

INLAND WETLANDS  
COMMISSION  
Telephone (203) 563-0180  
Fax (203) 563-0284



TOWN HALL  
238 Danbury Road  
Wilton, Connecticut 06897

## WILTON INLAND WETLANDS COMMISSION

**DATE:** February 25, 2010  
**PLACE:** Town Hall Meeting Room A  
**TIME:** 7:30 P.M.

Present: Franklin Wong; John Hall; Jill Alibrandi; Phil Verdi; Syd Gordon

Also Present: Patricia Sesto, Director of Environmental Affairs; Allison McConnell, Acting Administrative Assistant; Holt McChord, McChord Engineering; Cheryl Russ, Glen Gate Company; Kate Throckmorton, Environmental Land Solutions; Marc Andre, MG Andre Group; Doug DiVesta, DiVesta Civil Engineering Associates; Alexandra Mock, Soil Scientist; Bruce Beebe, Resident; Peter Condos, Resident; Ken Walsh, Resident; David Poole, Resident

### A. CALL TO ORDER

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

### B. PUBLIC HEARINGS

1. **WET #1933(S) – WOOD** – installation of an inground swimming pool, cabana and landscaping in a regulated area at 104 Olmstead Hill Road – cont'd.

Patricia Sesto read additional documents into the record.

Holt McChord reviewed the engineering plan, delineating the stormwater and erosion controls to protect nearby Streets Pond. The project will be phased to limit the impact of erosion and sedimentation.

Mr. McChord then responded to staff and SNEW comments about the application. Storm water and control and water quality are the main concerns, which have been addressed by the detention system. Previous encroachment on SNEW property will be corrected with a proposed boulder demarcation at the property line. Potential pool overflow will be mitigated by a drywell. Soil removed from the existing septic site will not be used for the cut and fill terracing; it will be removed from the site.

Ms. Sesto asked Mr. McChord if he was aware of existing curtain drains in the old orchard area of the property where the new leaching field are proposed. He was not aware of any, but would verify with the septic designer.

John Hall and Phil Verdi asked him to clarify how the encroached area will revert to meadow, and whether there is a planting plan. Mr. McChord stated he would make sure the commission receives the proposed planting plan.

Mr. Hall and Chairman Wong asked about the supposed curtain drains, and noted that at the last meeting it was requested they be shown on the site plans.

Mr. Hall asked Ms. Sesto about the commission's previous experience with the nearby property on Olmstead Hill Road. That property had experience severe erosion and it is expected that similar conditions exist on the subject parcel. She noted that the plan to divert water from the house around the work area would be very helpful in mitigating erosion issues.

Mr. Hall asked Mr. McChord whether they would use rubber mats to protect the site from disturbance by equipment and trucks. Mr. McChord responded that such protective equipment was not specified in their plan.

Chairman Wong asked about drainage, and noted his concern about runoff coming from neighboring properties. Mr. McChord explained how he arrived at the flow calculations.

Ms. Sesto asked whether the homeowners would be provided with instructions for using the storm infiltrators. Mr. McChord replied that they would be instructed on maintenance and inspections.

Chairman Wong asked the Commission if there were any further comments or questions. There were none.

Chairman Wong invited questions or comments from the public. There were none.

Chairman Wong noted that the public hearing would be continued. The Commission requests further information about the curtain drains, and the planting plan.

Chery Russ presented the revised planting plan.

Mr. Hall asked about the area of SNEW property that had been encroached on in the past; wither mitigating indigenous plants would be installed at the edge of the pond.

There was discussion about the demarcation of the property line. It was noted that as the previously encroached area is SNEW property, the applicant may not submit plans for any work on neighboring property.

Chairman Wong asked Ms. Russ what would be the surface material around the pool area. She replied that stone dust would be used as the medium for pavers.

Chairman Wong noted that the application would remain open until the next public hearing.

2. **WET #1934(S) – DRISCOLL** - construct addition to existing house and install new septic system in regulated area at 149 Wolf Pit Road – cont'd.

Kate Throckmorton stated that the applicant had no new information to present. She requested an extension of 65 days.

Chairman Wong MOTIONED to extend application WET #1934 to 65 days; Commissioner Verdi SECONDED; carried 5-0-0.

3. **WET #1940(S) – EVANSON** – demolish existing structures and construct tennis court, putting green, and related structures at 22 Branch Brook Road; AND
4. **WET #1941(S) – EVANSON** – demolish existing structures, regrade, and restore existing pond at 320 and 322 Nod Hill Road.

Ms. Sesto read additional documents into the record for each application.

Mr. McChord presented a revised site plan for the lot at 320 Nod Hill Road. He explained the revised driveway plan and related wetland plan. He explained that the revised driveway proposal includes more plantings to restore the existing lawn to meadow; existing catch basins on the shared driveway are proposed to be replaced with leak-off systems; and he addressed protection of the button-bush and mitigation of sedimentation and erosion during the proposed pond dredging.

Mr. McChord also reviewed the septic system on 22 Branchbrook Road.

Ms. Throckmorton presented the new planting plan for the Nod Hill Road property, which includes a 20 foot wide buffer area, from the location of the back of the existing house to the retaining wall. She also noted that the driveway surface area has been reduced.

Mr. Hall asked what is the surface material of the driveway. Ms. Throckmorton responded that it is oil and stone, with no curbs.

Mr. Hall asked about the justification for having a second driveway exit for the residence at 322 Nod Hill Road. Mr. McChord explained that they had taken field measurements of the sight lines of the existing driveway, which are 82 feet to the south and 208 feet to the north. He noted that the Town Engineer requires at least 200 feet in each direction. The new proposed driveway would provide much improved sight lines in both directions, as it would exit the property at a slight rise in the road. However he also noted that the improved sight lines would require the existing stone wall along the road to be moved back from the road.

Ms. Sesto asked whether the applicant believed it acceptable to allow their neighbor at 324 Nod Hill Road to continue to use the unsafe shared driveway exit. She asked if they would consider as alternate plans to abandon the proposed driveway, or to utilize a pervious surface on the proposed driveway.

Mr. McChord described possible alternatives which would have to take into consideration the 8% grade on one section of the proposed driveway.

Mr. Hall noted that there are new types of materials on the market.

Mr. McChord responded that to utilize those materials to best advantage, it is recommended to have no more than a 5% grade.

Ms. Sesto noted her concern about water discharging from the driveway toward the wetland. Mr. McChord noted that they wish to promote sheeting as much as possible, and that the proposed vegetation buffer has been improved for that reason.

Chairman Wong asked about potential runoff from the road and asked how the existing retaining wall would be dealt with. Mr. McChord replied that it is proposed to allow the retaining wall to remain, while runoff would penetrate the northern end, and plantings are proposed on top of it.

Mr. Wong asked whether the subsurface of the existing driveway will be removed. Mr. McChord explained that it will be removed and replaced and replanted.

Mr. Hall noted that while the application is generally ecologically sound, the proposed driveway rings false.

Chairman Wong invited any questions or comments from the public.

Bruce Beebe of 350 Nod Hill Road asked to clarify the northeastern branch of the driveway. Mr. McChord explained that it is the branch of the shared driveway that extends to the neighboring lot at 324 Nod Hill Road, and the main driveway branch would continue to be shared.

Mr. Beebe noted that the Quinsees' neighboring property at 312 Nod Hill Road has a corral or pasture at the edge of their property closest to the pond at 320 Nod Hill Road, and asked how runoff from the horse corral would be mitigated. Mr. McChord responded that there would be no changes to that side of the applicant's property.

Mr. Verdi asked about an alternative surface material for the proposed driveway. Ms. Sesto concurred with Mr. McChord that the proposed 8% grade is not ideal for porous pavement.

Ms. Throckmorton submitted a letter from Mr. and Mrs. Yanoff of 324 Nod Hill Road. Ms. Sesto read the letter into the record. She noted that the Yanoffs are a party to the application due to the shared driveway.

Ms. Alibrandi noted her concern about protection of the trees below the waterline during pond dredging.

Ms. Sesto responded that the commission can request a more detailed plan on this point, or

require on-site meetings, or decline that section of the application.

Ms. Throckmorton noted that she had suggested site meetings pre- and post-dredging.

Chairman Wong asked for clarification of the proposed reserve septic system at 22 Branchbrook Road Mr. McChord noted that the actual septic will not be constructed, only the connecting pipe to facilitate any future contingency.

Chairman Wong CLOSED the public hearing for WET #1940 and WET #1941.

5. **WET#1944 – PETTIT** – demolish existing structures, construction of proposed new dwelling with associated grading, proposed septic system and bio-retention system at 27 Wolfpit Lane.

Site Walk Attendees: Franklin Wong, Jill Alibrandi, Syd Gordon

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

Marc Andre noted that Atlantic Consulting, listed as the preparer of several drawings in the file, refers to MG Andre Group.

Doug DiVesta reviewed the proposed engineering plan, including existing conditions, and the proposed development. He also reviewed alternate plans as submitted.

Alexandra Moch reviewed the existing wetland conditions, and noted that the proposal would not alter the wetland or buffer area, while the proposed bio-retention area would create a more diverse wetland area.

Mr. Hall asked for clarification of the existing lawn limit.

There was discussion of old rail road ties extant on the property.

Mr. Andre noted that the current lawn limit is above the proposed bio-retention area, and the bio-retention area will not be maintained as lawn.

Ms. Sesto then asked why the proposed boulder demarcation encompasses the bio-retention system. Mr. Andre replied that they would be happy to move them in front of the bio-retention system if the commission wished.

Mr. Andre noted that the proposed dwelling footprint would be approximately 2 ½ times the footprint of the existing house, and that part of the existing dwelling is actually within the zoning setbacks.

Ms. Sesto noted that the bio-retention basin is adjacent to the wetland and was concerned about its ability to infiltrate stormwater during high ground water seasons. She asked how long it would take ponded water in the bio-retention system to recede after an average 1 inch storm. Mr. DiVesta replied that it would take approximately 1 to 2 hours. He explained that it

would recede through some soil infiltration and some exfiltration with the plants.

Mr. Verdi asked about the trees proposed to be taken down. Mr. DiVesta reviewed the trees marked for removal on the plans as submitted. Mr. Andre also noted that several trees at the proposed septic site would be relocated, and he noted the proposed planting plan.

Ms. Sesto asked if the applicant had a tree protection plan and a deer management plan. She also asked how the trees within the construction area would be protected.

Mr. Andre replied that there would be 2 phases of construction, and the sequence may be reversed.

Chairman Wong noted what he observed at the site walk, regarding the runoff channel along the stone wall on the southern edge of the property. He asked how the proposed re-grading would affect that runoff. Mr. Andre noted that the sub-surface material is quartz. He responded that they could build swales to reduce the erosion.

Chairman Wong asked if it would not be possible to move the bio-retention area closer to the path of the runoff to catch some of it. Mr. Andre noted that it would be possible to elongate the basin.

Mr. DiVesta noted that much of the runoff is actually coming from off-site. He noted the proposed planting plan, and stated that the drainage calculations demonstrate that the proposed improvements to the applicant's site would actually help the neighboring properties on Bittersweet Lane by absorbing and reducing the runoff flow.

There was further discussion of the bio-retention system and the run-off from offsite.

Chairman Wong noted his concern about the proposed grading, and stated that he does not see the details of the erosion controls proposed at the site of the septic system.

Chairman Wong asked if the Commission had any further questions or comments.

Mr. Hall questioned the justification of putting a much larger house on the existing smaller footprint that will encompass portions of the wetland buffer.

Mr. Andre explained that they applied for a variance before the Zoning Commission to be able to use part of the existing footprint which allows them to keep most of the house away from the wetlands area. He noted that the existing house is also not comparable to "today's living"; the proposed house would have 4 bedrooms and a 3-car garage.

Mr. Hall responded that the prudent alternative is to leave the existing house, understanding that the commission's only concern is regulated property. He noted that the proposal involves a much more intense use of the property, of which 1/3 is wetland.

Mr. Andre responded that the proposal would be consistent with neighboring properties. Mr. Hall noted that he foresees the use of the property trending toward the wetland and

overreaching.

There was discussion of the size of the proposed dwelling. Mr. Verdi noted that the size of the living area is not as important as the footprint, if the building is multi-storied. There was continued discussion; Mr. Gordon summarized that the new structure is approximately twice the size of the existing house.

Chairman Wong noted that the proposed house would not extend the disturbed area, and the proposal includes substantial mitigation. He requested that the applicant decrease the limit of lawn so as not to expand the use of the area.

Mr. DiVesta pointed out that if the existing house had been built to comply with present zoning regulations, it would be further within the regulated wetlands area.

Mr. Hall responded that there is already a house on the property, and there are feasible and prudent alternatives with a potential for less impact on the wetlands.

Ms. Moch noted that the proposed construction would only take place within the already-disturbed area. She noted that the wooded area around the proposed septic system does not have a closed canopy. She stated that perhaps they could revise the plans to put in more plantings in the wetland buffer area, and reshape the bio-retention area.

There was discussion of the upland wetland area. Mr. Hall asked for an explanation of the contour lines as presented on the plans, noting that it seems to have a similar slope to the rest of the property. Ms. Moch noted that it is a seasonal wetland, and does not exhibit wetland characteristics year-round.

There was a discussion of the runoff coefficient, and how the engineer makes the calculations. Mr. DiVesta explained that his calculations show that the runoff prior to construction and after the proposed construction would be approximately equal. Mr. Hall expressed his concern about the larger building footprint and larger area of roof directing runoff onto the property. Mr. DiVesta noted that the pervious parking area and the planting plan would be sufficient to mitigate that runoff.

Chairman Wong asked whether the proposed planting plan would be sufficient mitigation to improve groundwater quality. Mr. DiVesta noted that the bio-retention system would handle an average 1-inch storm, and it is designed to handle a 25-year storm.

Chairman Wong asked if there were any further questions or comments from the Commission. There were none.

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

Peter Condos of 20 Bittersweet Trail expressed his opposition to the application. He has experienced frequent flooding and other runoff problems on his property downstream from the applicant's property.

Ken Walsh of 12 Bittersweet Trail also expressed his opposition to the application. He submitted photos depicting flooding and runoff issues at his property downstream from the applicant's property.

David Poole of 11 Bittersweet Trail identified himself as a registered engineer in the state of Connecticut, and expressed his opposition to the application. He expressed his opinion that the proposed construction is too ambitious, and noted that a pond on his property has been filling with silt from runoff for 20 years. He stated that he had read the engineering report in the application.

There was additional discussion among the commissioners about the mitigation plan and the increased intensity of use proposed by the application.

Chairman Wong stated that the public hearing for WET #1944 will remain open. The Commission requests to see the following revisions on the application: demarcation of the limit of lawn, changes to the bio-retention area, and a tree protection and management plan.

### C. APPLICATIONS READY TO BE REVIEWED

1. **WET #1927(S) – KEENE & WILLIAMS** – four lot conservation subdivision in an upland review area at 388 Sturges Ridge Road.

Chairman Wong asked if the commission to consider special conditions drafted by staff. He expressed his concerns about what he observed as the commission's inconsistency in determining limits of lawn. The lawn on lot 4 comes closer to the wetland than has been permitted with other applications.

There was discussion about how to create a more reduced limit of lawn to better protect the wetland and its buffer at the northeast corner of Lot 4.

There was further discussion of the conditions of approval as drafted by staff.

Ms. Alibrandi MOTIONED to add the special condition to straighten the section of stone wall proposed behind the house on lot 4 to the northeast of the raingarden and approve application WET #1927 with the amended special conditions; Chairman Wong SECONDED, and passed 5-0-0.

2. **WET #1935(I) – ROGINSKI** – "corrective action" to remove debris, restore clearing and grading adjacent to a wetland at 73 Vista Road – cont'd.

Ms. Sesto reported that she had had no contact from Mr. and Mrs. Roginski. A site walk for this property is yet to be scheduled; the commission is awaiting site plans for reference.

Chairman Wong continued this application.

3. **WET #1939(I) – AMADEO** – "corrective action" to implement a sedimentation and erosion control plan at 101 Silver Spring Road.



Mr. Verdi MOTIONED to approve the application WET #1939 with conditions as drafted by staff; Mr. Gordon SECONDED, and passed 5-0-0.

4. **WET #1940(S) – EVANSON** – demolish existing structures and construct tennis court, putting green, and related structures at 22 Branch Brook Road.

Mr. Verdi MOTIONED to approve application WET #1940 with the General and normal Special Conditions; Mr. Gordon SECONDED.

A discussion followed. Ms. Sesto noted that the commission will need to review the site plan with special attention to the additional 13 trees to be removed in the wooded area between the lot at 322 Nod Hill Road and the 22 Branch Brook property. She also noted that the applicant needs to show that there will be added protection on the existing septic system during construction. Commissioners expressed no discontent with the trees proposed to be removed and added the Special Condition to delineate the leaching field prior to the start of work.

Mr. Verdi accepted the revisions to the Motion, Seconded by Mr. Gordon and passed 5-0-0.

5. **WET #1941(S) – EVANSON** – demolish existing structures, regrade, and restore existing pond at 320 and 322 Nod Hill Road.

There was some discussion about the next action to be taken on this application. It was agreed that since new information was submitted at this meeting, the commission would need time to review it, and also for Commissioner Fiteni to review it. Ms. Sesto pointed out that SNEW should also be given an opportunity to review the new information.

#### D. APPLICATIONS TO BE ACCEPTED

1. **WET #1946(I) – FINK** – installation of septic system and remodeling of existing house structure within 80 feet of a wetland at 30 Stonecrop Lane.

Mr. Hall MOTIONED to accept application WET #1946; Chairman Wong SECONDED; and passed 5-0-0.

#### E. APPROVED MINOR ACTIVITIES

None.

#### F. CORRESPONDENCE

Ms. Sesto notified the commission of upcoming DEP training sessions for commissioners, reminding them that the DEP requires one commissioner from each town attend annually.

#### G. OTHER APPROPRIATE BUSINESS

## H. BONDS

No new business.

## I. VIOLATIONS

### 1. Kelly – 11 Blue Ridge Lane

The owner's response is due by the next meeting (March 25, 2010).

### 2. Wisdom – 19 Blue Ridge Lane

The owner's response is due by the next meeting (March 25, 2010).

### 3. Papakasmas – 105 Twin Oaks Lane

Ms. Sesto stated that the owner has not contacted her, but she has spoken with his contractor.

### 4. Boccarossa – 107 Twin Oaks Lane

There was discussion of the commission's next steps. Ms. Sesto has contacted State DOT but is not hopeful that they will help with enforcement.

## J. APPROVAL OF MINUTES – February 11, 2010

Mr. Verdi MOTIONED to approve the minutes of February 11, 2010 as revised; Chairman Wong SECONDED; passed 5-0-0.

## K. ADJOURN

Chairman Wong MOTIONED to adjourn at 10:17 p.m.; Mr. Hall SECONDED; pass 5-0-0.

Respectfully submitted,

Allison McConnell for Karen Padowicz  
Recording Secretary