



MINUTES

July 28, 2011

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

ALSO PRESENT: Liz Larkin, Recording Secretary; Mike Conklin, Environmental Analyst; Chris Allen, Land-Tech Consultants; Gerard Feldmann, The DiSalvo Ericson Group; Irv Ozolins, ASML; Steve McAllister, McChord Engineering; Keith Brown, Homeowner

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:36 p.m.

II. PUBLIC HEARINGS

A. WET#2040(S) – MCDONAGH – 11 Woodway Lane – installation of pool within an upland review area

Mr. Conklin read a letter from Gregory & Adams requesting a continuation for this Public Hearing until the next meeting on August 11, 2011.

III. APPLICATIONS READY TO BE REVIEWED

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

Ms. Larkin confirmed that Casey Healy and Pat Sesto are collaborating to have a draft approval for the next meeting.

Mr. Wong MOVED to approve the extension of the draft permit of WET#2008, SECONDED by Ms. Alibrandi, and it CARRIED 7-0-0.

B. WET#2048(I) – ASML – 77 Danbury Road – bridge repair over the Norwalk River

Mr. Conklin read the documents into the record. All commissioners indicated they visited the site.

Mr. Allan described the need for the repair for the two-lane bridge. It was constructed in 1973 and is need of repair for a large delivery they are expecting in the fall.

Mr. Feldmann described the bridge as a concrete slab structure on steel girders. The bridge has deteriorated near the east abutments on the expansion bridge by 4 to 6 inches. The activity will be broken into two phases. Mr. Wong noted that the commission will need to see the construction sequence.

Mr. Feldmann confirmed that the project will be staged so the river will be protected from debris. He stated that the contractors can submit their full construction plan prior to the activity. Mr. Wong inquired as to the overlap from their previous permit. Mr. Feldmann was not aware of the past permit so Mr. Conklin pulled it from the office records.

Mr. Hall noted the plan calls for installation of a platform under the concrete and asked how high this will be over the water line for a 25-year flood. Mr. Feldmann stated it would be below the deteriorated area. Mr. Hall asked why this was not included on the plans. He stated this is not a complete application without these details such as a bag or canvas to collect the sediment.

Mr. Wong confirmed that the previous application expired one week ago. Mr. Conklin referenced the river protection portion of the previous application. Mr. Delaney stated his position that he feels uncomfortable approving this based on an old permit he has not read.

Mr. Allan stated that he would incorporate the six river protection pieces from the previous application by reading them into the record in hopes that would alleviate any concern. The six items are: 1. ASML will use experienced bridge contractors, 2. The bridge contractor will suspend tarps beneath the bridge during sandblasting, 3. The bridge contractor will place concrete blocks in the river and place jacks, scaffolds, and other structures on top of these concrete blocks (these will be removed after job completion), 4. During painting operations, scaffolds will be hung from the bridge structure and paint will be placed on skids and paint barrels will be closed and sealed when not in use, 5. The area to the south of the bridge abutment will be the mobilization area for the contractor. A silt fence will be placed at the top of the rip-rap along the river, 6. A crushed stone mat will be placed at the "pull-off" area onto Route 7. Mr. Hall stated his position that the old permit should be incorporated into this permit

Mr. Wong asked about the intended duration of the project to which Mr. Ozolins responded three to four weeks in total. Ms. Alibrandi asked what is new on the plan that the applicant brought to the meeting as this is different than what was submitted under this WET application. Mr. Feldmann stated that there is detail on the abutment and the painting. The new plan shows the bridge and elevations broken into two phases. He added that the overhead repair on the slab abutment is new on this plan, as are the supplemental supports.

Mr. Wong asked why the project is being split into two phases. Mr. Ozolins confirmed that the bridge repair, which is most urgent, is the first phase, and the painting is the second phase. Mr. Hall suggested placing an extra filter on the bridge for run-off. Mr. Wong noted that an oil grit separator may be appropriate. Mr. Hall inquired about scuppers in the road. Mr. Feldmann confirmed that scuppers are holes in the bridge and allow stormwater to flow off the bridge into the river. Mr. Allan explained that trying to mitigate the stormwater from the bridge would require changes to the riverbed. He added that it would not make sense to add a vegetative swale in this area. He noted it would create additional soil disturbance in an upland review area which

is not in the interest of the applicant at this time. Ms. Craig suggested simple plantings to improve the vegetative buffer which will also help with the geese issues they experience at the site. Mr. Allan confirmed that they would look into this further.

Mr. Delaney asked if this was the only entrance to the site to which Mr. Allan responded, yes. Ms. Alibrandi communicated her discomfort about approving an application based on items she has not studied. Mr. Wong noted that the only change from the application they presented under this WET number is the sequencing. Mr. Wong suggested negotiating with staff on the mitigation plan for the run-off and construction phases.

The applicant's agent submitted two updated plans for the record, read in by Mr. Conklin. Mr. Reiter asked when the project needs to be completed. Mr. Ozolins stated that the work will be completed by the first week in September.

Mr. Hall MOVED to APPROVE WET#2048, with General and normal Special Conditions, and the additional Special Conditions to incorporate conditions from the prior application WET#1620, receive mitigation plan for run-off from bridge to be reviewed by staff, and provide a construction document sequencing the erosion and sediment controls to be approved by staff. Mr. Delaney SECONDED and it CARRIED 7-0-0.

C. WET#2049(I) – HIRSCH – 2 Quiet Lake Lane – two lots to be combined and subdivided into three lots

Mr. Conklin read the documents into the record. All commissioners indicated they visited the site.

Mr. McAllister noted that everyone has just been to the site, and has the plans. He asked if anyone had any questions or comments. Mr. Hall noted that this is an unorthodox approach for the subdivision. He inquired as to why the homeowner wants to split the land this way. He asked if this was for convenience as to not dig up the stables. He questioned running pipes for such a long length for B100 feasibility. Mr. McAllister explained that the parcel is currently two lots and the owner would like three lots on this 153 acre property. The site currently has 4 septic systems and 3 wells. He explained that during the subdivision process the applicant is required to show a B100a septic feasibility plan for each existing septic system. There is an extensive trail system with separating features that the homeowner wants to keep intact.

Mr. Hall suggested moving one of the systems to the “pan-handle” area on the bottom area of the plan. Mr. McAllister stated that this area is ledge and the homeowner was not comfortable with any additional test holes on the property. Mr. Hall then confirmed with Mr. Wong that the commission does not require the construction plans at this time. Mr. Wong asked Mr. McAllister if he had the sequence sized for the B100. Mr. McAllister confirmed it is a 12 bedroom system for the main house and each of these structures has its own field.

Mr. Delaney noted that the plans the commission received dated August 5, 2010, note 4 lots and an easement. Mr. McAllister confirmed that this was a concept at one time but that option has been removed. Mr. McAllister also noted that the plans for the potential new homes will be brought in when appropriate. This application is required for the health department to show code complying systems for the lot lines to be revised.

Mr. Conklin suggested adding a sleeve pipe to the septic lines where they cross the wetland areas. Mr. McAllister agreed that this could be added. Mr. Hall asked the size of the pipe to which Mr. McAllister responded, two and one half inch in diameter per pump line with the elevation change of 23 ft. to the pump. Mr. Wong reminded him that the commission will require sediment and erosion controls. Mr. Hall further stated that the commission will require plans on digging in the stream and replanting disturbed areas after construction, including details on any tree removal.

Mr. Wong inquired about lot three's leaching field but this is outside the regulated area.

Mr. Wong moved to continue WET#2049 so the agent can obtain further details, SECONDED by Mr. Hall, and CARRIED 7-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2051(I) – BROWN – 544 Nod Hill Road – “corrective action” to remove fill in a wetland

B. WET#2052(I) – CAPTAIN JACK – 532 Danbury Road – interior alterations and exterior improvements including new siding and roof.

C. WET#2053(S) – 190 DANBURY ROAD ASSOCIATES – 190 Danbury Road – construction of new car showroom in an upland review area

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

V. OTHER APPROPRIATE BUSINESS

Mr. Wong MOVED to juggle the agenda to Other Appropriate Business in the interest of Mr. Brown sitting in the audience, SECONDED by Mr. Reiter and CARRIED 7-0-0.

A. WET#2051(I) – BROWN – 544 Nod Hill Road – “corrective action” to remove fill in a wetland

Mr. Brown requested that the commission waive his corrective action permit fee of \$460. Mr. Delaney asked for some background as he was not on the commission at the time of the last application.

Mr. Brown explained his wetland permit from twelve years ago when he had a new septic installed. The commission had ruled that Mr. Brown installed more fill than what was allowed. Mr. Hall pointed out that Mr. Brown attended a commission meeting refused to remove the fill so this case was brought to court.

Mr. Reiter asked Mr. Brown if he has an estimate to complete the removal of the fill to which Mr. Brown responded, \$1,500 - \$2,500 plus the court costs that he is required to pay of \$4,600. Ms. Alibrandi noted that the commission needs to remain consistent and that they have not waived fees under similar circumstances.

Mr. Delaney MOVED to WAIVE the corrective action application fee of \$460, SECONDED by Mr. Reiter and CARRIED 4-2-1, with Ms. Craig abstaining.

VI. APPROVED MINOR ACTIVITIES

A. WET#2047(M) – WALSH – 65 Edgewater Drive – installation of tree house

B. WET#2046(M) – TOWN OF WILTON – Wilton Center – installing gas main extension through Wilton Center adjacent to wetlands and watercourses

VII. CORRESPONDENCE - None

VIII. OTHER APPROPRIATE BUSINESS

A. Show-Cause Hearing WET#1595(S) – NCR, LLC – 225 New Canaan Road - “corrective action” to remove retaining walls and fill material within a regulated area and to restore the disturbed regulated area

Mr. Wong MOVED to ADD this item to the agenda, SECONDED by Ms. Alibrandi, and CARRIED 7-0-0.

Mr. Conklin read the documents into the record. Mr. Conklin explained the history of the violation where the property owners cleared land and built a house next to a stream with no permits. The owners received a violation notice and later submitted an application to pull the fill and provide suitable mitigation. The owners did not follow the plans or the conditions of the permit. Mr. Conklin noted that he and Pat Sesto, Dir. Environmental Affairs, met at the property to attempt to bring it back to conformance. The homeowner remains unresponsive.

Mr. Hall MOVED to UPHOLD the Cease and Desist order, SECONDED by Ms. Alibrandi, and CARRIED 7-0-0.

Mr. Wong MOVED to turn over these violations over to town counsel, SECONDED by Ms. Alibrandi, and CARRIED 7-0-0.

Mr. Wong MOVED to direct NCR, LLC to submit a corrective action plan by August 11, 2011 and direct staff to issue fines, SECONDED by Ms. Alibrandi and CARRIED 7-0-0.

IX. APPROVAL OF MINUTES – July 14, 2011

Mr. Hall MOVED to APPROVE the minutes from July 14, 2011, SECONDED by Ms. Craig, and CARRIED 7-0-0.

X. ADJOURN

Mr. Wong MOVED to ADJOURN at 9:24 p.m., SECONDED by Mr. Reiter, and CARRIED 7-0-0.

Respectfully Submitted,

Liz Larkin
Recording Secretary