



MINUTES

March 10, 2011

PRESENT: Frank Wong, Chair, John Hall, Elizabeth Craig, Dennis Delaney, Jill Alibrandi, Elisa Pollino

ALSO PRESENT: Patricia Sesto, Dir. Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Kate Throckmorton, Environmental Land Solutions; Erik Lindquist, Tighe & Bond; John Block, Tighe & Bond

ABSENT: Rich Reiter (noticed of intended absence)

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:32 p.m.

II. PUBLIC HEARINGS

**A. WET#2008(S) – TEACHERS INSURANCE & ANNUITY ASSOCIATION OF SW CT
– 10 Westport Road – construction of surface parking spaces within a regulated buffer**

Ms. Sesto read the documents into the record. Mr. Wong, Ms. Craig, Ms. Alibrandi, Mr. Hall, and Mr. Delaney indicated they had visited the site.

Mr. Healy described the property as 32.5 acres with office space for rent. In order to rent the space, the property owners want to add more parking to meet tenant expectations. This would also bring the property closer to conformance with current Zoning standards that call for parking spaces equal to 1space per 300 sq. ft. of office space. The current configuration has 497 spaces and they should have 718. The application requests 197 additional spaces. This new application has a revised phase 1, which includes a revised stormwater management plan utilizing the “phase 2” layout approved as part of the previous application.

Ms. Throckmorton reviewed the topography of the property including the Chestnut Hill Brook which is channelized and piped under the building before daylighting into a larger wetland area. The new location of the lot works with the grade. The 99 spaces in phase 1 are placed more efficiently and compact as compared to the last application. This layout reduces the area of disturbance. Ms. Throckmorton also noted a retaining wall has been added and rocks generated

from the excavation will be reused. The disturbed areas will be replanted with native trees and shrubs.

Ms. Throckmorton confirmed that the intent is to keep the base 100' regulated buffer intact with vegetative cover. The stormwater management plan will redirect the runoff into an infiltrator under the phase 2 parking lot, so no discharge will come from the surface parking to the watercourse.

Mr. Lindquist also noted that the 100' buffer will remain in-tact with this new plan. He described the oil and grit separators and the existing culvert. The proposed infiltration system will reduce peak flows and total volumes. The TSS removal is at 80% which is an improvement from the existing feature. The majority of the disturbance and earthwork is away from the Chestnut Hill Brook.

Ms. Sesto inquired about the construction sequence asking if the infiltrator to serve phase 1 will be built when phase 1 is constructed or not until phase 2 is built. Mr. Lindquist stated that stormwater management plan will be fully constructed with phase 1. Until phase 2 is built the system will be oversized. They may decide to build the 2 phases concurrently.

Ms. Alibrandi requested more details on the difference between the phase 1 plans from the last application. She wants to confirm how the distribution of stormwater is less of an impact. Mr. Wong asked Ms. Throckmorton to confirm the extent of the clearing. She will provide a detailed plan.

Ms. Craig MOVED to hire consultants to review the proposal on behalf of the commission, SECONDED by Ms. Alibrandi and it CARRIED 6-0-0.

Mr. Delaney raised concern relating to the impact of not having water go into the natural flow of the wetlands. Mr. Lindquist described the existing subwatersheds, and noted that the size of the diversion is fairly negligible based on the entire watershed area. Ms. Throckmorton added the diverted flows will still enter Chestnut Hill Brook and showed how the brook comes around the building again to reiterate this point.

Mr. Delaney asked about the pollutant study. Mr. Lindquist confirmed that the information is based on national studies. Mr. Delaney wanted to know how they remove lead. He also asked for a maintenance schedule for the catch basins to make sure they are taken care of properly. Mr. Delaney also pointed to an iteration failure in the HEC-1 Report that the engineers will check.

Ms. Sesto inquired as to why catch basins inserts are not included. Mr. Lindquist explained that the stormwater is routed to a Vortex swirl separator and the inserts are not needed. Mr. Wong raised concern on the maintenance of this system and Mr. Lindquist confirmed that this is a low maintenance system.

Mr. Hall noted that he is pleased that the applicant angled the lot with the grade. He asked how the overland flow coming off the hillside above the lot would be handled. Mr. Lindquist stated curbing will be used to divert this flow around the lot and into a channel. Mr. Hall also questioned the impacts to the watercourse that would come from taking some volume of water away and how this affects the wetlands.

A discussion ensued about the Norwalk River watershed. Ms. Throckmorton reported that the Chestnut Hill Brook watershed, which lies within the broader Norwalk River watershed is 1.5 sq. mi. watershed.

Mr. Wong suggested restoring other buffer areas around the property to offset the loss of woodlands.

With no further questions from the commission, Mr. Wong asked for public comment. There was none. The Public Hearing will be continued to March 24, 2011.

B. WET#2009(S) – GUERON – 24-30 Cannon Road – construction of 25 new residential units and other site improvements within a regulated area

Ms. Sesto read the documents into the record. Mr. Wong, Ms. Craig, Ms. Alibrandi, and Mr. Delaney indicated that they visited the site.

Mr. Healy explained the site plan including the 25 residential units. Mr. Wong confirmed that the property maintenance would be under the direction of one entity.

Ms. Throckmorton described the 10.7 acres of the property. There are 4 distinct areas of the plan: village, Mill House, a wooded area, and a meadow. The village consists of 5 buildings that will be renovated within the same footprint. There will be some filling at the entrance of the property to increase site lines. The General Store building will be raised above the flood elevation. They will also expand the gravel parking lot in this area.

Ms. Throckmorton reported that the Mill House and accessory buildings are separated from the village by a fence. To the west there are railroad tracks, the Norwalk River to the east, and a boundary wall marks the northern end of the meadow. The wooded area consists of a planted pine forest. Within the development plan, there is a retaining wall in the pine forest marking the limit of the 100 ft. upland review area. The proposed residential area is in the northern half of the property. The proposal is to use pervious pavement.

The improvements to the village include pavement of sidewalks, oil tanks replaced with propane, stormwater drainage collected and treated, and the existing gravel lot will be expanded and leveled.

The proposed residential development consists of 9 buildings containing 25 units outside of the flood plain. The FEMA Flood Plain encompasses the village. There are 9 residential units within the regulated area adjacent to the river and wetlands. Rain Gardens are proposed to collect additional run-off.

Mr. Wong MOVED to hire an outside consultant to assist the commission in the review of this application, SECONDED by Ms. Alibrandi, and CARRIED 6-0-0.

Ms. Sesto requested a larger scale cut and fill map be provided; the map submitted is too small to discern. Mr. Delaney suggested a 3-D map. Mr. Wong asked that the floodway and Stream Channel Encroachment lines be included as well.

Mr. Block reported that the floodway is a portion of the 100 year flood plain. The CT DEP has

their own encroachment line, that is intended to depict the 100 year floodplain based on their calculations. The 100 year flood line by FEMA was calculated in 1981. In the past towns were allowed to fill in the floodway as long as the flood elevation did not rise more than 1 ft. The town regulations changed to prohibit this practice.

Mr. Block stated that he would draw cross sections for floodways and flood lines. Ms. Sesto asked if the area will be sufficient fill to raise the parking above the floodplain. Mr. Block indicated that the village, including the parking areas will not be filled enough to raise them above flood elevations; they will still be subject to flooding.

The various zones associated with the property were described and some history regarding a 1989 applications was offered. Mr. Wong suggested that the applicant consider building single-family homes consistent with the site's existing zone in lieu of condominiums. Mr. Healy confirmed that frontage would be an issue per the zoning regulations. Mr. Wong asked for more details to be provided on the 1989 application. Ms. Sesto asked that the engineer stake the outer corners of the buildings containing units 1-9. Mr. Wong asked if the applicant would consider setting aside an open space. Mr. Healy confirmed that they have filed an application with the Planning and Zoning Commission to change the overlay of zones.

With no further questions from the commission, Mr. Wong invited the interveners to speak.

Harry Clark, Intervener, of 68 Cannon Road read a statement relating to his concern about thermal pollution. The intensity of the project should dictate that 100 ft. from the wetlands is not enough. He noted that in order to avoid raising the ambient temperature a larger buffer zone is required. A 2007 study concluded that an increase in the temperature will stimulate bacteria and the Norwalk River is already impaired per the State.

Mr. Jones, Intervener, of 200 Pimpewaug Road noted that there are a number of issues with the proposed plan and the neighborhood group would like to hire an outside consultant. They would like to have adequate time to obtain specialists. They have preliminarily hired Steve Danzer as their expert and Janet Brooks as their attorney.

Mr. Richard Weisberg, Board of Directors, Norwalk River Watershed Association submitted a letter asking the commission to hold open the public hearing to allow more time for review. He also noted that the water quality standards had been updated by the EPA, effective February 24, 2011. He noted that the river is fragile and listed as impaired by the DEP. His main concern is downstream impairment and said the town should not allow any further discharge. His Board will be hiring experts. Mr. Weisberg is a retired EPA attorney.

Steven Georgeou, Intervener, of 63 Cannon Road explained that his property faces the meadow across the street from the property. He raised concern about new development in the area relating to future use and maintenance. He mentioned the extreme weather this season and asked the commission to ensure any storm water management practices will be adequate over time.

P. Christopher Rekow, Intervener, of 49 Cannon Road noted that his wife, Jennifer Longmire, has been sworn to intervene as well. They were concerned about the intermittent watercourse off-site but noted that this was addressed during the presentation.

Dave Kahal, Intervener, of 43 Cannon Road, reported that he was concerned about the peepers

and other amphibians being affected. He noted that these animals are sensitive to any upland activity and this would affect the feel of the area which is accustomed to these nighttime sounds in the summer months.

With no further comments from the public, Mr. Wong continued the hearing to March 24, 2011.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2006(I) – WILKINS – 93 West Meadow Road – reconstruct garage and other site improvements within 100 ft. of wetlands (cont.)

This review was continued per a letter from Mr. Sanders.

B. WET#2010(M) – DELANEY – 38 Woods End Drive – “corrective action” to move a shed within a regulated area

Mr. Delaney recused himself from his own application.

Mr. Wong, Ms. Craig, Ms. Pollino, and Ms. Alibrandi indicated they visited the site.

Mr. Delaney entered a letter into the record with two options for the shed. The first option is to keep the shed in its current location. He is willing to convert an area of equivalent square footage as the shed somewhere else on the property. The second option is to move the shed toward the west edge of the property, farther from the wetlands.

Ms. Alibrandi MOVED to approve the alternate plan placing the shed some 85 feet from the wetland with the General and normal Special Conditions and the additional Special Condition that the work be completed within 8 weeks, Mr. Wong SECONDED and it CARRIED 5-0-0.

C. WET#2012(I) – SCHULTE/SCHNEIDER – 12 Sturges Ridge Road – additions to residence within 100 ft. of wetlands.

Mr. Delaney was reseated.

Mr. Wong, Ms. Craig, Ms. Alibrandi, Ms. Pollino and Mr. Delaney indicated that they visited the site.

Ms. Throckmorton explained the property and the proposed additions of 255 sq. ft and a patio. She described the wetlands as being the lowest part of the property and that the new drainage will be an improvement to the current system. There will be two trees removed and additional plantings will be installed.

Ms. Throckmorton confirmed that a new plunge pool basin and rain garden will be installed to capture and infiltrate any run-off. The plan shows an 18 inch-deep basin which has more accurately been downsized to 12 in. She proposes planting herbaceous materials and dogwoods and the vines adjacent to the wetland will be cleared. She also noted that there is a B-100a leaching field shown on the plan outside the regulated areas. Ms. Sesto raised concern about the need for trucks to enter the site and how to protect the leaching field.

Mr. Delaney described the area as unhealthy. He noted that the fill has consumed the trees and the wetland looks like a dump zone. The additions are 75 ft. from the wetland, but not a healthy wetland.

Ms. Throckmorton agreed to reduce the lawn and replant the edge. She explained that there is a plateau in front and then a steep slope.

Mr. Hall expressed concern over expanding the encroachment towards the wetlands by bulking the home out with these additions. There is another patio already on-site, further from the wetlands. Why is it not better for the wetlands to keep the development away, why allow the construction of a second patio closer to the wetland. The use associated with the patio is not an issue for him as he assumes that the homeowner would be more likely to keep the wetland area nice as this is what they would look out upon. He confirmed that the patio is impervious, made of masonry and flagstone. There will be a raised slab with storage underneath.

Mr. Wong asked about the leaders discharge. Ms. Throckmorton responded that this will remain close to the house. Mr. Hall then asked if the owner would consider putting a patio behind the house. Ms. Throckmorton countered that the owners would like to enjoy their wetlands. The existing patio and deck may go away at a later time. She noted that the plan includes an improvement from the existing driveway with erosion measures.

A discussion ensued about the bulk of these additions and how the commission should remain consistent. Ms. Sesto offered that bulk does not make a large difference. In order to deny an application, the commission must establish that there is a negative impact on the resource.

Mr. Wong expressed concern about the activity prompting an expansion of lawn. He requested a plan to delineate the lawn to avoid ambiguity.

Mr. Wong MOVED to approve WET#2012, with the General and normal Special Conditions and the additional Special Conditions that the plunge pool will be 12 in. deep, the dump zone will be cleared, and the limit of lawn will be submitted prior to construction, SECONED by Ms. Alibrandi and CARRIED 6-0-0.

IV. APPLICATIONS TO BE ACCEPTED - None

V. APPROVED MINOR ACTIVITIES

A. WET#2013(M) – JONES – 200 Pimpewaug – extension of front porch in regulated area

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. Municipal Inland Wetland Commissioner Training Program – the Commissioners received the brochure which holds the information and registration for the 2011 Training Program. Ms. Sesto encouraged each member to attend and asked that they contact Liz Larkin who will complete the registration.

B. Ms. Sesto noted that the Town Counsel is available on April 14th to give a presentation

relating to the Commission's charge. They will communicate the importance of record, and the role of interveners. There will be a Special Meeting at 6:45 prior to the Commission Meeting on April 14th for this purpose.

VIII. APPROVAL OF MINUTES

Mr. Wong MOVED to ADD and approve the Site Walk Agenda Minutes for March 8, 2011 as drafted, SECONDED by Ms. Alibrandi and CARRIED 5-0-1, with Mr. Hall abstaining.

Mr. Wong MOVED to APPROVE the minutes of the February 24, 2011 meeting, Ms. Alibrandi SECONDED, and the Motion CARRIED, 6-0-0.

IX. ADJOURN

Mr. Wong MOVED to ADJOURN at 10:36 p.m., SECONDED by Mr. Hall, and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary