



MINUTES

January 12, 2012

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

ALSO PRESENT: Patricia Sesto, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Jim Murphy, Gregory & Adams; John McCoy, JFM Engineering; Kate Throckmorton, Environmental Land Solutions; William Kenny, William Kenny & Associates; Kristen Begor, Conservation Commission; Mike Aurelia, Applied Ecology Research Institute; Arthur Morris, Hygenix; Mario Arenas; Rakesh Chandra

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

A. WET#2060(S) – LEE – 15 Walnut Place – additions to residence within a regulated area, including B100a (cont.)

Ms. Sesto read the new documents into the record.

Mr. McCoy handed out a revised plan showing the plantings in the northeasterly portion of the property are again included, and the addition of general construction sequence. He showed the rain garden in a new location and noted the reduced buffer. All sediment and erosion measures will be in place prior to construction. The mitigation plantings shall be installed within 3 months, and carry a warranty.

Ms. Throckmorton handed out a revised planting plan and explained that this version balances out more with the northeasterly planting area. She has removed some of the ornamentals and lengthened the buffer. This allows the rain garden to work double duty as it reduces lawn and alleviates the direct discharge from the roof to the pond.

Mr. McCoy reported that the current planting proposal is 2,991 sq. ft., not counting the planting area on the stream which is another 400 – 500 sq. ft. He stated that the addition of the rain garden in this new location is a big improvement from existing conditions.

Mr. Wong inquired about the materials being used on the patio. Mr. McCoy confirmed that it will be a permeable material. Mr. Hall noted that this is preferred over a deck. Mr. Wong asked if the driveway will be permeable. Mr. McCoy stated that it will be gravel and will be reduced by 262 sq. ft. as mitigation.

A discussion ensued about the sequence of construction as there were concerns that only portions of the project would be completed. Mr. McCoy confirmed that they would install the rain garden and the new drainage first. Mr. McCoy stated that the intent of the homeowner is to have the work completed within the five years allowed with the permit.

With no further questions or comments, Mr. Wong closed the Public Hearing.

B. WET#2071(S) – CHANDRA – 32 Crosswicks Ridge Road – construction of retaining wall and other site improvements within a regulated area

Ms. Sesto read the documents into the record and noted the Conservation Commission raised concern regarding debris piles in the wetland. The Commission would like the applicant to be cautioned against further dumping.

All commissioners confirmed they had visited the site.

Mr. Kenny explained the plan of building a 4 ft. retaining wall to alleviate a steep slope. Mr. Kenny confirmed that clean fill will be delivered and the slope will be re-graded to level ground with the lawn re-established. He showed current areas of lawn and pachysandra that will be re-planted with 56 native shrubs and two trees. A deer fence will be in place until the plantings are well established.

Mr. Kenny reported that two trees will be removed. One tree was a double trunk where one trunk fell during a storm and is considered a hazard. The other is a 15 in. maple that will need to be cut down. There was a discussion to incorporate a 6 in. berm or swale so the water is directed back to the existing flow pattern. The wall will not have mortar so water will seep into the ground. If there was a small lip by the wall, the water would seep into the ground and continue on to the wetland.

Ms. Pollino pointed out that the down spout discharges where the wall is proposed. Mr. Kenny stated that this pipe would extend beyond the wall. Ms. Sesto stated that this would daylight 10-15 ft. upslope of the wetland. Mr. Wong raised erosion concerns. Mr. Hall asked how much fill would be brought in. Mr. Kenny responded that is about 150 cu. yds., which includes the materials for the wall construction.

Mr. Delaney raised concern about the deposit of brush and unused flagstone in the wooded area. He stated that the wetlands should not be used as dumping grounds.

With no further comments or questions, Mr. Wong closed the Public Hearing.

C. WET#2047(S) – WILTON PLAZA CONDO ASSOCIATES, INC. – 13-15 Danbury Road – remove contaminated soils adjacent to the Norwalk River

Ms. Sesto read the documents into the record and all commissioners indicated they visited the site.

Mr. Aurelia explained the project and showed the areas that are being excavated. He explained that a former dry-cleaner dumped their chemicals illegally into the environment. He explained this as a simple 2-day project where they would only disturb 200 sq. ft. of space. He noted that there will be a planting plan and sediment and erosion controls in place, at 15 to 20 ft. beyond the impacted area, prior to any excavation.

Mr. Morris showed a revised drawing with more details added. He reported that the deep excavation is in the front parking lot as this is where the highest concentrations of contamination were found. He stated the excavation would be to a maximum of 12 ft. He noted that the rear area excavation will be much less at 4 ft. as this is predominantly surface contamination.

Mr. Morris explained the process of removing the soils near the river in the rear of the building. He stated that it is not deep and it is not as close to the river as originally thought. They propose 1 ¼ crushed stone as backfill, compacted on the bottom with filter fabric, soil and riprap, then restoring the surface. He added that this is the preferred method to remove this type of contaminate in ground water.

Mr. Morris explained the access to the rear portion with a small machine. He noted that it may need to go under a stairwell, or the stairwell may be removed and replaced if need be. He stated that there is no river water collapse area as they are not going deep. They are instructed to stop excavation when ground water is present, or at 4 ft., whichever is met first.

Mr. Delaney questioned if the test wells were deep enough. Mr. Morris confirmed that they were at 3 – 4 ft. Mr. Delaney asked that the investigations from the 2008 Hygenix report could be provided in its entirety. Mr. Wong asked Mr. Morris how the crew will know that the excavation is complete and all contaminants are removed. Mr. Morris confirmed that they exercise litmus tests to find the concentrations in the ground water.

Mr. Delaney questioned why this work is being requested now, about 10 years after the contaminants were discovered. Mr. Morris confirmed that this is the typical nature of this type of spill. There is an investigation including seismic studies, and this information is reviewed by many entities including the CT DEEP. The applicants have many other approvals besides this one by the town's Inland Wetland Commission.

Mr. Delaney asked where the contaminated soils are disposed after the activity is completed on the site. Mr. Morris confirmed that only a few places will accept this type of contaminate and they have their own health and safety regulations.

Mr. Reiter asked when the proposed activity would take place. Mr. Morris confirmed they are hoping to complete the work in August due to the low flow of the river at this time. Mr. Aurelia added that they require Stream Channel Encroachment Line permit. Mr. Wong asked what would happen if the work is planned and it rains. Mr. Morris confirmed that they would be prepared to work only in good weather conditions. He added that they would only exhume to the highest extent possible. He noted that the soils will return to their normal level over time. They will help this process by removing any sedimentation in the catch basin in the parking lot.

Mr. Hall confirmed that each of the areas is completely independent of other. A discussion ensued about how the particular contaminate sinks vertically. Mr. Hall inquired about getting all of the contamination in the maximum depth of 4 ft. in the back of the building. Mr. Morris confirmed that this spot showed the highest concentration at the surface. If there is any left, it will be handled by natural attenuation.

Mr. Delaney asked if there was any in situ remediation possible. Mr. Morris responded that digestive additives have problems with the breakdown of this particular chemical and the CT DEEP is not in favor of this process.

Mr. Hall suggested utilizing their "option 1" which involves soil vapor extraction combined with air sparging, then bringing in the excavator. Mr. Morris responded that there are no vacuuming vapors as it is volatilizing compounds that do not work well with moisture. Mr. Morris noted that this option was included as a requirement of the wetland application.

Mr. Delaney suggested bio-remediation. Mr. Morris confirmed that this is not less costly and they want to achieve source removal. They would need to install monitoring wells in the right conditions. He added that this methodology is not proven.

Mr. Aurelia stated that he would produce a planting plan with stone and silt fence details noted for the next meeting. He reiterated that they will not be removing trees and they can install wells for the shrubs they plant. Mr. Reiter reminded the applicant to make sure the contaminated soils do not get spilled into the river on their way out with the truck. Mr. Morris confirmed that the soils are placed in a container and that they would work south to north to avoid disturbance.

Ms. Begor, Chair of the Conservation Commission and retired hydro geologist with 15 years of experience, spoke to the activity proposed. She stated that she thinks the 9-year delay in removing this contaminate is remarkably slow. She agrees with the commission that having access to the complete site assessment report is necessary to assess if the proposed plan is the best one.

Ms. Begor noted the report where 1.6 micrograms per liter is present. She stated that this contaminate is heavy and will sink and move through the ground and into dry wells. She asked what is happening with the top of the rock interface. Mr. Morris responded that they have installed cluster wells as there is nothing in the bedrock wells.

Ms. Begor also commented on the challenges of area two with the access and slopes. She was concerned about digging in this area without a backup plan as she believes as soon as the digging takes place, the water will come in. She wanted to know how they would hold the hole open. She was also concerned about decontaminating the equipment. Mr. Morris stated that they would take samples but will only feasibly excavate due to the practical limitations. They hope to remove the predominant contamination area, but may not completely remove it.

The applicant requested a continuation to the next meeting scheduled for January 26, 2012.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2053(S) – 190 DANBURY ROAD ASSOCIATES – 190 Danbury Road – construct new car showroom in an upland review area (cont.)

Commissioners received a draft copy of the resolution prior to the meeting via email and everyone confirmed that they read the permit.

Mr. Hall MOVED to approve the resolution for WET#2053, as drafted, SECONDED by Mr. Wong and CARRIED 6-0-0.

B. WET#2075(I) – ARENAS – 14 Own Home Avenue – building addition within 50 ft. of wetlands

All commissioners indicated they visited the site.

Mr. Arenas described his plan and property relating to the wetlands. He confirmed that the wetlands are dry and the roof leaders flow into the driveway. He added that they are removing asphalt driveway and reducing the coverage on the site, even with the new addition, which is 497 sq. ft. in total.

Ms. Sesto confirmed that this is a wetland pocket and has no function or value. She added there is no opportunity to restore as this area is off his property. The only missing item that Ms. Sesto would like to review is the cross-section of the porous driveway.

Mr. Wong MOVED to approve WET#2075, with General and normal Special conditions and the additional Special Conditions to provide a cross-section of the driveway for staff approval, SECONDED by Mr. Reiter and CARRIED 6-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2076(I) – DIAZ/VELASQUEZ – 192 New Canaan Road – proposal to install future B100a septic within a regulated area

B. WET#2081(S) – HALAN – 295 Newtown Turnpike – construction of 3-car detached garage within 26 ft. of wetlands

Mr. Hall MOVED to ACCEPT these new applications, SECONDED by Mr. Reiter and CARRIED 6-0-0.

V. APPROVED MINOR ACTIVITIES

A. WET#2072(M) – KANE – 17 Hidden Lake Ridge Road –installation of above ground propane tank and generator

B. WET# 2073(M) – SCHMALE – 1060 Ridgefield Road – installation of generator and propane tank within a regulated area

C. WET#2077(M) – LUPO – 225 Sturges Ridge Road – relocation of existing generator within a regulated area

D. WET#2078(M) – CABOT – 46 Rockhouse Road – trench from service box to house, install conduit and upgrade electrical service

Ms. Sesto provided a brief description of the above minor activities that have been approved by staff since the last meeting.

VI. CORRESPONDENCE - None

VII. APPLICATIONS READY TO BE REVIEWED

A. WET#2060(S) – LEE – 15 Walnut Place –additions to residence within a regulated area including B100a

Ms. Craig stated that she was unhappy with the planting plan. Mr. Delaney asked if the commission can require that certain parts of the permit are completed first. Ms. Sesto reminded the commission that at a previous hearing, Mr. McCoy stated that the garage addition may not get completed. This will affect the rest of the mitigation that they are proposing as it is tied to the garage addition. Discussion ensued regarding the relative importance of each mitigation component as compared to each of the additions.

Mr. Hall MOVED to approve WET#2060, with General and normal Special conditions and the additional Special Condition to rework the phasing in accordance with Mr. McCoy's testimony, SECONDED by Mr. Reiter and CARRIED 6-0-0.

B. WET#2071(S) – CHANDRA – 32 Crosswicks Ridge Road – construction of retaining wall and other site improvements within a regulated area

Mr. Hall stated that he was not in favor of the retaining wall. Ms. Sesto asked how the wall harms the wetland. He stated that it is a permanent and radical commitment of the buffer. Ms. Sesto offered that any storm water run-off would be better attenuated with an approval for this activity.

There was a discussion regarding where the preceding pipe should be cut off. Ms. Sesto confirmed that it should lie on the up side of the wall. She noted per the memo from Public Works, the grading in the southwest corner should be adjusted and the down spouts should be cut back to the extent which is feasible.

Mr. Hall MOVED to approve WET#2071, with General and normal Special conditions and the additional Special Conditions to end the 5 in. PVC pipe at least 2 ft. prior to the wall and adjust the grading in the southwest corner, SECONDED by Mr. Delaney and CARRIED 6-0-0.

VIII. OTHER APPROPRIATE BUSINESS - None

IX. APPROVAL OF MINUTES

Ms. Craig MOVED to APPROVE the December 8, 2012 meeting minutes, as drafted, SECONDED by Ms. Pollino, and CARRIED 6-0-0.

X. ADJOURN

Mr. Wong MOVED to ADJOURN at 9:20 p.m., SECONDED by Mr. Reiter, and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary