



INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
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WILTON INLAND WETLANDS COMMISSION
October 9, 2008
MINUTES

PRESENT: Joseph Fiteni, Jr., Chairman, Vice Chairman, Karen Myers, Richard Ziegler, Jill Alibrandi, Franklin Wong and Phil Verdi.

ABSENT: Syd Gordon, (noticed of absence)

ALSO PRESENT: Patricia Sesto, Director of Environmental Affairs; Karen DeSantis, Recording Secretary; Kate Throckmorton, Environmental Land Solutions; Attorney Casey Healy, Gregory & Adams, PC; Tom Quinn, Peak Engineering; Stan Kovak; Paul Dickensen; Matt Salenger; Barney Hughes; Richard Rosiola; Matt Ranelli, Shipman & Goodwin; Ted Hart, Milone & MacBroom; Mr. and Mrs. George Voss

A. CALL TO ORDER

Chairman Fiteni called the meeting to order at 7:30 p.m.

B. PUBLIC HEARINGS

- 1. WET#1856(S) – RAMADANI** – “corrective action” to restore grading and stone wall within a regulated area at 12 Center Street – cont.

Chairman Fiteni read into the record a letter from Melanie Voelker, Studer Design Associates, Inc., requesting a continuance to the next scheduled meeting.

Patricia Sesto explained that a meeting had taken place earlier in the week with Ms. Voelker to review the site and concerns.

- 2. WET#1860(S) – KJC REAL ESTATE DEVELOPMENT, LLC** – road improvements with wetland crossings at Old Huckleberry Road, Map#26, Lot#6.

Ms. Sesto read the list of documents into the record.

Site Walk Attendees: Richard Ziegler, Jill Alibrandi, Franklin Wong and Phil Verdi.

Attorney Healy, agent, described the current condition of the property and the proposed development. The proposed driveway falls within the right-of-way of the now-abandoned Old Huckleberry Hill Road and it will provide the access for a lot that had originally been served by the abandoned road. He explained that there would be three wetland/watercourse crossings and that this application was a resubmission of a previous application that was withdrawn earlier this year.

Attorney Healy addressed the Director's Report comments from the previously withdrawn application. He described the staging of materials and construction to reduce the disturbance. He added that the construction area would be delineated and that the project would take approximately sixty to ninety days to complete. He proposed reducing the width of the driveway from sixteen feet (to accommodate future subdivision) to fourteen feet and would consider reducing it to twelve feet. He offered weekly soil and erosion inspections as a condition of approval.

Tom Quinn, agent, reviewed the proposed driveway that is two thousand five hundred feet long. He included pulloffs and a hammerhead in the driveway design. He added that trees would be removed and tree protection would be implemented.

Mr. Quinn went into detail concerning the construction of the crossings and the preparation to protect the wetland/watercourse.

Richard Ziegler asked if the entire driveway would be asphalt, to which Mr. Quinn replied affirmatively.

Kate Throckmorton, agent, addressed the additional regulated areas that had not been addressed with the previously withdrawn application. She explained that the area was flagged and additional wetland and watercourse areas are now shown. She identified regulated areas that would be directly impacted by the proposed driveway and other regulated resources, including vernal pools, that would have their regulated buffer encroached upon.

Ms. Throckmorton described the procedures that would be implemented to minimize disturbance. She continued to review the proposed house site that included grading and removal of an old foundation and associated debris. Grading and lawn extend into the regulated buffer adjacent to a vernal pool.

Ms. Throckmorton reviewed the proposed planting plan for the driveway in the regulated areas and crossings, explaining the long term intent was to close the canopy. There would be no curbs or catch basins in order to keep the drainage diffused to protect the habitat and hydrology. She explained that the yard associated with the house would be delineated with boulders and plantings. Tree protection and sediment and erosion controls will be in place during construction.

Mr. Ziegler asked Ms. Throckmorton if the lawn area could be pulled further away from the wetland.

Ms. Throckmorton answered Mr. Ziegler by stating that it would be considered.

Ms. Sesto asked Mr. Quinn if septic testing had been done for the second lot yet and questioned if the layout for the proposed house was being driven by the possible second lot.

Mr. Quinn stated that septic testing had not been done but described the area being considered for two building lots, and raised the possibility that there may not be a suitable location for the second lot.

Ms. Sesto suggested that the applicant consider an alternative that had just one building lot, allowing the regulated buffer to stay intact. Additionally, since the abandoned right-of-way went north to Cheese Spring Road and is, therefore, a legally available alternative, how did it compare to the proposed driveway as submitted. Specifically, how did the wetland impacts compare.

Attorney Healy offered to look into the matter.

Ms. Sesto asked Ms. Throckmorton about the proposed overhead electrical wires and how this coordinated with her stated intent to have the planting plan close the canopy over time. She suggested that the wires be underground.

Jill Alibrandi asked Ms. Throckmorton how many trees would be removed from the regulated areas.

Ms. Throckmorton referred to page six of the submitted report that stated area three would have five trees removed and area four would have ten trees removed and finally area five would have seven trees removed.

Karen Myers inquired as to whether a pervious material could be used rather than asphalt. Attorney Healy offered to investigate the possibility of an alternative driveway material.

Chairman Fiteni asked the public if there were any questions or comments.

Stan Kovak, neighbor on Wild Duck, reminded the Commission that Planning and Zoning had denied the application and that the appellate denied the application and it is now in Superior Court. He described a brief history of the property and the historical remnants on the lot. He expressed his displeasure of this application and asked that the record show that he and fellow neighbors oppose the application.

Chairman Fiteni MOVED to continue the public hearing to the next scheduled meeting.

3. WET#1861(S) – VILLAGE WALK CONDOMINIUM – installation of

curtain drainage swale and replacement at 5 River Road.

Ms. Sesto read an additional document from the Public Works Department into the record.

Paul Dickensen, applicant, addressed the Public Works Memo by stating that the retaining wall will not be removed.

Chairman Fiteni asked how deep in front of the wall the excavation will be.

Mr. Dickensen answered Chairman Fiteni by saying that the excavation would be no more than two feet and described the proposed trench.

Chairman Fiteni requested that an engineer answer the Public Works questions and submit to the Commission.

Mr. Dickensen agreed.

Chairman Fiteni asked the public if there were questions or comments.

There were none.

Chairman Fiteni MOVED to carry the public hearing to the next scheduled meeting.

4. WET#1865(S) – LUNG/YIJING – Site development for new house, driveway and septic installation at 79 Olmstead Hill Road.

Ms. Sesto read the list of documents into the record.

Site Walk Attendees: Chairman Fiteni, Karen Myers, Richard Ziegler, Jill Alibrandi, Franklin Wong and Phil Verdi.

Tom Quinn, agent, explained that this property previously received a permit and the new owners would like to build a house different from what was previously approved.

He addressed some of the comments from a letter submitted by Casey Cordes, SNEW. He commented that the present map is improved from the map Mr. Cordes reviewed. He explained that the driveway proposed is the same as previously approved. He did move the well location to accommodate the proposed pool. He stated that the proposed septic system is in the same location as the approved application but with an improved design which will reduce the quantity of fill required.

Mr. Quinn explained that the area of disturbance would be 1,000 square feet greater than the previously approved site plan. The current proposal would infiltrate 2 inches of roof runoff as opposed to 1 inch approved with the last application. He stated that the driveway is the same and that the roof would be 2-1/2 times the size of the previously approved plan.

Mr. Quinn described the sequence of construction and the erosion controls that would be in place.

Chairman Fiteni requested that site plan be revised to show the 100 foot regulated buffer.

Richard Ziegler requested that alternative plans be submitted for the size of the house.

Mr. Quinn offered to confer with his client and commented that the house plan being reviewed had been reduced five feet from the initial submission.

Kate Throckmorton reviewed the proposed erosion control plan. She stated that the silt fence rows should be doubled and erosion control blankets will be needed on the regraded slopes. She explained that the mitigation plan is the same as the approved application, WET#1219 and includes removal of invasive species that would be included in a management plan. She listed eight shade trees, thirty flowering trees and fifty shrubs and she added that more could be added for the next three years to manage the invasives and finally, the existing meadow would remain and not turn into a lawn area.

Chairman Fiteni asked the public if there were any questions or comments.

Matt Salenger, 77 Olmstead Hill Road, stated that he felt the driveway would have a big impact on the wetland and suggested an alternative be considered. He would like to see the driveway come in from Riding Club Road over the lot's legal road frontage rather than over the easement off Olmstead Hill Road.

Barney Hughes, neighbor, expressed his concern of management of the property long term after the development is complete.

Tom Quinn reported that the driveway off Olmstead Hill Road was previously approved under WET#1219 and it was determined by the Commission at that time to be the best alternative.

Franklin Wong requested the previous permit be reviewed by the applicant/agent in reference to the alternative driveway discussed.

Ms. Sesto offered a brief summary of the conditions that lead to the approval of the stream crossing by the driveway, noting that using the accessway off Riding Club Road required wetland filling and more impervious coverage. She suggested the record of WET#1219 be incorporated into this application. The Commission agreed.

Karen Myers requested the driveway be pervious.

Mr. Quinn offered to discuss the requests with the applicant.

Chairman Fiteni MOVED to carry the public hearing to the next scheduled meeting.

C. APPLICATIONS READY TO BE REVIEWED

- 1. WET#1847(S) – DESOLA** – subdivision and redevelopment of two lots in a regulated area at 21 Edith Lane – cont.

The Commission was satisfied with the draft resolution prepared by staff.

Chairman Fiteni felt that the proposed infiltration system will require regular monitoring and felt the proposed maintenance plan was not sufficient and requested it be revised to make it more stringent and the system should be inspected by an engineer every five years.

Franklin Wong MOTIONED to approve WET#1847 with General Conditions and Special Conditions as drafted by staff and incorporate discussion of the Commission, SECONDED by Phil Verdi and carried 6-0-0.

Jill Alibrandi excused herself from the meeting.

- 2. WET#1867(I) – FARMER** – “correction action” to restore a cleared regulated area at 364 Nod Hill Road.

Site Walk Attendees: Richard Ziegler, Karen Myers, Franklin Wong and Phil Verdi.

Richard Rosiola, agent, reviewed the proposed planting plan to restore the cleared area. He proposed removal of the invasives and proposed three inch caliper deciduous trees, and ten to twelve foot evergreens. He stated that the applicant reported that six to eight trees had been cleared.

Ms. Sesto stated that more than six to eight trees had been cleared and described the site’s clearing.

Mr. Rosiola offered to plant trees that would recreate the canopy.

Franklin Wong MOTIONED to approve WET#1867 with General Conditions and standard Special Conditions, SECONDED by Richard Ziegler and carried 5-0-0.

- 3. WET#1868(I) – SMITH** – “emergency” septic repair 78 feet from a wetland at 100 Spoonwood Road.

Ms. Sesto stated that the system as proposed was the best available location.

Phil Verdi MOTIONED to approve WET#1868 with General Conditions, SECONDED by Karen Myers and carried 5-0-0.

D. APPLICATIONS TO BE ACCEPTED –

1. **WET#1872(S) – COUGHLIN** – “corrective action” to restore a cleared upland review area and construction of an addition in an upland area at 102 Kent Road.
2. **WET#1873(I) – BRODY** – “corrective action” to restore a cleared and filled regulated area at 19 Hillbrook Road.
3. **WET#1874(I) – GAUDINO** – “corrective action” to restore a cleared regulated area at 16 Rocky Brook Road.

Chairman Fiteni MOTIONED to accept WET#1872, 1873 and 1874, SECONDED by Phil Verdi and carried 5-0-0.

E. APPROVED MINOR ACTIVITIES –

None

F. CORRESPONDENCE –

Request for permit extension - WET#1306 – Avalon Bay, 116 Danbury Road

Matt Ranelli, agent, requested that the permit issued in 2004 be extended another five years and stated that there would be a few minor changes that would not impact this Commission’s Regulated Areas.

Ted Hart, agent, reviewed the approved site plan and the proposed changes being reviewed by Planning and Zoning. He indicated that the activities are no closer to the Regulated Areas than previously approved.

Ms. Sesto reminded Mr. Hart that the setback regulations had changed since the permit had been issued and asked where the 100 foot wetland line falls on the site.

Mr. Hart pointed the 100 foot line on the site plan and indicated that there would be no change to the limit of disturbance.

Mr. Ranelli stated that since there have been no substantial changes to the site plan that the applicant is entitled to the extension.

Ms. Sesto responded that the State Statutes speak to any substantive change in circumstances, and this consideration was not limited to the site plan itself. The change in Wilton’s regulated buffer from 50 feet to 100 feet requires the Commission to consider

improvements that could be applied.

Mr. Ranelli disagreed with Ms. Sesto.

Franklin Wong asked if the emergency access proposed would change the runoff distribution.

Mr. Hart answered Mr. Wong by saying the runoff pattern would not change and he reviewed the system on the site plan, noting that the emergency accessway would drain to a detention basin.

Ms. Sesto reviewed the Special conditions in the approved permit for WET#1306 and she felt that the stormwater management plan required seemed to be sufficient.

A discussion ensued.

The Commission was satisfied with the request to extend the permit.

Franklin WONG MOTIONED to extend WET#1306 for an additional five years, SECONDED by Richard Ziegler and carried 5-0-0.

Request for removal of tree in a regulated area at 4 Hulda Hill Road.

Jason Borner, applicant, submitted a letter by his arborist recommending the large oak in the center of his driveway be removed. The commission reviewed the effort that went into preserving this tree during the review of the original permit application.

The Commission requested staff to contract a licensed arborist to determine the condition of the tree.

Request for a field change WET#1849 14 Hidden Lake

Ms. Sesto stated that the request had been withdrawn.

Ms. Sesto stated that the Voss' submitted a letter requesting the wall that was deemed to be moved by the Commission because it was not in conformance with the permit could be left in place.

Mrs. Voss described the difficulty of the wall being moved.

The Commission requested the Voss' submit a map to the Commission for review.

G. OTHER APPROPRIATE BUSINESS –

1. Violations:

Anspach

13 Stewart Lane – Notice of Violation referred to town counsel

Ms. Sesto stated that she hadn't been to the site as of yet.

Lombardi

99 Kensett Drive – Notice of Violation citation issued, referred to Town Counsel

Ms. Sesto stated that progress had been made.

Coughlin

102 Kent Road – Notice of Violation

Application was accepted earlier at this meeting.

Farmer

364 Nod Hill Road – Notice of Violation

Application was accepted earlier at this meeting.

Brody

19 Hillbrook Road – Notice of Violation

Application was accepted earlier at this meeting.

Papakasmas

103 Twin Oaks Lane, - Permit Violation WET#913

forwarded to legal counsel – no news.

Gaudino

16 Rocky Brook Road – Notice of Violation

Application was accepted earlier at this meeting.

H. APPROVAL OF MINUTES -

September 11, 2008 and September 25, 2008

Richard Ziegler MOTIONED to approve the Minutes of September 11, 2008 and September 25, 2008 with minor changes, SECONDED by Phil Verdi and carried 5-0-0.

I. CORRESPONDENCE – cont.

Ms. Sesto read a Memorandum from Michael Conklin, Environmental Analyst dated October 9, 2008, recommending the release of \$6,932.00 for WET#1544.

Richard Ziegler MOTIONED to release the bond money in the amount of \$6,932.00 for WET#1544, SECONDED by Chairman Fiteni and carried 5-0-0.

Ms. Sesto read a Memorandum form Michael Conklin, Environmental Analyst dated October 9, 2008, recommending the release of \$11,000.00 once an "as-built" survey has been filed on the Wilton Land Records for WET#1331.

Phil Verdi MOTIONED to release the money in the amount of \$11,000.00 once an "as-built" survey has been filed on the Wilton Land Records for WET#1331, SECONED by Chairman Fiteni.

Ms Sesto read a Memorandum from Michael Conklin, Environmental Analyst dated October 9, 2008 recommending a partial bond release in the amount of \$5,400.00 for WET#1597.

Karen Myers MOTIONED to release a partial amount of \$5,400.00 for WET#1597, SECONDED by Chairman Fiteni and carried 4-0-0, Phil Verdi abstained.

J. ADJOURN

Chairman Fiteni made a MOTION to adjourn at 9:35 p.m., Seconded by Richard Ziegler and carried 5-0-0.

Respectfully Yours,

Karen DeSantis
Administrative Secretary Recording Secretary