



**MINUTES**

**May 12, 2011**

**PRESENT:** Frank Wong, Chair, Elizabeth Craig, Dennis Delaney, Jill Alibrandi

**ALSO PRESENT:** Patricia Sesto, Dir. Environmental Affairs; Liz Larkin, Recording Secretary; Clarissa Cannavino, Gregory & Adams; Erik Lindquist, Tighe & Bond; Kate Throckmorton, Environmental Landscape Solutions; Matt Davison, VHB; Jason Mikrut, VHB; Joe Cugno, Cugno Architecture

**ABSENT:** John Hall, Rich Reiter, Elisa Pollino

**I. CALL TO ORDER**

Mr. Wong called the meeting to order at 7:29 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 (cont.)

Ms. Sesto read the new documents into the record.

Ms. Cannavino noted that they requested a continuance at the last meeting so that they could respond to the report by the town's experts, VHB. The response was received the afternoon of the meeting so the commissioners did not have an opportunity to review this information.

Mr. Davison, Registered Soil Scientist and Connecticut Forester, provided a response to the response from Gregory & Adams. He summarized the response from VHB and the response of the response to the new information from the applicant's team. He was pleased to note that the applicant has agreed to correctly depict the upland review area and install silt fencing. Mr. Davison recommended erosion control blankets on any 3:1 slope or greater. He also noted that the traps and sediment control issues were properly addressed. The tree protection measures the applicant proposes are adequate but where the trees are placed will make a difference.

Mr. Davison suggested that the applicant expand the sedimentation control on the proposed

walkway. He noted that he would utilize bushes and native plantings for slope stabilization, but the mulch the applicant proposes is acceptable as well. He added that the intent of the VHB comments is to increase the detail of the plans to be in accordance with the regulations for the town of Wilton. The original application documents did not include enough of the details required to make sound decisions on what would be best for this property under the environmental constraints of the landscape. He also added that the original biological evaluation only showed the existing function and value of the watercourse, not the intent of the value once the parking is constructed. He confirmed that the applicant added more details in their latest response on the ecological functions and mitigation. He noted that the principles in the applicant's submission are best management practices, not compensatory mitigation. He added that there is room for more mitigation on this site which has not been addressed.

Mr. Mikrut, Professional Engineer with VHB, noted that the application is generally in accordance with sound engineering practices. The outstanding issues he had in reviewing the application for the commission was the underground infiltration. There were some inconsistencies with the test pit borings. He recommended recording additional borings prior to the onset of construction to verify the separation distance to the restrictive layer in order to ensure proper treatment of the water.

Ms. Throckmorton reviewed her response including clarification of the tree removal on the site. She confirmed that the minimum size tree counted is 8 in. caliper. Ms. Throckmorton showed the aerial photos and described the 6 birches that she would like to plant near the stream as mitigation. She added that there was a large tree in this area that was removed about ten years ago. She also reported on the existing floral community near the Hansen House. She noted that it seems to be an open area where they could plant, but a portion of this open land is not their property. She explained the area of the proposed red maple swamp and the existing pond. She explained that the intent of the owner is to bring it back to woodland.

Ms. Throckmorton reported on the long-term impacts of this proposal relating to erosion controls and stormwater management which she believes has been addressed in her reports. She confirmed that they will add more plantings per VHB's recommendation. She also noted that there was knotweed found in the area designated for construction vehicles. This will be removed prior to construction. They plan to dig out and grub any growth that appears between April and August per USDA regulations, while tailoring the work to the site.

Mr. Lindquist reported that he had a conversation with Jay Mikrut with VHB prior to the commission meeting about some outstanding issues. He confirmed that the line leading to the infiltration system is approved for a 100 year storm capacity. Mr. Lindquist added that he corrected the water quality calculation in their recent response from additional perk tests. He will speak to the contractor about where they would recommend the sediment traps.

A discussion ensued relating to the DOT authorization to perform work on state property. The applicant's team stated that DOT asks for town approval prior to agreement. Ms. Sesto noted that the owner's of the property (i.e. state of CT) are required to provide authorization for a third party to make an application involving their parcel. The applicant's team stated that they would remove this portion of the plan at this time if this is a problem. Ms. Sesto will contact the DOT to confirm their stance on this issue.

Ms. Sesto asked Ms. Throckmorton what functions the six trees were meant to replace to

compensate for the half acre of cleared woodlands. Ms. Throckmorton responded that this enhancement is “above and beyond”. She stated that the parking lot is 100 ft. from the watercourse and there will be a canopy supporting good habitat, while not requiring extensive pruning. Mr. Lindquist added that there is only half an acre of paved surface in Phase 1. Ms. Sesto countered that the parking lot consumes the watercourse buffer so six trees does not compensate for a half acre of disturbance.

Ms. Throckmorton reviewed the alternatives and explained why the current proposal is the best choice based on impacts to the site, regulations, and what was previously denied under WET#1977. She added that there is no room to replace the 150 trees as the property is already wooded. Ms. Sesto suggested that there is an opportunity here to remove lawn to compensate for the half acre of pavement. Ms. Cannavino countered that this is a 32 acre site and they are only talking about a half acre in the watercourse buffer.

Mr. Wong commented on his difficulty with the intensifying use, noting that pod B was empty for so long. He noted that the proposals submitted thus far have not minimized the use or presented options to retrofit. Mr. Lindquist stated that there is no room for retro-fitting the storm drainage off the existing building and that they are doing the best they can based on the property constraints.

Mr. Davison distributed a response to the Gregory & Adams response from their original findings. He noted that the more detailed response from Ms. Throckmorton was helpful. He agrees that wetland #2 is the biggest concern for sediment control. He acknowledges that the area is small but this should be quantified. He suggests that the applicant consider what functions are impacted, which leads one to how to best mitigate. He noted that the change in the hydrology is not a big issue but he is concerned that the buffer is inadequate. He states that when you alter an existing drainage plan, more mitigation should be required.

Mr. Davison noted that wetland #3 has functional value and he suggests targeting that area for native plantings that will require little maintenance. He also noted that the mitigation activities currently proposed are not enough. He stated that removing the knotweed is not important; the area is too small to be of significance. He acknowledged that the application proposes planting trees in this space, but there is no enhancement to the function as they are against the garage. He suggested that the applicant focus on higher value resources with an already impaired buffer. He added that mitigation of high value areas can be done economically.

Ms. Alibrandi asked what the value is to plant six trees while 150 are coming down. Mr. Davison confirmed that their intent is good but there are more effective ways to find a site that offers more mitigation opportunities.

Mr. Delaney asked Mr. Davison what he mitigation would he proposed if this were his application. Mr. Davison responded that he would target higher value wetland and watercourse resources with already impaired areas. He recommended installing native herbaceous plantings which require no maintenance. Ms. Sesto added that even with best management practice for stormwater management does not match nature. Mr. Mikrut concurred.

Ms. Craig inquired if the trees in the proposed parking lot will eventually create a closed canopy. Mr. Davison confirmed that the types of plantings that will survive in these islands are limited, and will not create a closed canopy. Ms. Craig suggested a lighter color paving material to

minimize thermal pollution. Mr. Davison responded by stating that he is not concerned about the temperature of the storm water in this application because of the proposed infiltration.

Ms. Throckmorton noted that the watershed above the parking lot is miniscule. She added that the top portion of the lot is in a cut and the runoff could be captured with a curtain drain and routed around the parking lot to keep the flows in the same subshed. She stated that she cannot compensate for a half acre of trees being removed, but 100 trees will be planted around the parking lot. Ms. Throckmorton confirmed that the sunny side of the lot has specific plants that will assimilate quickly. Ms. Sesto pointed out that the trees to be planted are not all canopy trees, many are smaller understory species. The 150 trees to be removed area canopy trees. Ms. Throckmorton urged that credit be given to the proposed 99 trees and 200 shrubs in the area, even though it would not be considered compensatory mitigation. She added that area on the far side of the building is not maintained but she can look further to see if the area would grow in with sedges if it is not mowed.

Mr. Delaney voiced concern about the lead pollutant calculation. Mr. Lindquist stated that there is a maintenance plan which requires vacuuming the materials out and then they are sent for testing. Based on the results of this testing, the materials are disposed of properly. Mr. Delaney noted that the report shows a hazardous amount of lead. Ms. Sesto stated that this is the same process the street sweepers use in Wilton and there are state regulations governing their disposal. Mr. Lindquist confirmed that the DEP has definitions on where these materials can go.

Mr. Wong asked what records were added to this application from WET#1977. Ms. Sesto responded that Ms. Cannavino has not clarified which pieces they want to incorporate. Mr. Wong stated that this application has a good design, with best management practices being utilized but he asked why other alternatives were not considered such as tiered or covered parking. Mr. Lindquist responded that the coverage impacts would be the same.

Upon consent from the applicant, Mr. Wong MOVED to extend the public hearing until the next public hearing on May 26, 2011, SECONDED by Ms. Alibrandi and CARRIED 4-0-0.

**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 a letter from Casey Healy requesting a continuation until the May 26<sup>th</sup> meeting.

Mr. Wong MOVED to extend the public hearing to May 26, 2011, SECONDED by Ms. Alibrandi and CARRIED 4-0-0.

**III. APPLICATIONS READY TO BE REVIEWED**

**A. WET#2021(I) – PALLADINO – 29 Pine Ridge Road** – “emergency” septic installation within a wetland buffer

Ms. Sesto described this application as a proposal to fix a clogged curtain drain that exists above the leaching fields. The applicant has already received a temporary permit due to the emergency nature of this application. She confirmed that a soil scientist flagged the wetlands.

A discussion ensued regarding the nature of these emergency permits and the process in which

the commission's staff can make the determination of approval. Ms. Sesto will endeavor to have applications include more pertinent information to facilitate the commission's review. The commission was comfortable with this explanation.

Mr. Delaney MOVED to approve WET#2021, with General and normal Special Conditions, SECONDED by Ms. Craig and CARRIED 4-0-0.

**B. WET#2024(I) – CAPTAIN JACK – 532 Danbury Road** – interior alterations to include B100a

Mr. Cugno, Architect for the applicant, explained the intent of the application as going back to a residence from its former special use. There will be no change to the footprint of the building. The applicant is requesting a change in bedroom count from two to four bedrooms with no structure change. The lower-level walkout which is currently a home office will be changed to a bedroom with a new bathroom. The two bedrooms on the second floor will be converted to three bedrooms.

Mr. Cugno showed the wetland flags on his plans and stated that the gravel drive will remain. The only place on the property for the septic is the front yard, which is also the farthest point from the wetland and flood lines. The 1,000 gallon septic tank will remain but a B100a test will be done. The disruption will be mostly lawn and they will connect to the existing system. They will locate the system as close to the street as possible.

A discussion ensued about the actual location of the leaching fields since the map designates a area for the fields rather than their actual layout. Ms. Sesto confirmed that we typically require testing of the soils first but Mr. Cugno confirmed this is the only place on the property that is prudent.

Discussion ensued regarding current wetland and Health Department regulations and how those Health Department regulations would guide the location of the leaching fields. Setbacks from the property line, retaining wall, and house all would push the fields south and west.

Ms. Alibrandi MOVED to approve WET#2021, with the General Conditions and normal Special Conditions and the additional Special Condition restricting the leeching fields to the south west corner, farthest east to the front of the house, SECONDED by Mr. Delaney, and CARRIED 4-0-0.

**C. WET#2025(I) – FIELDMAN – 74 Borglum Road** – “emergency” replacement of failing septic within a regulated area

Ms. Sesto described this application as an “emergency” due to the failing septic system. The leeching fields will be replaced and staff has granted a temporary permit.

Mr. Delaney was concerned about the lack of a map to know where the septic is relative to the wetlands. Ms. Sesto confirmed that wetlands exists on either side of the proposed fields and the system is proposed is the best location pursuant to soil testing.

Mr. Delaney MOVED to approve WET#2025, SECONDED by Ms. Alibrandi, and CARRIED 4-0-0.

#### **IV. APPLICATIONS TO BE ACCEPTED**

- A. WET#2027(I) – FOREST LANE ASSOCIATES – 84 Forest Lane** – “corrective action” installation of plantings to protect wetlands from recent clearing

Ms. Sesto noted that the caliper of the trees was discussed at a prior meeting. Ms. Craig asked why the replacement trees are not the same as what was cleared. Ms. Sesto confirmed that this will be discussed and addressed with the applicant at the time of review.

- B. WET#2028(I) – MERCK – 161 Cedar Road** – “emergency” replacement of failing septic system within a regulated area

- C. WET#2029(S) – RUDDY – 95 Old Boston Road** – 2-lot subdivision including filling old curtain drain

Mr. Wong MOVED to accept all new applications, SECONDED by Ms. Alibrandi and CARRIED 4-0-0.

#### **V. APPROVED MINOR ACTIVITIES**

- A. WET#2018(M) – SOVIERO/FELDNER – 341 Newtown Turnpike** – addition to home within 73 ft. from wetlands

Ms. Sesto noted that the area of the addition is an area already developed with a walkway/patio.

- B. WET#2020(M) – MAZZARELLI – 242 Mountain Road** – renovation of deck within a wetland buffer

Ms. Sesto noted that this application calls for a deck replacement due to failing footings. The new deck will be smaller.

- C. WET#2022(M) – CARROLL – 232 Cheese Spring Road** – expanding deck within 40 ft. of wetlands

Ms. Sesto confirmed that this was not a large expansion.

- D. WET#2030(M) – ISAACS – 25 Langer Lane** – removing and replacing existing deck approximately 85 ft. from wetlands

Ms. Sesto reported that Mike Conklin, Environmental Analyst, visited the site and approved this application.

#### **VI. CORRESPONDENCE - None**

#### **VII. OTHER APPROPRIATE BUSINESS - None**

#### **VIII. APPROVAL OF MINUTES – April 28, 2011**

Mr. Delaney MOVED to APPROVE the minutes of the April 28, 2011 meeting, Mr. Wong SECONDED, and the Motion CARRIED, 3-0-1, with Ms. Alibrandi abstaining.

**IX. ADJOURN**

Mr. Wong MOVED to ADJOURN at 9:31 p.m., SECONDED by Ms. Alibrandi, and CARRIED 4-0-0.

**ATTENDANCE NOTES:** Mr. Wong will not attend meetings in the months of July and August. Mr. Delaney will be absent on May 26, 2011.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary