



MINUTES

June 23, 2011

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

ALSO PRESENT: Liz Larkin, Recording Secretary; Patricia Sesto, director of environmental affairs; Holt McChord, McChord Engineering; Jay Fain, Jay Fain & Associates

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

A. WET#2029(S) – RUDDY – 95 Old Boston Road – 2-lot subdivision including activities adjacent to a man-made watercourse (cont.)

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

Mr. McChord reminded the commission of the proposed lot lines on the site plan from the last meeting. He showed the existing conditions and explained that the former home is in the same place as the proposed home on lot #1. There is an intermittent watercourse from the existing curtain drain. There are 2 catch basins on the common drive which would be piped directly to the rain garden. The proposed rain garden will be installed for infiltration and water quality.

Mr. Fain noted that he provided a planting plan on page 3 of his report. Ms. Sesto raised concern about the amount of water that will go to the rain garden from the curtain drain. She believes that this will create ponding and take away from the intended purpose of the rain garden. Mr. Fain confirmed that there was disturbance when the previous dwelling was demolished and some pipes were broken causing a more continuous discharge of groundwater. He stated his expectation that the flows from the new curtain drain will eventually slow to a trickle. Ms. Sesto stated that the overflow of stormwater may not get treated if the basin is full of groundwater. Mr. McChord explained that there are 2 stone walls on the site by the driveway that act as a funnel for the runoff that will lead directly to the rain garden. He added that there is a portion of the driveway where the run-off would not proceed to the rain garden. Water in the rain garden

will be filtered as it moves through the rip rapped outlet.

Mr. McChord explained the path of sheet flow on-site. Ms. Alibrandi asked if they could move the rain garden higher up the slope so the runoff has a longer distance to travel to the watercourse. Mr. McChord confirmed that the soils are acceptable and that there are some infiltration qualities there. He confirmed that if the detention facilities are full, the water will flow over them.

Ms. Sesto stated that the deep test holes in the area of the rain garden indicate mottling; an indicator of high ground water. Concern was expressed about this turning into a wet basin instead of increasing the quality of the stormwater through infiltration. Mr. Fain confirmed that this is not a standing wet basin. Mr. McChord proposed a low-flow outlet to address this concern. Ms. Sesto reinforced her position that she wants this runoff to be clean. Mr. Hall suggested adding a perforated drain in the rain garden but Mr. Fain stated that the soil profile has a hardpan layer the soil so this would not be feasible. Mr. Reiter inquired whether the curtain drain was necessary to which Mr. Fain responded, yes, as this protects the septic leaching field.

Mr. Wong inquired about reinstating the level spreader before the rain garden. Mr. McChord confirmed that there is minimal driveway runoff and asked what the goal is of the commission which he thinks should be water quality. He stated that they are improving the site from what is there today with the rain garden.

Mr. Delaney asked for details on the infiltration systems. Mr. McChord described the gallery as 2 feet in depth, and wrapped in filter fabric with stones surrounding it. Mr. Delaney asked if these should be emptied, and asked for a maintenance plan. Mr. McChord described that these capture the roof leaders so there is not a lot of debris. Mr. McChord noted that lot #1 only has one feasible location for the septic but lot #2 has more flexibility and the final design may differ from what is shown. Ms. Sesto described how she reviews final designs to ensure they meet the intent of any wetland permit.

Ms. Sesto asked for the intent of the boulders on lot 1. Mr. McChord stated that they are placed to save trees and to protect the lawn. Ms. Sesto suggested that they extend the lawn to deep test hole 7 to 25 to 26. Mr. McChord confirmed that there are boulders there but they could take 15, 27, 25 or 7, 25, 15. Mr. Fain stated that he could have buffer landscaping to make the area more pleasing and functional. Mr. McChord will include a maintenance plan for the future homeowners. Ms. Sesto confirmed that there will be a restorative planting plan with Mr. McChord. She also restated her concern about ongoing flows from the new curtain drain and how this could compromise the rain garden and suggested monitoring.

Mr. Wong closed the Public Hearing as there were no comments from the public.

Mr. Delaney MOVED to APPROVE WET#2029 with the General and normal Special Conditions and the additional Special Conditions that the applicant will revise the limit of lawn following along deep test holes 7, 25, 27 & 15, submit a revised planting plan to include restorative plantings, monitor the rain garden hydrology for one year, and file the stormwater maintenance plans on the land records, Mr. Hall SECONDED and it CARRIED 7-0-0.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2038(I) – STANDRING – 567 Nod Hill Road – “emergency” septic repair within a wetland buffer

Ms. Sesto noted that this applicant already received a temporary permit. She described that there was a trench added to bring the system into compliance. This trench was installed above the existing trenches. Mr. Wong inquired about the demarcation and Ms. Sesto confirmed that the new trench is in lawn and there is an abrupt wooded edge at the top of the slope.

Mr. Wong MOVED to approve WET#2038, with General and normal Special Conditions. Ms. Alibrandi SECONDED and it CARRIED 7-0-0.

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

Mr. Wong asked the commission if they would approve the building, if it were built now, in its current location and if not, why allow further intrusion. Mr. Hall confirmed that the building location would be permitted, but the location of the proposed parking spaces would be okay. Mr. Wong brought up concerns with the use of the parking spaces and the impact they bring. Ms. Sesto noted that the nature of the application is looked at differently depending on how close the wetland a project is and distance does matter. Mr. Hall suggested that the adverse impact has been mitigated by the applicant’s team.

Mr. Wong stated his concern with the applicant’s dismissal of retrofit opportunities with the current drainage on the property. Mr. Hall agreed that the applicant did not address all the ideas that were given by the commission such as more, smaller surface lots. In general commissioners expressed frustration with the applicant for not willingly accommodating their requests for alternatives, retrofit opportunities, and better mitigation. The struggle to get this information led commissioners to question if the applicant’s responses were thorough.

Ms. Alibrandi stated, these concerns notwithstanding, that she could not find a reason to deny the application. Mr. Delaney thinks the application is reasonable and is glad they are doing the two phases at one time to cut back on construction vehicles. He added that he has a concern about using flows rates based on generic state guidelines rather than specific site rates. In this regard, he questions the reports.

Mr. Wong stated his concern with the infiltrator being adjusted in the field following additional soil testing. Ms. Sesto confirmed that the commission can incorporate special conditions to address this unknown field condition. If the testing proved the soils couldn’t support the proposal, the permit would become invalid. She stated if the commission is inclined to approve the application, special conditions could include requesting additional soil testing and requiring restored areas and no-mow areas to be clearly marked. In addition, the water quality and quantity should be verified with a long term monitoring plan as suggested in the letter from VHB, the town’s expert for this application. Previously approved projects included monitoring plans for at least five years after project completion.

Mr. Wong stated that it is the applicant’s obligation to investigate existing conditions and he is uncomfortable that they did not take the time to look at how retrofitting could be achieved. This is a lost mitigation opportunity. Ms. Sesto confirmed that if an application is deemed incomplete, it is grounds for denial.

Mr. Hall MOVED to draft an approval for WET#2008, with the General Conditions, and normal Special Conditions, and the additional Special Conditions that the Water Quality Volume is verified by the engineer as being accurate, a stormwater maintenance plan be submitted for the site, a 5-year stormwater monitoring plan be required, additional test holes be conducted to substantiate the location for the infiltrators, mark restoration areas, and 6 birch trees previously proposed below the phase 1 lot will be included, SECONDED by Ms. Alibrandi, and CARRIED 5-2-0. Mr. Wong voted against citing a lack of information particularly regarding existing conditions within the watercourse and the applicant failed to provide adequate mitigation through retrofitting existing stormwater treatment. Ms. Craig voted against the approval as she stated it is not a prudent use of resources, the applicant has not proven need, and does not want a healthy woodland removed.

IV. APPLICATIONS TO BE ACCEPTED

- A. WET#2041(S) – KADDIS – 499 Danbury Road – “emergency” replacement for a failing septic**
- B. WET#2044(S) – TOWN OF WILTON – Merwin Meadows – dredge swimming pond**
- C. WET#2045(I) – LEINBERGER – 72 Ruscoe Road – solve drainage issues on property**

Ms. Alibrandi MOVED to accept all new applications, SECONDED by Mr. Wong and CARRIED 7-0-0.

V. APPROVED MINOR ACTIVITIES

- A. WET#2034(M) – HIRSCH – 331 Thayer Pond Road – install new entry porch within a wetland buffer**
- B. WET#2036(M) – BRUBECK – 221 Millstone Road – generator installation 59 ft. from watercourse and installation of propane tank and associated trenching**
- C. WET#2037(M) – COLLINS – 30 Black Alder Lane – addition 80 ft. from wetlands**
- D. WET#2039(M) – DIACONU – 25 Seir Hill Road – new deck 55 ft. from wetlands**
- E. WET#2035(M) – CHARGER – 18 Spicewood Lane – rebuild existing second floor greenhouse and add new deck within a wetland buffer**
- F. WET#2042(M) – WOODRING – 43 McFadden Drive – installation of underground gas tank**

There was no discussion relating to the approved minor applications.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. Round House – 122 Olmstead Hill Road – pre-application review

Ms. Sesto noted that the prospective applicant received all the necessary feedback at the site and the commission does not need to comment further.

VIII. APPROVAL OF MINUTES – May 26, 2011 and June 9, 2011

Mr. Wong MOVED to APPROVE the minutes from May 26 and June 9, 2011, SECONDED by Ms. Alibrandi, and CARRIED 6-0-1 with Mr. Delaney abstaining.

IX. OTHER APPROPRIATE BUSINESS

A. Executive Session

Ms. Alibrandi MOVED to adjourn to an executive session to discuss litigation, SECONDED by Mr. Hall, and CARRIED 7-0-0.

Ms. Alibrandi MOVED to return from the executive session, SECONDED by Mr. Wong, and CARRIED 7-0-0.

Ms. Sesto read a settlement offer from the Brown's attorney which states the excess fill will be removed in accordance with Ms. Sesto directives and after they seek a corrective action wetland permit, they will pay the town's costs of \$455 immediately, and will repay the attorney fees in \$500/month increments up to a cap of \$4,000 unless subsequent attorney time exceeds one hour.

Commissioners expressed the need to have a submission deadline, being in time for the last meeting in July.

Ms. Alibrandi MOVED to ACCEPT the proposal from the Brown's with the addition of a wetland permit filing deadline of the second meeting in July, SECONDED by Mr. Hall, and CARRIED 7-0-0.

B. Attendance Notes – Mr. Wong will be out for the July meetings. Ms. Alibrandi will be out on August 11, 2011. Ms. Alibrandi confirmed that she has resigned from the commission effective this fall.

X. ADJOURN

Mr. Wong MOVED to ADJOURN at 9:08 p.m., SECONDED by Mr. Reiter, and CARRIED 7-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary