



MINUTES

June 26, 2014

PRESENT: John Hall (Chair), Nick Lee, Dan Falta, Tom Burgess, Liz Craig, Dennis Delaney

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; William Flick, LBG; Tom Quinn, Peak Engineers; Stephanie Hubli, Peak Engineers

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:34 p.m.

II. PUBLIC HEARINGS

A. WET#2254(S) – ASML – 77 Danbury Road – excavation of 2 areas of petroleum impacted soil for back-filling and restoration

Ms. Sesto read the documents into the record. Ms. Craig, Mr. Burgess, Mr. Lee, Mr. Falta, and Mr. Delaney, and Mr. Hall indicated they visited the site.

Mr. Flick provided an overview of the existing site. He confirmed there are 3 buildings included on the mostly flat property with the Norwalk River running north to south. Mr. Flick stated that ASML hired his company, LBG, to investigate the site. They completed over 100 borings and soil samples. Four areas of contamination were found where remediation is required, and two of these areas are within IWC Regulated Areas.

The Regulated Areas affected are labeled EX 1 and EX 2 on the submitted plan. Mr. Flick described remediation options that will allow them to remediate to industrial commercial standards which are different than addressing soil for residential land.

Mr. Flick confirmed that soil and erosion controls will be in place prior to any activity and showed the proposed stockpile area. He explained that ideally they could live load the contaminated soil right into trucks for removal but noted this option may not be feasible due to the busy site and parking issues.

Mr. Hall asked how much soil is proposed to be removed. Mr. Flick stated that 600 tons is anticipated for EX 1 and EX 2 will be about 3,200 tons, which equates to 2,500 cu. yds. Mr. Hall asked what kind of contamination was found. Mr. Flick responded that it is petroleum which they believe came from different sources throughout time. He added that EX 2 had fuel

oil tank that may have released.

Mr. Flick stated that the proposed work will include measures to make sure the Norwalk River is not affected during their work. They will excavate clean soil to create a bigger buffer for this cause. Mr. Lee asked for the timing of the work. Mr. Flick responded that they want low water table conditions and ideally this work would happen in the summer but stated there is too much construction going on right now. Mr. Delaney asked if both areas would be removed at same time. Mr. Flick stated that ASML would like to complete the area labeled EX 1 this year and wait for EX 2 for next year. Mr. Hall asked how long the project will take from beginning to end. Mr. Flick responded that EX 1 can be completed in week or two and EX 2 will take approximately 3 days. Mr. Burgess asked if there is a time-frame that the traffic will clear up. Mr. Flick confirmed that it is always a busy site.

A discussion ensued relating to trucks on the site removing the soil. It was confirmed that the contractor may have their own trucks that can handle the removal. Mr. Hall added that some contractors have areas in their yards to store the soil. Ms. Throckmorton stated that the access is good and the area is stable with a 4 foot difference from the water elevation and the excavation area. If they need to, the applicant may want to phase the project. Ms. Throckmorton also suggested straw with fabric and vegetation to stabilize the area.

Ms. Craig asked where the trailers will sit on the site. Ms. Throckmorton responded that they will be on the edge of the pavement. Mr. Lee suggested the stockpiling for area EX 2 in the front of the property so trucks can get access without affecting traffic flow. Mr. Flick responded that there is not a lot of room for trucks to turn there but he will investigate.

Mr. Delaney noted that the project description states that all soil will be transported, and the report from Environmental Land Solutions report stated that the soil will be treated on site. Ms. Throckmorton confirmed that she means that the remediation includes excavating and removing the soils. Mr. Flick added that the trucks need to be loaded with the excavated material by 2pm each day in order to get to the location to off load before they close.

Ms. Craig inquired how close the river is to the stockpile. Ms. Throckmorton responded that it is over 100 feet. Mr. Lee asked if it is dumped on asphalt. Mr. Flick confirmed it is mostly gravel. Mr. Delaney asked for the soil description report. Mr. Flick confirmed there were no PCB's found on site and they tested 20 areas that showed no evidence of heavy metals. Ms. Sesto asked if the river bank area was to be cleared out. Ms. Throckmorton confirmed the area would be grubbed and re-planted with shrubs and native vegetation. Ms. Craig asked if there could be a herbaceous cover. Ms. Throckmorton stated this would be difficult as there are invasives that would take over so no headway would be made. Confirmation that trees will be protected was made.

There were no public comments. The hearing was continued so that Mr. Delaney can review the soil test data when it is provided.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2250(I) – MEAD – 102 Old Kings Highway – “emergency” septic repair 65 ft. from wetlands

Ms. Sesto stated that a temporary emergency permit was issued.

Mr. Lee MOVED to approve WET#2250, SECONDED by Mr. Falta and CARRIED 6-0-0.

B. WET#2253(I) – BROWN – 46 Pheasant Run – building additions including B100a

Ms. Craig, Mr. Burgess, Mr. Falta, and Mr. Delaney indicated they visited the site.

Ms. Sesto read a letter from South Norwalk Electric and Water (SNEW) in response to the application being within their watershed. SNEW has requested that the leaching area be pushed further eastward. Mr. Quinn stated that he thinks SNEW meant to ask the area be pushed to the southwest corner.

Mr. Quinn provided an overview of the site showing the wetland corridor and pond, and noted the front of the property is flat. He explained the proposal is for a 74 sq. ft. covered patio to the east of existing structure, a 510 sq. ft. building addition, and a 750 sq. ft. open patio. The patio is proposed to be impervious flagstone. Mr. Quinn explained that the property drains toward the wetlands. They tested the property for suitable soils and found two areas conducive for a septic system. One of these areas would require a pump line across the watercourse which is not ideal. The other location is farther away from the wetlands so this is the area they would choose.

Mr. Quinn confirmed that the proposed additions will encroach on the existing septic so they need to move the tank. He added that the property has a large ledge outcropping and the B100a will fall above this area so nothing will flow to wetlands. Mr. Quinn confirmed the crawl space additions require minimal excavation of about 57 yards.

Ms. Hubli indicated that they have added a proposed rain garden after a recent visit to the site. The increased impervious area with the proposed additions is 1,334 sq. ft., requiring a 222 sq.ft rain garden. The rain garden is sited about 20 ft. from the southeast corner of house. There is an 18 in. berm proposed to the east of rain garden which will include a silt fence during construction to protect the wetlands. Ms. Sesto asked if compensatory plantings along pond were considered. Mr. Quinn responded that there is pachysandra in this area. He added that there is already a natural hole in the lawn where this rain garden is proposed.

Mr. Hall stated that if they were looking at building a new home on this lot, it would be difficult for this commission to approve it as the wetlands are only 20 ft. from house. He asked if they could reconfigure the structure to move construction activities away from wetland. He stated that he wants to see a plan for a very significant planting restoration. Ms. Craig added that the large patio is causing them to lose a lot of vegetation and asked that they plant between the wetlands and the home. Mr. Quinn stated that they would also consider making the patio porous.

Ms. Sesto noted the shallow to ledge condition between the proposed septic tank and the leaching fields and asked if there will be adequate soil coverage. Mr. Quinn confirmed he walked it, and there is ledge, but there is enough soil there for the system.

With no further questions or comments, the application was continued to the next hearing being held on July 10, 2014.

IV. APPLICATIONS TO BE ACCEPTED

- A. WET#2255(S) – SCAMUFFO – 58 Ledgewood Drive** – “emergency” septic repair
- B. WET#2258(I) – SMITH – 26 Lovers Lane** – proposed addition, deck, and driveway expansion within regulated areas
- C. WET#2259(I) – McKELVY – 130 Ridgefield Road** – wetland restoration

Mr. Lee MOVED to ACCEPT all above applications, SECONDED by Mr. Delaney and CARRIED 6-0-0.

V. APPROVED MINOR ACTIVITIES

- A. WET#2252(M) – LILLIS – 43 Pheasant Road** – installation of a shed 74 ft. from watercourse
- B. WET#2256(M) – FLANAGAN – 308 Mountain Road** – B100a and in-ground pool

Ms. Sesto provided a brief overview of the approved minor activities since the last meeting.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. VIOLATIONS

- 1. Mitchell – 232 Silver Spring Road** – Ms. Sesto reported that this site continues to have issues and staff is working with the contractor to ensure compliance. Additional re-inspection fees are being charged.
- 2. Bevilacqua – 27 Antler Lane** – Ms. Sesto reported that this site is still not compliant with the fill they brought in.
- 3. Hallman – 25 Spoonwood Road** – Ms. Sesto reported that the bond was not submitted in time so she wrote the owner to let him know this needs to be submitted and the plantings must be in by May 1st. She indicated that the planting deadline passed with no progress so she issued a citation and notice of Permit Violation. Mr. Hallman responded that he did not intend to install the plantings until mid June but Ms. Sesto has an email from him confirming the plantings would be installed early May.
- 4. Gaboriault – 94 Honey Hill Road** – Ms. Sesto stated that this property owner removed about 25 trees and winged euonymus within a regulated area without a permit. Ms. Sesto she has heard from their contractor who is working up a plan to submit for corrective action.
- 5. DeVito – 40 Honey Hill Road** – Ms. Sesto is going to attend court on the July 17th to testify on this case. She stated the owner had stockpiled materials adjacent to a brook and had materials spread out in wetland. The owner has ignored all correspondence and will not give permission to go on his property.

B. APPROVAL OF MINUTES – May 22, 2014

Mr. Delaney MOVED to APPROVE the minutes, as drafted, SECONDED by Mr. Lee and CARRIED 5-0-1 with Mr. Hall abstaining as he was not present.

VIII. ADJOURN

Mr. Delaney MOVED to ADJOURN at 8:55 p.m., SECONDED by Mr. Burgess, and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary