



MINUTES

July 25, 2013

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

ALSO PRESENT: Mike Conklin, Environmental Analyst; Liz Larkin, Recording Secretary; Patrice Gillespie, Conservation Commissioner; Chris Francis, Civil; Frank Morabito, Silver Hill Hospital; Jeff Tuttle, Agent for Hallman; Tom Nelson, McChord Engineering; David Krauss, Homeowner; Cynthia Dempster, Homeowner; Tim & Kara Golden, Homeowner; Kate Throckmorton, Environmental Land Solutions, LLC

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:35 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.)

Neither the applicant, nor the agent was present for the meeting. The item was skipped in hopes that the agent would appear.

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

Mr. Conklin read the new documents into the record.

As the public hearing timeframe has passed, and in the absence of a quorum at the last hearing, Mr. Hall MOVED to extend the timeframe for the Public Hearing until this meeting, SECONDED by Mr. Wong and CARRIED 4-0-0.

Mr. Francis reminded the commission that the bridges that service the eastern portion of the hospital campus are in need of replacement. The proposed bridges are pre-cast arch spans which he noted are quick to install. He confirmed that the new plan BP2 has the details that were requested at the last hearing.

Mr. Francis noted that the temporary bridge has a 73.4 foot span and includes a pedestrian walkway. This is supported by a temporary foundation made of concrete construction blocks and a steel I-beam. This structure will be buried to avoid disturbance to the riverbank. He confirmed they will use the minimum amount of fill for the height of this bridge which is 2.68 feet high. He confirmed the fill will be contained within the concrete blocks to minimize the extent of materials with the installation of a geo-textile fabric liner in the area. Mr. Francis stated that he has received the necessary approvals from the town of New Canaan, and the Army Corps for the proposed work.

Mr. Wong inquired if any trees would be removed for the temporary bridge construction. Mr. Francis stated there would not be any tree removal for this purpose. Mr. Francis outlined the process for the temporary bridge in that they excavate with a mix of cut and fill, place the geo-textile fabric, place the blocks, then fill the area. Once the permanent bridges are replaced, the temporary bridge will be removed, and the area is aerated and re-seeded. Mr. Francis confirmed 8 trees will need to be removed for construction access, but will be replaced after the construction is completed. Ms. Craig inquired if this tree removal would affect the canopy. Mr. Francis responded that they will replant white oaks, and tulip trees which are there currently. The trees that they select will be 3-4 in. caliper. Ms. Craig then asked about the understory to which Mr. Francis replied that there is none.

Ms. Craig inquired about the timeline for construction. Mr. Francis stated that the western bridge will be completed first and noted that the demolition plans are detailed on the plan. He noted that there will be netting to collect the chunks of the broken up old bridge which will be placed in a truck and hauled off-site. Mr. Wong confirmed there would be no diversion of the streambed. Mr. Wong then asked if the armoring is changing. Mr. Francis stated that it would be a smooth transition with a stockpile of 2ft. stones to supplement, if needed.

Ms. Craig asked if they would be prepared for a major storm event during the construction. Mr. Francis confirmed they would watch the weather and would have ample time and the resources to use coir or jute mats to avoid any issues or erosion.

Mr. Hall inquired if the double arch bridge design was required when that bridge was originally built. Mr. Francis stated he did not know and added that they are not trying to equalize the flow as the current flow is working well. He then confirmed that the soil they are working with is great material for the bridge installation.

Mr. Conklin stated that it seems the bank is not expanding, but the bed is being expanded. Mr. Hall noted that this should open up and increase the flow which is an improvement. Mr. Wong asked how they are keeping the current flow characteristics. Mr. Lee stated that this should be confirmed in a cross-section to be approved by staff.

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

C. WET#2186(S) – SILVER HILL HOSPITAL – 208 Valley Road, New Canaan – dredge pond (cont.)

Mr. Conklin read the new documents into the record.

As the public hearing timeframe has passed, and in the absence of a quorum at the last hearing,

Mr. Wong MOVED to extend the timeframe for the Public Hearing until this meeting, SECONDED by Mr. Lee and CARRIED 4-0-0.

Mr. Francis responded to the Staff Report comments by reading his response letter in its entirety into the record. He confirmed that the dewatering proposal utilizes 1 yard sandbags which are sewn together in fives and stacked 3 feet high, one foot above the 2 foot water line. This treatment reduces the dewatering time. Mr. Francis added that they may try to utilize a long-reach excavator which stays in place to limit ground disturbance. Mr. Lee confirmed that the applicant should provide details on the sandbags. Mr. Francis confirmed that they are 3ft. by 3 ft. by 3 ft. Mr. Wong stated that a data sheet would be appropriate for this purpose.

Ms. Craig inquired about fish and/or amphibian relocation not only for their well-being, but to avoid unpleasant smells. Mr. Francis stated that the area is dry and that fish are not present in the pond. He noted that if anything is present, they would handle the placement carefully. Mr. Conklin added that the dredged materials can sometimes have an unpleasant smell when being dewatered. Mr. Francis stated that the material is comprised of sand and cobbles. Mr. Hall suggested adding a means to collect the sediment in the future to avoid further dredging.

Mr. Lee asked that the emergent shelf is identified on the plan. He also asked for more detail on the herbaceous materials and maintenance plan showing that this will not be regularly mowed. He also asked that they add the minimum quantities on the landscape plan to replace the “to be determined” amounts. Ms. Craig asked if there was a treatment plan in place for the invasives as she understood rodeo would not work on the garlic mustard. Mr. Wong confirmed that a plan to maintain the area of invasive removal should be submitted. Ms. Craig asked that the spraying be limited.

Mr. Morabito, Facilities Manager for Silver Hill, stated that the last time the pond was dredged was in 1974. Mr. Conklin asked if they plan to dredge to the same depth as last time. Mr. Francis confirmed it would be less. Mr. Francis confirmed that pending approval, the pond will be dredged, and then the bridge work will commence.

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

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

Mr. Conklin read the documents into the record. Mr. Wong, Ms. Craig, Mr. Hall and Mr. Lee indicated they visited the site.

Jeff Tuttle, agent and step-father for the applicant, passed pictures around but did not offer any insight to the application because he was not aware that he was requested to do so.

Mr. Conklin reminded the commission that the applicant had cleared understory within a regulated area and was told to stop. The owner continued to clear the property after he was told to stop so a cease and desist was placed on the property. The cease and desist was upheld at a commission meeting and the owner’s wife recently came before the commission to confirm what level permit would be required for this corrective action. Mr. Conklin confirmed that the application was deemed significant and the hearing opens this evening.

Mr. Conklin stated that the area in question is 100 feet long by 30 feet wide. The applicant has suggested that 20 trees be replanted in the cleared area. Mr. Wong stated that they cleared a large area and 20 trees would not be sufficient to correct the violation. Mr. Wong added that they need to have mitigation plantings in the wooded area as well. Mr. Hall confirmed with Mr. Tuttle that the information submitted is not sufficient and with no delineation noted and no applicant to question, it is difficult to approve the proposal.

Mr. Conklin confirmed that Otto Theall completed a Soil Survey that stated no wetlands are present and another survey completed by Mary Jaehnig stated that there were wetlands on the property. The commission decided to ask that a consultant be hired at the owner's expense to break the tie on the presence or absence of wetlands.

Mr. Wong MOVED to request a third party soil scientist to conduct a survey at the owner's expense, SECONDED by Mr. Hall and CARRIED 4-0-0.

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

E. WET#2197 (S) – MERCADO – 235 Cannon Road – construction of a single family residence

Mr. Conklin read the documents into the record. Mr. Wong, Ms. Craig, Mr. Hall, and Mr. Lee indicated they visited the site.

Mr. Nelson noted that a new plan was recently submitted which includes 4 new deep test holes, and a new well location. He explained the property is a rear lot consisting of 3.5 acres behind the current residence at 231 Cannon Road. He described the area as undeveloped woodlands. The proposed single family home will share a common driveway that will have a pull off for cars instead of being 2 lanes wide.

Mr. Nelson stated that the area where the home is being built is a plateau. The proposed home will include 5 bedrooms, gravity septic and an underground detention system for runoff. He explained a small land swap which allowed them to shift everything away from the wetlands. Mr. Nelson confirmed the biggest encroachment of the wetlands is the detention system as the area has ledge and hardpan which has forced them to place the system at the toe of the slope. Mr. Lee suggested that the demarcation of the lawn is noted along the limit of disturbance. Mr. Lee also suggested that the detention system be pulled up 15 – 20 feet near DT3 and DT4 to save three trees and increase the distance to the wetland. Mr. Nelson added that they may be able to split this up in two locations.

Mr. Conklin asked why they chose an 8 in. pipe as this is larger than normal. Mr. Nelson confirmed they chose this size to avoid clogging. Mr. Wong inquired about the material for the driveway and any curbing. Mr. Nelson was not certain whether gravel or asphalt would be used, but confirmed no curbing. Mr. Wong asked that this be considered and drawn on the plan. He also asked that the limit of lawn be demarked with 2-man boulders 15 feet on center.

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

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

With the absence of the applicant and the timing requirement to close the public hearing, Mr. Wong closed the Public Hearing.

III. APPLICATIONS READY TO BE REVIEWED

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

Mr. Conklin stated that this application did not include the B100a as required, so the applicant is requesting that this be added to the application.

Mr. Hall MOVED to ACCEPT the addition of the B100a for this application, SECONDED by Mr. Wong, and CARRIED 4-0-0.

Mr. Conklin confirmed that Ms. Sesto inspected the property with the applicant's agent. There are 3 wetlands on this site. One wetland is level with the backyard which is shown on the "Slope" plan. There is another wetland area at the toe of the slope, then the last at the western portion of the property. Mr. Conklin confirmed the new garage will be built on a level area.

Mr. Conklin stated the B100a plan shows the current septic in the front with the galleries in the back of the home. There is a pump line that runs around the house that will need to be pushed out for the addition. The proposed septic is also in front, and has a pump line to the back as well. Mr. Hall asked why they separate these pieces. Mr. Krauss confirmed that this is due to the soil types that are needed for a working system.

Mr. Conklin pointed to the Soil & Erosion Map which shows blocks where the silt fence will be installed. The current driveway configuration will not change and no blasting will take place. Mr. Hall confirmed that the driveway is cut into the slope and at 122 ft. long, there is a gradual incline.

Mr. Hall MOVED to APPROVE WET#2194 with the General and normal Special Conditions, SECONDED by Mr. Lee and CARRIED 4-0-0.

B. WET#2193(M) – DEMPSTER – 19 Tamarack Place – installation of a shed 25 ft. from a wetland

Mr. Conklin reviewed the plan by showing the commissioners where the brook and steep ravine are on the property. He stated that while he understands it would be most convenient to have the shed at the edge of the driveway for bicycles and lawnmowers, it is very close to the wetlands. Mr. Hall noted that the concern of sheds that close to the wetlands are leakage of oil, gas, and other possible household chemicals. Ms. Dempster confirmed that the shed would not be able to be placed anywhere else due to extensive ledge on the property.

Mr. Wong MOVED to APPROVE WET#2193, with the General and normal Special Conditions, SECONDED by Mr. Hall and CARRIED 4-0-0.

C. WET#2195(I) – LAWRENCE – 79 Hemmelskamp Road – addition of full bathroom in basement and associated B100a

Mr. Conklin confirmed that the B100a galleries lie between the existing galleries so there is no adverse impact to the wetlands. The existing propane tank and pump are farther than the wetland as previous. Mr. Lee confirmed that no trees will be removed.

Mr. Wong MOVED to APPROVE WET#2195, with the General and normal Special Conditions, SECONDED by Ms. Craig, and CARRIED 4-0-0.

D. WET#2196(I) – GOLDEN – 269 Sturges Ridge Road – “corrective action” for clearing in a regulated area

Ms. Craig and Mr. Wong indicated they visited the site. Mr. Conklin confirmed that this violation was issued for clearing five trees and understory in the backyard.

Ms. Throckmorton stated that the violation occurred prior to the Golden’s purchase of the house. She is proposing to reconfigure the elements in the backyard to ensure a long-term enforceable area. She noted that the home was approved when the wetlands review area was 50 ft. The original limit of disturbance was marked by large boulders and two of these still exist in their original approved locations.

Ms. Throckmorton confirmed that the lawn was re-established by the previous owners which involved a portion of the wetland. This wetland and the adjacent swale were filled with one foot of soil. Ms. Throckmorton confirmed two of five trees that will be removed, will be replaced.

Ms. Throckmorton noted that the owners are hoping to keep a portion of their lawn as they would like to have more than 10 feet of lawn area. She confirmed they would replant the back area and reclaim and enhance the wetland functions. She calculated a 300 sq. ft. net loss of the lawn. The new lawn is to be demarked with a dry laid stone wall that will be broken up into smaller wall segments. She confirmed this configuration will be more organized and enforceable. Mr. Golden added that there are three dead Ash trees that are slated to be removed. Ms. Throckmorton also confirmed that the Japanese Knotweed will be removed. Ms. Craig asked how often the non-lawn area will be mowed. Ms. Throckmorton stated it would be mowed twice per year.

Mr. Wong MOVED to APPROVE WET#2196, with General and Normal Special Conditions and the additional Special Conditions to formalize the lawn maintenance plan which should be provided for staff approval by October 1, 2013, and installed by October 15, 2013, in addition, the lower portion of the wetlands should be protected and shown this way on the plan, SECONDED by Mr. Hall and CARRIED 4-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2200(I) – SZYPULSKI – 35 Grumman Avenue – proposed garage addition and associated B100a within an upland review area

B. WET#2201(I) – FITZGERALD – 85 Hulda Hill – proposed building addition and deck within a regulated area

C. WET#2202(I) – WILTON YOUTH FOOTBALL – 131 School Road – convert existing sod field to a new artificial turf field at Middlebrook School

Mr. Lee MOVED to ACCEPT all new applications, SECONDED by Mr. Hall and CARRIED 4-0-0.

V. APPROVED MINOR ACTIVITIES

A. **WET#2198(M) – VOLLMER – 40 Signal Hill Road** – second story addition to cover front porch

Mr. Conklin noted the above application was approved by staff.

VI. APPLICATIONS READY TO BE REVIEWED

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

Mr. Wong MOVED staff to prepare a Draft Resolution of Approval, SECONDED by Mr. Hall and CARRIED 4-0-0.

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

The commission discussed the approval of this application and the details that are missing. The commission decided that the items that are missing could be approved by staff.

Mr. Hall MOVED to APPROVE WET#2185, with the General and normal Special Conditions and the additional Special Conditions that the applicant shall revise the plans to show the details of the stream bed restoration in the area where the bridge footing will be removed from the central island of the eastern stream channel as outlined in the LandTech environmental evaluation report, submit a more comprehensive sediment and erosion control plan for the temporary bridge and the permanent bridges, submit a landscaping plan, the banks of the stream are to be restored to retain the current width and configuration, and comply with the Town of Wilton Engineer's request for additional information, SECONDED by Ms. Craig, and CARRIED 4-0-0.

C. **WET#2186(S) – SILVER HILL HOSPITAL – 208 Valley Road, New Canaan** – dredge pond

The commission agreed that since the bulk of the work is being completed in New Cannan, and they have approved it, this should be approved.

Mr. Lee MOVED to APPROVE WET#2186, with the General and normal Special Conditions and the additional Special Conditions that the plan entitled LP-2 must be revised and submitted for staff approval to include the emergent shelf and more detail on the true extent of the herbaceous buffer area, the plant list must be revised and submitted for staff approval to include the plan types, sizes and quantities, a long term invasive species maintenance plan must be submitted for staff approval, a data sheet detailing the large sand bags must be submitted for staff approval. The sheet should show specifics on the construction of the one cubic yard sand bags that are sewn together in groups of five, SECONDED by Mr. Wong and CARRIED 4-0-0.

VII. CORRESPONDENCE - None

A. WET#2147(S) – CIGANIK – 74 Cheese Spring Road – performance bond delay

Mr. Conklin read a letter from the Ciganik's which is a response to the letter from town counsel that they are not able to provide the town with the requested bond money per their corrective action permit. The commission stated that town counsel should take this over.

VIII. 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**

Mr. Conklin noted that Cute Associates has taken steps to address their violation. The others are still outstanding.

B. APPROVAL OF MINUTES – June 27, 2013

Mr. Lee MOVED to APPROVE the minutes from June 27, 2013, SECONDED by Mr. Wong and CARRIED 4-0-0.

IX. ADJOURN

Mr. Wong MOVED to ADJOURN at 11:09 p.m., SECONDED by Mr. Hall, and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary