



MINUTES

May 14, 2015

PRESENT: John Hall (Chair), Liz Craig, Tom Burgess, Nick Lee, Tom Burgess

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Kate Throckmorton, Environmental Land Solutions; Joe Canas, Tighe & Bond; Johan Dahlen, Property Owner; Tom Quinn, Peak Engineers; James Barber, Property Owner; John DeRosa, CT Deck Pros

ABSENT: Dan Falta (notified of intended absence)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

A. WET#2310(S) – DAHLEN – 136 Old Kings Highway – construct pool and level backyard

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

Mr. Dahlen stated that he is proposing to level up his backyard in conjunction with a new pool installation. He confirmed he wants to level the yard to allow his three sons to play outside without their soccer ball rolling into the wetlands behind their home. He added that he would like to improve the plantings in the buffer as there was a low survival rate from a previous wetland permit.

Ms. Throckmorton explained the property as a rear lot with a proposal to install a pool outside the upland review area. She confirmed there is a pond offsite and wetlands in the back of the home. The plan includes squaring off the lawn at the farthest point so that it is parallel with the house, the placement of fill, and addition of retaining walls. This plan increases the lawn by 790 square feet and the mitigation includes 1,260 sq. ft. give back in the upland review area. The removal of 8 trees is necessary for the proposed activities and 13 new trees are noted on the plan for placement.

Ms. Throckmorton provided some alternate concepts including one that has a similar plan with 2 tiers of walls. This option pushes the disturbance back towards the wetlands which is not

desirable. Another option would include a taller wall which would not meet planning and zoning requirements. Lastly, Ms. Throckmorton stated they could reduce the grade which does not achieve the level yard the owner is looking for.

Mr. Hall asked if they could remove the soil closer to the house. Ms. Throckmorton stated that would require the infiltrators to be relocated, and they are limited to what grading can be done over the septic system. Mr. Dahlen added that they are cutting 2 feet down by the garage and then another 2.5 feet at the back of the pool.

Mr. Hall stated that the trees that were planted for the previous wetland permit had nicely restored the area. He commented that cutting these trees down now to expand the lawn does not make sense for the commission's charge. He suggested leveling out the area without fill because it does not make sense to push the lawn into a wetland.

Ms. Craig agreed with Mr. Hall that she would be hesitant to re-think what another commission has done especially with a well established buffer. Mr. Burgess agreed that removing the restoration of a previous violation would be against the role and purpose of the commission. Mr. Stow concurred that he wants the trees to remain in the buffer zone.

Ms. Throckmorton suggested an alternative by pulling the lawn in 3 feet and adding more of a planting buffer which increases the buffer by 500 sq. ft. She noted another alternative to pull the lawn and grading back 5 feet, parallel to the house, meeting the existing lawn. This option saves 4 trees and almost creates a wash for new lawn area. Ms. Throckmorton confirmed the give back would result in a 3-fold reduction of lawn on the site. She added the additional plantings, with 3 times the trees, and 2 times the understory, reduces the lawn area as a whole.

Ms. Sesto stated it is counterintuitive to make more lawn and asked how much additional lawn is in the northeast corner. Ms. Throckmorton responded that it is about a 150 sq. ft. area. Ms. Sesto stated a quarter of the buffer is all that would remain. Ms. Throckmorton countered that this is only for a 40 ft. length. Mr. Hall stated the effect of intrusion should be countered with the rest of the side yard outside the regulated area. He stated preserving the trees and raising the grade in the corner without expanding the existing lawn may give the homeowner what he wants without affecting the wetland.

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

B. WET#2313 (S) – DOWNEND – 31 Old Danbury Road – construction of a 30-unit housing development

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

Mr. Healy explained that the Town of Wilton entered into a sale agreement with his client, Patrick Downend, for 44 Westport Road in exchange for the property known as 31 Old Danbury Road. The Old Danbury Road site has a proposal to build a 30-unit mixed income housing with 9 of those units falling under the Affordable Housing Act known as 8-30g.

The parcel as a whole is 10 acres in size, lying on the western side of Danbury Road. This area also includes Trackside Teen Center and Wilton Commons. Mr. Downend would utilize one

acre for the housing development located 1,000 feet from the Wilton Train Station. Mr. Healy noted the town recently won a grant to fund a pedestrian bridge across the river, which is a significant improvement for the infrastructure of Wilton Center.

Mr. Canas stated the driveway will utilize the existing footprint of Old Danbury Road which includes a recently exposed watercourse that bisects the Old Danbury Road north of their building site. The closest distance to the wetland is 79 feet from the building, 31.5 feet to the retaining wall and 6 feet to the proposed grading limit. There is a new sidewalk on the easterly side of the building with a parking lot in the front and to the north with a dumpster in the northwest corner. Mr. Hall asked if the spaces closest to the wetlands can be stacked on top of the other garages. Mr. Canas stated they would need room for ramps and he is not an architect so he is not certain if that would be feasible. Mr. Hall spoke about the existing topography and pulling cars in to the garages while noting this is next to a beautiful wetland.

Mr. Canas reviewed the stormwater management system and confirmed that they will use existing drainage patterns. He explained there are two legs to the system. One leg is located on the western side of the building for low points and includes two catch basins which proceed north and converge at the manhole. The other leg is on the north side of the lot where there are two more catch basins which go into the northwest corner of the property. This portion includes a gross particle separator and a filter. An infiltrometer test was conducted and showed this could utilize a classic chamber surrounded by crushed stone and designed to handle a one inch storm. The discharge is sent into riprap apron and level spreader to spread the discharge before it flows overland towards the wetland.

Mr. Canas confirmed he has added additional silt fencing and hay bales per the staff report. The silt fence will be placed at the limit of work and consists of two rows. One row will be placed 15 feet off the wall and the second to account for hand work during the invasive removal process as there is no machine work allowed in that area.

Mr. Canas confirmed the construction sequence has been revised to include clarifying language for the trees. In addition, he confirmed that the dumpsters will have lids.

Mr. Hall stated that this is a very intensive use of an acre and asked about the proposed coverage calculation. Mr. Healy responded that this application falls under State Statute 8-30g so normal zoning regulations do not apply. Mr. Hall asked if there was a deal being made on the parking. Mr. Healy responded that the parking regulations call for one space per unit and one visitor space per two units and they are proposing 60 spaces. Mr. Hall asked if the applicant could reorient the building to remove the spaces close to the wetlands, or reduce the number of units in the building. Mr. Healy responded the 30 units were specifically selected to make up for the cost of the site work that includes ledge, making construction more expensive. At the town's request, the sewer will be installed to a depth of 21-22 feet and will serve other properties in the future.

Ms. Craig asked if the building could be pushed south away from the wetlands. Mr. Hall commented that Wetlands Regulations are not bound by 8-30g and his opinion is that this is not a good use of this property. Mr. Healy countered that the zone was recently changed from a DE-5 zone to an R-1 zone which protects the area from commercial use. Mr. Hall stated this proposal carries a highly intensive use regardless of the infiltrator they choose. Mr. Healy confirmed the proposal includes mitigation and invasive removal to improve the overall site.

Mr. Canas reviewed the Pollutant Renovation Analysis for the effectiveness of the proposed system. He noted the system meets the CT DEEP minimum required pollutant removal level of 80% TSS, while reducing total runoff and peak volume. Ms. Craig asked if there will be big discharges during large rain events. Ms. Canas confirmed the design is for a 100 year storm whereby the stormwater leaves slowly and has time to get into the ground. Ms. Craig inquired about what would happen in a smaller storm. Mr. Canas responded that runoff would go through the underground system and through the outlet structure and the sediment is captured in a Vortechnic system. Mr. Hall asked Ms. Sesto if reducing the flow to the wetland is a good idea. Ms. Sesto responded that it will infiltrate into the ground and eventually end up in the wetland. Ms. Sesto raised concern about fertilizers and pesticides being discharged to the wetland via the proposed yard drains. Mr. Canas stated these are needed to avoid standing water caused by the grade. Ms. Craig inquired about a patio area for residents. Mr. Healy confirmed there is none.

Ms. Throckmorton explained the wetland as flat and open with a shrubby perimeter. There is a direct discharge of runoff from Danbury Road and her focus will be on mitigation to restore and enhance the buffer. This will be aggressive renovation with substantial replanting. Ms. Throckmorton noted she submitted the invasive management plan which extends to five years, in lieu of the typical three year period. The plan includes removing invasives and replanting 24 trees and shrubs. The area below the level spreader will be planted with switch grass to stabilize the area and capture runoff.

Ms. Throckmorton reiterated that there will be two rows of silt fence installed; one for construction, and the other at the toe of the slope, throughout the invasives area. The sizes of her plant list include 2 – 2.5 caliper trees, 3 – 4 foot shrubs, and one gallon perennials. Ms. Sesto inquired about the functional value of the wetland to ensure the primary function is maintained. Ms. Throckmorton stated the grape vines are compromising the trees and she wants to bring back a healthy canopy. Ms. Sesto confirmed that vine management would encompass the area along Danbury Road. Mr. Lee stated he would rather see trees being planted instead of shrubs. Ms. Craig asked if understory trees would survive but Mr. Lee did not think they would. Ms. Craig asked about ground cover to which Ms. Throckmorton confirmed they would seed and mow regularly.

Ms. Craig suggested switching the parking area with the building so residents can enjoy the view. Mr. Hall stated he would like to see a third story proposal. Mr. Downend confirmed that it is proposed as three stories. He also offered to use organic fertilizers.

Mr. Burgess inquired about the town's position on parking on Old Danbury Road and suggested putting parking behind the building, farther from the wetlands.

Mr. Healy acknowledged this was Ms. Sesto's last meeting and thanked her for her many years of service protecting the wetlands and watercourses of Wilton.

With no further questions or comments, the meeting was continued to May 28, 2015.

C. WET#2314 (S) – BARBER – 23 Coley Road – remove existing dwelling and construct new 4-bedroom house with underground stormwater system

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

Mr. Quinn stated he is presenting this plan on behalf of Mr. Barber who partially owns the land. The project includes removing the existing house and building a new home with the septic between the house and the road. The shed, which is currently 20 feet from the wetland, will be removed and the debris on the lawn will be cleaned up.

Mr. Quinn explained the top of the bank is where the active use of the property is and where the limit of lawn will be. He confirmed there are suitable soils for a 4-bedroom septic in the front yard close to the property line. The original proposal for drains located 50 feet away from the septic and the house is 57 feet away. The revised plan moves the house tighter by shifting it northward, which reduces the impervious area and increases buffer to 26 feet in lieu of the original 13 foot buffer.

Mr. Quinn confirmed drainage measures that handle a little more than 2 in. storm event which includes 90% of all rainfall events. The structures in the upland area will have sediment traps and as many existing trees as possible will be saved, including the tulip and ash tree.

Mr. Hall asked if they could put something in the open area to the east. Mr. Quinn countered that it is a small home and the garage is under the house. This area is the only flat portion of the lawn so they would like to keep it as is. Mr. Barber stated he would be okay with revegetating this portion of the buffer. Mr. Quinn added that it can become a meadow up to contour 63.

With no further questions or comments from the public, the Public Hearing was closed.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2311(I) – MINOGUE – 93 Kent Road – “corrective action” to remove soil and brush deposited in wetlands

Mr. Hall, Ms. Craig, Mr. Burgess, and Mr. Stow indicated they visited the property.

Mr. DeRosa confirmed the Zoning Board of Appeals approved the pool and the deck within the property setback in December of 2014. He explained when he came to the wetlands department in February, it was discovered the property was in violation due to soil and brush deposited in the wetland buffer.

Mr. DeRosa confirmed the violation has been corrected and they chipped the brush and wood.

Mr. Lee asked Ms. Sesto if she thought the site has been brought into compliance. She responded that all areas of concern have been corrected.

Mr. Lee MOVED to APPROVE WET#2311 with the General and normal Special Conditions, SECONDED by Ms. Craig and CARRIED 5-0-0.

B. WET#2314 (S) – BARBER – 23 Coley Road – remove existing dwelling and construct new 4-bedroom house with underground stormwater system

Mr. Burgess MOVED to APPROVE WET#2314 with the General and normal Special Conditions, and the additional Special Conditions that the ash tree will remain, the infiltrator on

the south side away from the ash tree, the red lined plan of Alternative B from the hearing will be finalized onto a site plan, SECONDED by Mr. Lee and CARRIED 5-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2316(I) – McCORMACK – 27 Windy Ridge Place – playroom addition and B100a

B. WET#2317(S) – TOWN OF WILTON – 217 Wolfpit Road – construction of additions and alterations to Miller Driscoll School

C. WET#2319(I) – LESKA – 50 Sunset Pass – “corrective action” to address fill in a wetland and a 300 sq. ft. addition

D. WET#2320(S) – JACKSON – 58 Carriage Road – additions to residence and B100a

E. WET#2321(S) – JT CONSTRUCTION – 21 Lee Allen Lane – remove existing dwelling and construct new house with underground drainage and a pool within an upland review area

Mr. Lee MOVED to ACCEPT the above applications, SECONDED by Mr. Burgess and CARRIED 5-0-0.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. VIOLATIONS

1. DeVito – 40 Honey Hill

2. English – 189 Westport Road

3. Leska – 50 Sunset Pass

4. Dynega – 10 Wilton Acres

5. Cilento – 5 Old Lantern Drive

Ms. Sesto confirmed Mr. DeVito failed to submit his corrective action by the due date. She also confirmed Mr. English is waiting for Roland Gardner. Mr. Dynega completed his restoration and that there is a new violation on Old Lantern.

B. APPROVAL OF MINUTES – April 23, 2015

Ms. Craig MOVED to APPROVE the minutes for April 23, 2015, SECONDED by Mr. Lee, and CARRIED 5-0-0.

VIII. ADJOURN

Mr. Lee MOVED to ADJOURN at 9:45 pm, SECONDED by Mr. Burgess and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs