



MINUTES

June 27, 2013

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

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Frank Simone, Conservation Commissioner; Joe Canas, Tighe & Bond; Matt Davison, Tighe & Bond; Nicolle Burnham, Milone & MacBroom; Teresa Hallman, Homeowner; John McCoy, JFM Engineering; Kate Throckmorton, Environmental Land Solutions, LLC; Jeff Mitchell, homeowner; Kevin and Lorraine DiSanto, neighbors

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

A. WET#2166(S) – ASML – 77 Danbury Road – widening of the Norwalk River and relocation of existing pedestrian bridge (cont.)

Ms. Sesto read the new documents into the record.

Ms. Burnham stated that she was hired as a consultant to the commission for this application and noted that there has been some correspondence between the applicant and the consultant where most questions have been addressed. She specifically wanted to ensure that the upstream and downstream impacts of the activity were properly researched. She also stressed that it is important to have the FEMA Maps updated after construction. She suggested obtaining a “No Rise Certification” to guarantee the project will not adversely impact the floodway.

Ms. Burnham described that she had asked Tighe & Bond for details on the bank stabilization. She noted the project would open a couple hundred feet of river bank so the long-term stability should be addressed. Tighe & Bond confirmed that the velocity will be evaluated to determine if stream bank erosion or scour could occur.

Ms. Burnham raised concern about the unknown history of the site and the possibility of contaminated material being excavated. She stated that she would expect a condition of approval

to be the testing of this material prior to removal. If contaminants are present, a handling and disposal plan would be required. She also confirmed that the applicant was requested to run tests on the downstream velocities to ensure the two and ten year storms would not increase the chance for scour as only a 100 year storm data was completed.

A discussion ensued about the possibility of scour upstream at the Arrowhead Road bridge. The subject pedestrian bridge causes water to pond upstream which increases the surface elevation. This could be an issue with the change in velocities and water elevation once the bridge is removed. Detailed information on the armoring was not available. Ms. Burnham has not looked this far upstream and does not know what the channel looks like, therefore she can only raise the issue but not an opinion. Mr. Wong asked what scour counter measures could be installed. Ms. Burnham stated this could include additional boulders and rocks in the high scour locations. Ms. Burnham added that any large rain event during the construction phases could affect stabilization. Ms. Craig asked how long it would take for the bank to be considered stable. Ms. Burnham stated that it would be one growing season.

Mr. Canas noted that he has responded to all of Milone & MacBroom's questions from their last letter. He indicated they have modified the grade near the elm tree to preserve it. They have also elaborated on the removal of the Japanese knotweed. He confirmed that the sedimentation island will change shape but has no impact to the velocity in the area. The impervious coverage has been reduced by 2,505 sq. ft. in the east and 1,129 sq. ft. in the west for a 3,634 sq. ft. total reduction in impervious surfaces.

Mr. Canas stated that the flood waters will top the streambed bench at 300 cfs which is less than a one year storm event and that the current flow is 40 cfs. The river reached 300 cfs five times this year, so one can expect the bench to be inundated multiple times a year. He noted that Arrowhead Road has boulders that will withstand the scour. Ms. Sesto asked how far down the armoring exists to which Mr. Canas responded he does not know. He confirmed he would look into the boulder limits and complete environmental testing prior to the activity. Mr. Canas provided the calculations for the bend that was a concern and confirmed the calculations show reduced pressure on the bank at the bend for the smaller rain events.

Mr. Davison confirmed there are 2,800 sq. ft. of impacts with the proposed activity. He stated the shoreline stability will be enhanced with the proposed mitigation measures. They are increasing the area of watercourse by 5,200 sq. ft. with a net decrease in impervious coverage. He confirmed the stormwater quality will be increased with the treating and discharging of the runoff.

Mr. Davison stated that he would expand and replace native vegetation where there are current invasives. He confirmed that he has field located the elm tree that was mentioned at the last hearing. He suggested adding slight fill on either side of the trunk and pulling back the contour for this tree. With no cuts, and minor fill, Mr. Davison stated this tree should survive. He suggested a 3-year monitoring period for the plantings with regular reports being provided to the town.

Ms. Craig inquired if any fill at the roots of the elm tree would cause damage. Mr. Davison confirmed there could be 6 inches of fill and the drip line would be protected. He stated that the roots extend beyond the grading and cutting the roots is worse than adding fill.

Mr. Canas confirmed they want to preserve the low flow for fisheries, which drove the design for the bench. He stated there are no negative thermal impacts, or more storm water that they would accept. Mr. Hall asked if there would be day-to-day changes on the property with this activity. Mr. Canas showed the cross-section indicating minimal changes. Ms. Craig confirmed with Mr. Davison that there will be a canopy over the river in due time.

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

B. WET#2178(S) – MITCHELL – 232 Silver Spring Road – redevelop fire damaged 4-bedroom home within an upland review area (cont.)

Ms. Sesto read the new document into the record.

Mr. McCoy confirmed that all roof leaders will be corrected on the plan. Ms. Sesto stated she was concerned about the volume during rain events while the construction is taking place. Mr. McCoy agreed to add a berm along to the silt fence at the property line with the DiSantos.

Mr. DiSanto, neighbor, asked questions about the 12” pipe that Mr. McCoy stated was not installed or functioning on their property. Mr. McCoy stated his statement was based on professional judgment noting that they would not have flooding issues if this pipe was installed and working properly. Mr. DiSanto asked why the town would have approved the pipe in this order. Ms. Sesto confirmed the pipe was not the purview of this commission as it did not relate to or impact the wetland on the other side of the property.

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

C. WET#2185(S) – SILVER HILL HOSPITAL – 208 Valley Road, New Canaan – bridge repair

Ms. Sesto noted that the applicant has requested an extension for the Public Hearing.

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

D. WET#2185(S) – SILVER HILL HOSPITAL – 208 Valley Road, New Canaan – dredge pond

Ms. Sesto noted that the applicant has requested an extension for the Public Hearing.

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

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2188(I) – SLOUGH – 6 Wilton Acres – replace existing septic within a regulated area

Ms. Sesto reviewed the application in the absence of the homeowner or his agent.

Mr. Wong MOVED to APPROVE WET#2188 with the General and normal Special Conditions, SECONDED by Mr. Hall and CARRIED 6-0-0.

B. WET#2191(I) – BALLENTINE – 32 Bob White Lane – replacement of deck, one-story addition, septic update, new covered porch and A/C within a regulated area

Mr. Wong, Ms. Craig, Ms. Pollino, and Mr. Delaney indicated they visited the site.

Mr. Ballentine confirmed that his architect, Joe Cugno, could not attend the meeting, but read a letter from Mr. Cugno into the record. Mr. Ballentine noted that there is conflicting information in the letter as they feel that mitigation plantings are not necessary contrary to Mr. Cugno's correspondence. Mr. Delaney confirmed that the leaching fields will be farther away from the wetlands and Mr. Wong confirmed that the B100a is outside the regulated area.

Mr. Wong MOVED to APPROVE WET#2191, with the General and normal Special Conditions, SECONDED by Mr. Delaney and CARRIED 6-0-0.

C. WET#2192(I) – HALLMAN – 25 Spoonwood Road – “corrective action” for clearing a wooded area

Ms. Sesto noted that the application was accepted at the previous meeting as an Intermediate Regulated Activity with the intent to discuss the applicable permit level after the commissioners walked the site.

Mr. Wong asked Mrs. Hallman to advise why she feels this would be an Intermediate Regulated Activity.

Mrs. Hallman responded that the regulations call for any filling, grading or dredging of 100 cu. yds., or something affecting the watercourse would be a significant level permit. She stated there is no flooding, and her soil scientist does not believe there are wetlands on their property.

Mr. Wong stated that the level permit relates to the degree that a proposed project may impact the regulated resource. Mrs. Hallman stated that Ms. Sesto told them they had vines on the property and removal would be considered forestry management. Ms. Sesto stated the factors consider were that soil scientist Mary Jaehnig left the wetland line open-ended at the property line but it is unlikely that it just stops and the extent of clearing was going to be extensive. Ms. Sesto added that most of the subject property is within the 100 ft. regulated area, including the area of the clearing, so even though the Hallman's soil scientist concluded there were not wetlands on the property, the unauthorized clearing activity was still in a regulated area.

The commission agreed that clearing a quarter acre of woods in a regulated area adjacent to a wetland would be considered a significant activity. Mrs. Hallman was instructed to authorize consultants to work on the application as they are leaving the country indefinitely.

Mr. Hall MOVED to accept an application for a Significant Regulated Activity from the Hallmans, SECONDED by Mr. Wong, and CARRIED 6-0-0. Mrs. Hallman indicated she would bring the additional pieces of information required to file the significant level permit application.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2194(I) – KRAUSS – 95 Glen Hill Road – construct new 3-car garage to replace 2-

car garage being changed to a family room

- B. WET#2195(I) – LAWRENCE – 79 Hemmelskamp Road** – addition of full bathroom in basement and associated B100a
- C. WET#2196(I) – GOLDEN – 269 Sturges Ridge Road** – “corrective action” for clearing in a regulated area
- D. WET#2197(S) – MERCADO – 235 Cannon Road** – construction of a single-family residence

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

V. APPROVED MINOR ACTIVITIES

- A. WET#2189(M) – FARRAR – 90 Scarlet Oak Drive** – replacement of a shed
- B. WET#2190(M) – MACAULEY – 23 Hidden Lake Ridge** – proposed retaining wall and extension of patio

Ms. Sesto noted the above applications were approved by staff.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. Violations

- 1. Kevin Smith & Carol McDonnell-Smith – 281 Sturges Ridge Road**
- 2. Jim DeVito – 40 Honey Hill Road**
- 3. Cute Associates – 991 Danbury Road**

Ms. Sesto noted that Mr. DeVito is late in submitting his corrective action. The others are still pending.

B. APPROVAL OF MINUTES – June 13, 2013

Mr. Wong MOVED to APPROVE the minutes from June 13, 2013, SECONDED by Ms. Craig and CARRIED 5-0-1 with Mr. Hall abstaining as he was not present.

VIII. APPLICATIONS READY TO BE REVIEWED

- A. WET#2178(S) – MITCHELL – 232 Silver Spring Road** – redevelop fire damaged 4-bedroom home within an upland review area

The commission discussed the plans for the house and the driveway. Some commissioners believe the size and placement of the driveway is unwarranted. Ms. Sesto confirmed that they are proposing these things in places that make sense due to town regulations.

Mr. Lee MOVED to APPROVE WET#2178 with the General and normal Special Conditions, and the additional Special Conditions to revise the site plan to show the berm 2 ft. along the silt fence to protect the neighbor's property during construction, the town shall witness the removal of the existing pipe, and the driveway will be laid with gravel, SECONDED by Mr. Delaney and CARRIED 6-0-0.

IX. ADJOURN

Mr. Wong MOVED to ADJOURN at 9:14 p.m., SECONDED by Mr. Delaney, and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary