

**Wilmington Planning Board**  
**July 6, 2015**

Board members present: Bob Peters, Judi Gould, Marilyn Moncsko, Ray Curran, Ginny Crispell, Bert Yost and Tony Nickinello.

Public present: Steve & Susan Corvelli, Randy Preston, Darin Forbes, Herb Crispell, Marcia McClelland, Karen Peters, Renate Schneider, Sue Ellen Gettens and Shirley Lawrence.

**REGULAR MEETING CALLED TO ORDER** at 7:00 p.m. by Bob Peters.

**APPROVAL OF MINUTES**

\*A motion to approve the July 6, 2015 revised minutes was presented by Bert Yost, seconded by Marilyn Moncsko; carried unanimously.

**OLD BUSINESS:**

1. 2 lot subdivision for Todd Ottenstein on Hardy Road

\*Bob Peters read the following text that he had received from Ralph Schissler

<ralph@adksurveying.com>

Date: 08/03/2015 5:32 PM (GMT-05:00)

To: bertyost@frontiernet.net, Bob Peters <petersb55@hotmail.com>, Derrick Martineau

<derrickmartineau@townofwilmington.org>, Dean Schneller <Dean@schnellerlaw.com>, Janet Bliss

<janetbliss@adklaw.net>

Subject: Ottenstein Subdivision 2015

Good evening. I am following up with an email to make sure all have been notified.

I spoke to Bert Yost at 3:30 today to request that the Ottenstein Subdivision 2015, located at 121 Hardy Road, be taken off the agenda for tonight's Wilmington Planning Board Meeting. This was done at the request of the Ottensteins and their attorney, Janet Bliss.

We would like to be placed on the September Planning Board agenda.

Thank you,

~Ralph

**Ralph C. Schissler III, L.S.**

Bert Yost informed the board that he had not had a reply from the APA in regards to the letter that he has sent them.

The only discussion on this project will be the review of the questions to the APA regarding the technical evaluation of the characteristics of the Ottenstein site proposed for subdivision. Backup materials on the project have been supplied to the board.

Judi questioned why the board is dealing with the surveyor. The board felt this was not abnormal practice. Bert Yost will send the findings of the independent consultant to the APA. The Planning Board has requested a public hearing from the APA regarding the wetlands. It was suggested that the town Supervisor contact APA. \*Darin Forbes questioned if this was normal for a 2 lot subdivision. Bert noted that he went to the site with the independent engineer and there were a few discrepancies. Darin Forbes stated that there are different factors that determine some of the results. . Ray Curran read the list of questions that have been presented to the APA as follows:

Questions to the APA regarding the technical evaluation of the characteristics of the Ottenstein site proposed for subdivision.

The Wilmington Planning Board recognizes the APA staff has the technical expertise to assist the Board in evaluating the proposed project before us. We would be most appreciative to receive feedback from the professionals assigned to this project regarding the questions below.

We have been told that your evaluation concludes the site meets all of the technical criteria for approval of a two lot subdivision near wetlands including:

1. Adequate capacity for on-site waste water disposal (OSWD ) on both lots;
2. Lack of any impacts to the nearby high value wetlands from development in the 100 foot wetland buffer area and other changes outside of 100 feet;
3. Adequacy of driveway access, including site distance and steepness;
4. Lack of impact to scenic travel corridor, including advertising signage.

Are these conclusions correct? Are there any other factors that you have evaluated?

There are ~~two~~ three features of the site that have been particularly observed. They are:

1. Steepness near Hardy Road;
2. Predominance of wet soils and high groundwater on most of the site;
- ~~2.~~ 3. Wetlands delineated by an independent expert that are different from those shown on the applicant's plan.

Given these observations, please comment on the following questions:

1. What are the technical criteria observed in the soil assuring the site's adequacy for OSWD?
2. Test pits reveal a minimum depth to seasonal high ground water of about 24 inches that is barely adequate for OSWD. Is this correct?
3. We believe that the site will need to have 24 inches of soil added to meet standards. Is this correct?
4. We have observed the location of the logged test pits used to justify OSWD but recognize that the areas in which the pits are located are tiny. To what degree is staff confident that an adequate depth of soil exists over the entire area scheduled for placement and replacement of OSWD, not just in the spot with the test pit?
5. In addition to the observations of the independent wetlands expert,  
Several members of the Planning Board have observed conditions on

this site over the past five months. Has APA staff made any subsequent trips to the site to observe the wet soils conditions in or near the area marked for installation of the OSWD and the replacement area?

6. Is the staff concerned about nutrients or poorly treated sewage reaching the nearby wetlands complex of Beaver Brook?
7. Since if wetlands soils (with seasonal high groundwater at or close to the surface) were shown to be much closer to the sites marked for OSWD than what is shown on the current plans, would is staff be concerned about the proper functioning of the OSWD systems?
8. Similarly Wwith respect to erosion and sedimentation, if wetlands soils (with seasonal high groundwater at or close to the surface) were shown to be much closer to the sites than what is shown on the is current plan, would staff be concerned and, moreover, should add any other conditions for development be added?
9. Is staff aware that immediately downstream of the wetlands on this site and along Beaver Brook there is popular trailhead on State Land and a swimming hole in Beaver Brook? Was this a factor in review?
10. Is staff aware of several active wildlife trails across the site leading into and out of the wetlands complex? Was this a factor in review?
11. Are there any other issues that you believe the Wilmington Planning Board should take into account in order to render a decision on this two lot subdivision?

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Sue Parker indicated that the APA was ready to make a decision on this project. We can request that the APA have a public hearing. The board will wait for a reply from the letter before sending the questions. The APA will be sending another certified person to delineate the wetlands and compare the findings to the ones they now have delineated and the APA will discuss the differences.

There was a discussion on soil testing. Darin stated that some of the testing results depends on interpretation and there are many factors that are considered.

Darin Forbes questioned if the town is being more restrictive than the APA and did the town not trust the APA Does the board think the APA is going to put the wetlands in jeopardy.

Bert Yost stated that the wetlands need to be protected and that the area was deemed to be unbuildable 14 years ago and now it is considered buildable. That might be a question to ask is "what changed the property from non-buildable to buildable."

Judi Gould stated that the board is trying to do their job by getting a second opinion.

Another APA evaluator will seal the deal because they will be verifying the information.

Darin Forbes...the Town Board does not want to put themselves in a position to have "egg on their face". The APA people out there are experts.

Sue Ellen felt the wetlands deserve as much attention as they can get to make sure they are preserved.

Bob Peters stated that the LWRP still needs to be addressed.

Bert Yost noted that the occupancy tax is not issue in this project. That is a County issue to deal with.

It was felt by the Board that the APA can make mistakes and the board needs to do their duty to make sure that the wetlands are preserved.

**NEW BUSINESS: NONE**

**CORRESPONDENCE:**

1. Essex County Clerk-no new filings for June 2015

**DISCUSSION**

**Ray Curran** informed the board of bicycles with flowers on them as icons in Milwaukee.

Meeting adjourned at 7:32 p.m.