



## MINUTES

February 23, 2012

**PRESENT:** Frank Wong, Chair, Elizabeth Craig, Dennis Delaney, John Hall, Nick Lee

**ALSO PRESENT:** Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Susan Goldman, Gregory & Adams; Bob Faesy, Faesy-Smith Architects; Kate Throckmorton, Environmental Land Solutions; Art Morris, Hygenix; Mike Aurelia, Applied Ecology Research Institute; Scott Streeb, Michael Van Vaulkenburgh Associates; Martin Wiggins, Michael Van Vaulkenburgh Associates; Eric Rothstein, eDesign Dynamics; Brian McMahon, Redniss & Mead; Kathleen Poirier, Kathleen Poirier Architects

**ABSENT:** Elisa Pollino & Richard Reiter (notified of intended absence)

### **I. CALL TO ORDER**

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

### **II. PUBLIC HEARINGS**

#### **A. WET#2074(S) – WILTON PLAZA CONDO ASSOCIATES, INC – 13-15 Danbury Road – remove contaminated soils adjacent to the Norwalk River (cont.)**

Ms. Sesto read the new documents into the record. Mr. Morris handed out additional information for his presentation.

Mr. Morris explained that they have included silt fencing and planting details on the new plans. In addition, they have clarified Area #2 which he described as being 10 ft. x 20 ft. of space. There are details of the restoration plantings, including the backfill description. Ms. Sesto questioned why the siltation fence was not placed to protect the last remaining tree. Mr. Aurelia responded that the silt fence would be adjusted based on the tree and any rocks that are found. The silt fence should be installed 15ft. -20 ft. past the excavation area for proper protection. Mr. Morris stated that the proposed activity is a simple excavation of a small area of high concentration of PCE. Ms. Sesto inquired about test holes for ground water. Mr. Morris noted that there were extensive investigations and that the findings are in the newly submitted reports.

Mr. Delaney explained that the commission does not see this type of application often and noted that the commissioners need to accept the methodology as being prudent and protective of the watercourse. He raised concern about the excavation plan not removing all of the contaminated soils. Mr. Morris stated the levels left behind would eventually decrease with natural attenuation. He noted they would never be able to remove all of the contaminated soils. Mr. Hall questioned if the amount left is insignificant.

Mr. Morris confirmed that the methodology for bio-remediation is best for the residual contaminants. They first need to remove the source area with excavation. Mr. Delaney asked if they could expand the area of excavation to get more of the source out. He noted that Maureen Dooley from Regenesys was contacted for advice and she agreed that excavation is good solution but that bio-remediation should be included for the saturated soil. Mr. Morris stated that this would need to be approved by DEEP and that this is an involved process that takes time as this is a formalized process to inject. Mr. Delaney suggested that bioremediation should be considered while the ground is opened up with the excavator. Mr. Morris did not think this would be a large benefit.

Mr. Hall asked the applicants if they are avoiding bio-remediation for cost or timing issues. Mr. Morris stated that it was both, adding the main objective is to save the groundwater and they do not want to leave the higher concentration there for a longer timeframe. Mr. Wong inquired as to how long it will take the soils to return to the acceptable level after removing the "hot zone". Mr. Morris responded that it takes time for the microbes in the soil to break down.

Ms. Craig raised concern that the target goal of the application does not meet the area guidelines. She also asked if other nearby wells and areas could be affected to which Mr. Morris responded, no. She went further to ask what would have happened if this spillage was cleaned right after it was found in 2002. Mr. Morris stated that these spills take years to investigate as they need to see where the chemicals migrate, then they make plans to remediate. Mr. Wong asked for the timeframe they are hoping to complete the activity to which Mr. Morris confirmed August 2012. Mr. Hall stated his position that he would like to limit the amount of chemicals that are left behind, even if it means more time and money.

Mr. Delaney brought up the report data which showed that there was PCE detected in the crawl space under the building, even after several tests showed no PCE's. He questioned why they kept going back and why they would have such different results. Mr. Morris confirmed that they completed a comprehensive oil/gas survey and there was no evidence of impact. Mr. Delaney noted that the old well was sampled and came back at 88 micrograms per kilogram. He added that 100 micrograms was considered actionable and this is almost there. Mr. Morris countered that this is a low concentration and does not indicate direct contact. Mr. Delaney countered that the crawl space is within the river setback and people work directly above it.

Ms. Sesto called attention to the plan where the contamination is at five times the actionable limit and questioned why excavation was not being proposed in this area. Mr. Morris stated that they did not want to disturb more than needed. Ms. Sesto questioned the thought process on how they got to the limit of their excavation as it seems there is much more to be removed outside of this line. Mr. Morris responded that they chose the area farthest away from the river with the highest concentration. Ms. Sesto asked what distance from the river they determined was too close. Mr. Morris did not have a particular distance. He then confirmed that they do not want to undermine the footings of the building. Mr. Hall asked if there was an engineer report showing

how close they could get. The agent did not have this information. Mr. Hall requested an engineering plan with the area to be excavated. Ms. Sesto reiterated the need to have more information in the record to substantiate the proposed limit of excavation. The rationale presented is inconsistent. Mr. Hall also asked for spot levels of contaminants for outside of the hatched area. Mr. Aurelia stated that the planting plan will be revised as well.

Mr. Aurelia requested a 65-day extension which is the maximum for this application.

Mr. Wong MOVED to extend WET#2074 for 65 days, SECONDED by Mr. Hall and CARRIED 5-0-0.

With no further questions or comments, Mr. Wong continued the Public Hearing until the next meeting on March 8, 2012.

**B. WET#2082(S) – FOSTERHOUSE, LLC – 122 Olmstead Hill Road – expansion, restoration, and relocation of a pond and wetland and proposed B100a within a regulated area**

Mr. Wong opened the public hearing. Mr. Wong, Mr. Hall, Ms. Craig, Mr. Delaney, and Mr. Lee indicated they visited the site. Ms. Sesto read the documents into the record.

Mr. Healy introduced the applicant's team present at the meeting. He described the home as being built in the 1950's by Foster and that it spins 360 degrees. The project consists of deconstructing the garage and its cottage apartment and reconstructing two structures, a pool/guest house and a spa. The pool will be removed and reconstructed and new B100a code-compliant septic is proposed. The proposed activity also consists of extensive regrading, including relocating and reconstructing a pond and expanding a wetland.

Mr. Streeb, Associate with Michael Van Valkenburgh reported that the client wants ecological appropriate wetlands and would like to increase bio-diversity. They are proposing improved filtration and self-sustainable land which includes bold re-sculpting and re-naturalization. He led a PowerPoint presentation showing other projects they have completed. These projects had similar goals to increase habitat by only mowing walking paths, create a landscape buffer with planted shelves, and self-sustaining topography that improves water quality.

Ms. Sesto noted that the volume of the pond has increased and questioned if the size of its watershed was sufficient to replace the new water volume often enough. Mr. Streeb confirmed that the depth will be increased but there is a smaller footprint. He confirmed that they would use a bucket to dig this out. Ms. Sesto asked if subsurface dams will be installed to retain the high ground water. The dams are essentially clay liners that provide a restrictive layer to create a perched water table.

Mr. Lee confirmed that deer fencing will be installed. Mr. Craig inquired about the timing to replant. Mr. Rothstein confirmed they would plant within one month and then monitor the plantings for two years. He added that the plantings are mostly herbaceous, not woody.

Ms. Craig asked if there was any consideration for run-off from the neighboring properties. Mr. Rothstein stated that they cannot control the nutrients that are going in now and added that the pond does not function properly today. Mr. Healy added that only one parcel could be developed next door, the surrounding area is otherwise built out.

Mr. Lee questioned the mowing schedule. Mr. Rothstein confirmed that the meadows should be mowed once per year to avoid overgrowth. Ms. Sesto raised concern regarding the level of expertise required to oversee this complicated project; how can the commission be assured that the project would be properly implemented if the likes of Michael Van Valkenburgh Associates are not involved? Mr. Streeb confirmed that they monitor during the construction phase. Ms. Sesto asked if the homeowner were to go with another company, would they be able to handle this property with the same expertise. Mr. Healy noted that he understood the concern and will work on solutions for the next meeting.

A discussion ensued about the timeframe and construction sequence. Mr. Streeb confirmed that they work backwards into the planting season. Mr. McMahon confirmed that they start at the wetland corridor. They use the existing grading and work their way up which minimizes the exposed surfaces. Mr. Streeb added that the pool is outside the regulated area but that part of the septic is within the 100 ft. area. Mr. Healy added that the Health Department has approved one leaching system for the house and the accessory dwelling.

With no further questions or comments, Mr. Wong continued the public hearing until the next meeting which is March 8, 2012.

**C. WET#2089(S) – GREEFF – 37 Cobbs Mill Road** – reconstruction and expansion of a house 10 ft. from a wetland, with associated site improvements, including dredging a pond

Ms. Sesto read the documents into the record, including the staff report in its entirety. Mr. Wong, Ms. Craig, and Mr. Delaney indicated they visited the site.

Ms. Throckmorton reviewed the existing conditions and noted the home has been vacant for more than a year. A tributary to the West Branch Saugatuck River and a remnant pond are on the property and the WB Saugatuck River itself clips the southeast corner of the site. The home has four bedrooms and is principally adjacent the flood plain, but microtopography by the back deck allows flood waters to enter the basement. In order for the home to be re-occupied, the property overgrowth and home structure need to be repaired. The applicant proposes bringing the home down to the frame and rebuilding on the same footprint with a garage addition and reconstruction and expansion of exterior decks.

Ms. Throckmorton noted there were some alternatives where the garage addition can be placed. Once location is in the lawn area to the northwest, but a more expansive driveway would be required to create a turnaround. This location would require a large tree to be removed which is not ideal.

Ms. Throckmorton described the existing driveway as pitched and heavily planted so it is unsafe to pull onto the road. She proposes a low retaining wall with fill for the west end of the driveway to reduce the slope at the intersection with Cobbs Mill Road, and removing the small hemlocks along the driveway. She added that the large oak in the middle of the driveway island will be saved by installing a chain link fence around it during construction. There is a need to remove some trees along the side of the house to allow for construction traffic. The septic will remain protected throughout the project.

Ms. Throckmorton explained the existing back deck as having access to the basement. They

propose excavation to the foundation and filling in this hole which lies in the flood zone. Closing the deck in this manner will prevent activity in the back yard. She noted that the dredged materials from the pond will be left on site and invasives will be removed.

Ms. Throckmorton confirmed that the roof area is increasing so they propose leaders to discharge to two rain gardens. As the area is well wooded, the rain garden will not have a deep profile and will not be planted due to shady conditions.

Ms. Throckmorton described how they propose to reclaim the pond. They will excavate within the confines of the old pond. With all sedimentation and erosion controls installed, they propose de-watering and re-routing the water around the work area. The shed will be removed and re-built by hand after completion. The pond area will remain shaded. She noted two existing small dams on site that assist with the oxygenation of the water.

Ms. Throckmorton confirmed that she will address the questions from the staff report including a check of the extent of driveway and will provide a cross-section detail of the porous pavement. Ms. Sesto noted that the septic under the driveway will need to be protected during construction. Ms. Poirier noted that she has been in contact with the Health Department regarding the B100a. They completed test pits and moved the addition and the system down slightly from the original plan so there is no need to have any part of the system under the driveway.

Mr. Delaney expressed that he is not inclined to approve the dredging of the pond as it can be harmful. Mr. Hall asked if there was a culvert for the street run-off. Ms. Throckmorton responded that there is no culvert on the property but the stream flow intersects with the road.

Ms. Craig inquired about the stockpile area and tree removal. Ms. Throckmorton responded that she would provide these details by the next hearing. Mr. Hall noted that half of the proposed activity is outside of the regulated area. He asked for more details on the existing wetland plants.

Mr. Wong expressed reservations on adding lawn and building decks that close to the stream. Mr. Hall asked how high the deck will be. Ms. Throckmorton stated it would be about 2 ft. off the ground. Ms. Sesto stated that deck is better than lawn.

Ms. Poirier explained the architectural reasons for wanting to expand the deck. She described the existing French doors as being removed and replaced with sliders to the deck which will wrap around the great room. The master bedroom will have its own separate deck. Mr. Hall suggested leaving the pond alone, getting rid of the lawn, the shed and decreasing the deck. Ms. Sesto raised concern about a future enclosure of the deck. Ms. Throckmorton confirmed they are trying to create two distinct environments for active and passive recreation and the deck creates this distinction.

Ms. Sesto inquired about the distance of the shed from the watercourse and the foundation type. Ms. Throckmorton confirmed that it is approximately 60 ft. from the watercourse and does not have a foundation.

With no further questions or comments, Mr. Wong continued the public hearing until the next meeting on March 8, 2012.

### **III. APPLICATIONS READY TO BE REVIEWED - None**

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

- A. WET#2093(I) – CELI/VAN STEENKISTE – 21 Wolfpit Lane** – retaining wall with plants to prevent erosion and fence for safety feature

Mr. Hall MOVED to ACCEPT this new application, SECONDED by Mr. Delaney and CARRIED 5-0-0.

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

- A. WET#2084(M) – STENGRIM – 19 Turner Ridge Court** – installation of a shed 25 ft. from wetlands
- B. WET#2090(M) – JACKSON – 58 Carriage Road** – installation of generator and propane tank 50 ft. from wetlands
- C. WET#2079(M) – MCDONALD – 17 Lynlee Lane** – installation of a generator and LP tank 50 ft. from a pond

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. OTHER APPROPRIATE BUSINESS**

##### **A. Violations**

- 1. HUDSON – 532 Danbury Road** – Ms. Sesto noted that the letter of violation was mailed and the “corrective action” application for the removal of all understory is due by March 7, 2012
- 2. WILTON BANK – 225 New Canaan Road** – Ms. Sesto provided a brief explanation of how the wetland was filled and the bank has taken over the property and working with staff to correct the situation
- 3. GARRITANO – 19 Ground Pine Road** – Ms. Sesto noted that Ms. Throckmorton will be representing the homeowner and that a “corrective action” application is expected shortly. The deadline for submission has just past and Ms. Throckmorton sent an email acknowledging this and stating the application will be in the week of 2/27/12.

##### **B. Permit Extension**

- 1. BECRAFT – 18 Stirrup Place** – Ms. Sesto reported that the homeowner’s permit is expiring in October and they are asking for a 5-year extension at this time. No changes in the site conditions or technology have taken place since the application was approved.

Mr. Lee MOVED to APPROVE a 5-year extension, SECONDED by Mr. Hall,

and CARRIED 5-0-0.

**VIII. APPROVAL OF MINUTES**

Mr. Wong MOVED to APPROVE the February 9, 2012 meeting minutes, as drafted, SECONDED by Mr. Delaney, and CARRIED 4-0-1 with Mr. Lee abstaining.

**IX. ADJOURN**

Mr. Wong MOVED to ADJOURN at 9:58 p.m., SECONDED by Mr. Hall, and CARRIED 5-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary