck Application, all remaining commissioners need to be available. Mr. Conklin noted that Mr. Stow cannot attend the Special Meeting on June 27th so a new date will have to be selected. He noted he would send a doodle poll to get everyone's input on their timing. In addition, the Application will require a new Chairperson. This vote will take place at the next meeting when there is a quorum. Mr. Conklin asked all commissioners to check their Wilton emails for correspondence.

A. Coordinate Pete Gelderman Attendance – The commissioners decided to table this discussion until after the doodle poll.

IX. ADJOURN

Mr. Andrews MOVED to ADJOURN at 7:27pm, SECONDED by Ms. Mandel and CARRIED 3-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs