



MINUTES

July 26, 2012

PRESENT: John Hall, Acting Chair, Nick Lee, Dennis Delaney, Elizabeth Craig

ALSO PRESENT: Mike Conklin, Environmental Analyst; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Susan Goldman, Gregory & Adams; Brian McMahon, Redniss & Mead; Scott Streeb, Michael Van Valkenburgh Associates; Martin Wiggins, Michael Van Valkenburgh Associates; Eric Rothstein, eDesign Dynamics; Rea David, Homeowner; Casey Cordes, South Norwalk Electric & Water; Erika Ciganik, Homeowner; Cesar Chacon, Contractor

ABSENT: Frank Wong, Elisa Pollino (notified of intended absences), Don Pastorello

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:31 p.m.

II. PUBLIC HEARINGS

A. WET#2122(S) – FOSTERHOUSE – 122 Olmstead Hill Road – restoration of existing pond, restoration and expansion of existing wetlands, and replacement of aged septic system with B100a

Mr. Conklin read the newly submitted documents into the record.

Mr. Healy reminded the commission that this application had been resubmitted for consideration on June 12th and was continued at the first Public Hearing to allow the State Health Department to comment. He stated that the project has not changed since the last application; that application was withdrawn as it had run out of time. Mr. Healy stressed that the septic system plan is for feasibility only at this time. Mr. Hall confirmed that the records from the last application have been incorporated into this hearing.

Mr. Healy noted that he spoke with Director Sesto, who spoke to Matt Pawlik from the State Health Department. Mr. Pawlik has provided verbal approval on the 21-day study that they required. Mr. Conklin confirmed that he received this confirmation from Ms. Sesto as well. He added that the remainder of the plan review will take place in the next few weeks. Mr. Healy stated again that the approval should not be delayed for this report to be in place as this system is

for feasibility only.

Mr. Healy stated that he briefly reviewed the letter that was submitted by SNEW at the beginning of the meeting and he believes it reiterates the issues from the previous letters. Mr. Lee asked Mr. Cordes why SNEW could not provide the letter sooner. He stated that he had ample time to comment. Mr. Cordes stated he was surprised that the applicant was hoping to close the hearing as the final septic plans have not been approved from the State. He also confirmed that the applicant took time to get the funds to mail the information from the local health department to the state. Mr. Streeb pointed out that the letter Mr. Cordes submitted has nothing to do with the septic system and that they are doing everything that has been required. Mr. Delaney stated that he thinks it is unreasonable for SNEW to provide information just prior to the start of a meeting as they do not have ample time to review the materials.

Mr. Delaney asked that Mr. Rothstein summarize the main points of his response letter to SNEW dated May 7, 2012. Mr. Rothstein stated that there was some confusion on the wording of wetland creation, versus restoration. He confirmed that the central message is that there will be substantial improvements in habitat, as well as the eco-system. He stated that there are two generations of literature on this concept and that SNEW may be using the terms incorrectly. He noted SNEW agreed at a site meeting that the proposal would be an improvement to existing conditions. Mr. Cordes countered that the applicant team is lumping suburban with urban watersheds. His example was the applicant's comparison of the work on Mill River, Barrett's Brook, and Comstock Brook as he thinks these are very different and incomparable. The SNEW samples confirmed that the water quality was not as good on the site than what it is going in to the reservoir and that they would rather the site not be disturbed. He stressed that the commission should require quantifiable data on the water quality improvement.

Mr. Hall stated that he thinks the project would improve the site. He noted that the layout of the enhancements seem like a comprehensive design to create a better wetland operation which is better than an old fashioned pond and grass area. Mr. Cordes stated that they are not against the homeowner improving the site, SNEW would just like the scope of work to be less.

Mr. Streeb stated that the existing pond is shallow and there is fish die-off. He confirmed that they would need to dig deep enough to get the geo-thermal layer. Ms. Craig stated that she is more concerned about the short-term grading with the flora and fauna removal. She stated that the destruction of the current conditions is frightening and does not know why the homeowners would want to do something so radical, with the potential for problems in the future. She stated that if they followed the current grading, it would be easier to approve. She went further to say that the intent seems to be good, but the scope of the earth movement that close to a public water supply is difficult to accept. Mr. Healy stated that there could be bonding required to alleviate these concerns. Mr. Streeb added that their firm has been successful with many complex projects. He continued that they will work closely with the septic installer to sequence the earth work to avoid unnecessary disturbance. They plan to reintroduce the biology to the soils which allows the restructure of the soil in order to support a meadow.

Mr. Hall reminded the commissioners that Ms. Sesto had requested that this applicant team, or a team of equal experience, handle this project. Mr. Healy confirmed that this could be a condition of approval. Mr. Lee stated that Michael Van Valkenburgh taught a class he had taken and that he has been on-site during some of their construction. He noted that everything was great and that they employ capable professionals.

Ms. Craig inquired about the timing of the grading. Mr. Streeb explained that their work is based on growing seasons. They would ideally like to finish the grading work prior to the fall so that they can seed the meadow. The entire grading process should take 4 – 8 weeks. Ms. Craig asked when they would re-introduce the plant species. Mr. Rothstein stated that the ecosystems have to obtain a balance. Mr. Streeb added that there is passive reconciliation augmented with herbaceous wetland species plugs. He explained that they will seed and plug the meadow as it takes a few years to grow.

A discussion ensued relating to the wetland soils and plantings. Mr. Rothstein stated that they would introduce the wetland species quickly as it is a complex process. Mr. Streeb added that they plan to build a water fowl barrier while these plantings are being established. Mr. Conklin clarified that regrading soils and flooding them do not make them hydromorphic and that the chemical characteristics do not change overnight. Mr. Rothstein confirmed that the complexity will develop over time.

Mr. Delaney asked Mr. Rothstein to clarify the water quality concerns brought up by SNEW. Mr. Rothstein confirmed that the water quality modeling is being handled per current literature. The proposed activities will make the pond deeper, any suspended solids are reduced, and more oxidized root zones which will remove metals, contaminants and bacteria.

Mr. Cordes stated that there are native wetland soils on the site. If the applicant brought soil to the property, there would be a period of time where the wet soils will not be functioning. He stated these are just disturbed hydric soils. Mr. Rothstein countered that this is just disturbed soils and added that the pond is eutrophic, but not from plant break down. Ms. Craig stated that the water quality will not be as good during the construction timeframe. Mr. Rothstein interjected that they will create a bypass for the stream during construction to alleviate this concern.

Mr. Delaney asked where the sample point was for the SNEW water quality report. Mr. Cordes responded that it was at the stone wall. Mr. Delaney asked for the limits defined for water quality as he stated that the report just looks like numbers to him with no real meaning.

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

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2128(I) – KROG – 189 Old Kings Highway – “emergency” septic repair 70 ft. from wetlands

Mr. Conklin noted that this homeowner received a temporary permit and the work has been completed.

Mr. Delaney MOVED to approve WET#2128, with the General and normal Special Conditions, SECONDED by Ms. Craig and CARRIED 4-0-0.

IV. APPLICATIONS TO BE ACCEPTED - None

V. APPROVED MINOR ACTIVITIES

- A. WET#2124(M) – ADAMS – 220 Branch Brook Road** – installation of propane tank and generator 25 ft. from a wetland
- B. WET#2129(M) – HUNTER – 26 Freshwater Lane** – rebuilding and enlarging a deck 63 ft. from a wetland

Mr. Conklin provided a brief description of the minor activities that have been approved since the last meeting.

VI. OTHER APPROPRIATE BUSINESS

A. Violations

1. **Dartley – 87 Olmstead Hill Road** – Mr. Conklin confirmed that this resident completed some unpermitted work within his wetland area, and that he is working with staff to correct the site. The work included removing an old pool, grading, and tree removal within a regulated area.
2. **Ciganik – 74 Cheese Spring Road** – Mr. Conklin communicated to the commission that a Cease & Desist order was sent on July 19, 2012 so this meeting is a Show Cause Hearing.

Mr. Healy noted that he has been retained by the homeowner and he plans to file an application for corrective action.

Mr. Conklin read the documents into the record including the cease and desist order which notes that the property had several violations for similar work and three previous permits. He noted that he was recently at the property and all sediment and erosion controls were properly installed. He added that he was told by the homeowner that he is not allowed to take photos of the site. He summarized the violations that trees were removed, the site was regraded where it was previously disturbed and corrected, the storm water management feature looks like a swale with stones around it, and shed and patio construction within the regulated area.

Mr. Chacon, Ceasar's Landscaping, testified that he removed 2 trees, one of which was leaning and was hazardous. He noted that he had nothing to do with the masonry work underway. He confirmed the homeowner asked him to remove some dirt from the property to make room for construction vehicles. Mr. Conklin confirmed that this is Mr. Chacon's second violation in Wilton and that the homeowner has three previous violations.

Mr. Healy stated that he would like some more time to research the issues and prior violations but he understands that trees fell during the 2011 fall storms. Ms. Ciganik stated that she took one tree down that was leaning, the masonry was being fixed, not installed, and she did not realize it was within a wetland.

Mr. Hall stated that photos of the property would have been helpful and that the commission should have the right to document the property from the past violation perspective. Mr. Conklin added that there was a permit to construct a shed outside of

the regulated area, but it was placed in the wrong location, bringing into this commission's jurisdiction. Mr. Hall also asked that the large logs stacked near the driveway be removed.

Mr. Delaney MOVED to UPHOLD the Cease & Desist Order, SECONDED by Mr. Hall and CARRIED 4-0-0.

VII. APPLICATIONS READY TO BE REVIEWED

A. WET#2122(S) – FOSTERHOUSE – 122 Olmstead Hill Road – restoration of existing pond, restoration and expansion of existing wetlands, and replacement of aged septic system

Mr. Lee stated he was ready to direct staff to draft an approval for the next meeting. Mr. Delaney would like to ensure that the team that has presented will remain on the project. Mr. Conklin noted that the commission can add specific monitoring timeframes which could be completed by a third party.

Mr. Delaney MOVED to instruct staff to generate a draft approval with General and normal Special Conditions and the additional Special Conditions to have a third party site monitor that will inspect bi-weekly and after a half inch rain event, and the installers will be comparable to the team that presented the project, SECONDED by Mr. Lee and CARRIED 4-0-0.

VIII. OTHER APPROPRIATE BUSINESS

A. APPROVAL OF MINUTES

Mr. Hall MOVED to APPROVE the July 12, 2012 meeting minutes, as drafted, SECONDED by Ms. Craig, and CARRIED 4-0-0.

IX. ADJOURN

Mr. Hall MOVED to ADJOURN at 9:23 p.m., SECONDED by Ms. Craig, and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary