

INLAND WETLANDS  
COMMISSION  
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TOWN HALL  
238 Danbury Road  
Wilton, Connecticut 06897

## WILTON INLAND WETLANDS COMMISSION

**DATE:** April 22, 2010  
**PLACE:** Town Hall Meeting Room A  
**TIME:** 7:30 P.M.

Present: Franklin Wong; Joseph Fiteni; John Hall; Phil Verdi; Sydney Gordon

Noticed of Intended Absence: Jill Alibrandi

Also Present: Patricia Sesto, Director of Environmental Affairs; Michael Boyce, Stecks Nursery; Gregory Maroun, Stecks Nursery; Kevin Myer, Square Edge Remodeling

### A. CALL TO ORDER

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

### B. PUBLIC HEARINGS

1. **#1955(S) – SONDERGAARD/ARMIDA** – proposed installation of in-ground pool with bluestone terrace and buffer planting within a regulated area at 35 Chessor Lane.

Site Visit Attendees: Franklin Wong, Joseph Fiteni, John Hall, Phil Verdi, Sydney Gordon

Ms. Sesto read the file documents into the record.

Michael Boyce and Gregory Maroun of Stecks Nursery described the proposed project and the various design considerations.

Mr. Boyce described the impact of the proposal on the wetlands area. The pool and decking is in existing lawn area and will require no additional clearing. As mitigation, the plan calls for areas of lawn to be replanted with shrubs and herbaceous vegetation.

Commissioner Verdi asked for clarification of the wetlands buffer area, and how much lawn will be restored. Mr. Boyce stated that the pool is proposed to be mostly on grade. He described that the pool terrace will be set on concrete, while the rest of the terracing will be pervious material. In response to Commissioner Verdi's question, Mr. Boyce stated that 3,900 sq ft of lawn will be replanted with wetland plantings. He described the plants they propose to put into the buffer zone. Pool chemicals will be stored in the garage.

Commissioner Hall stated his assessment that the proposal will improve the wetlands area by increasing the health of the buffer.

There was some discussion of the fence line and the wetland buffer.

Chairman Wong asked what the narrowest distance between the proposed buffer and the new limit of lawn is. There was some discussion and consensus that it appears to be about 60 feet.

Commissioner Hall asked why the fence is proposed to be behind the restored buffer area. Mr. Boyce described the rationale of the placement of the pool fence. Commissioners expressed concern that having the planting incorporated into the fenced portion of the yard is not as protective as having the fence run between the pool and the plantings. The fence would clearly delineate the limit of lawn.

Chairman Wong pointed out that the Commission generally asks for some permanent type of lawn demarcation. Commissioner Hall emphasized that this would be helpful for future owners who would not be aware of the applicant's original intentions.

Ms. Sesto pointed out that it seems the lawn area encompassed by the fence would most likely not be used, as it consists of a short slope and a narrow flat area at the toe of the slope. There is a large lawned area to the side of the residence that would likely serve as the play area.

There was discussion of the features of the lawn and the design. The applicant preferred to use the proposed plantings to camouflage the fence, but was open to moving it up closer to the pool if the commission desired.

Commissioner Fiteni asked the depth of the pool; Mr. Boyce responded that it is 8 feet. There was discussion of design alternatives if rock is discovered in excavating for the pool.

There was discussion of the Commission's request for lawn demarcation and the pool fence. Consideration was given to interspersing boulders in the proposed mitigation area to prevent mowing.

Ms. Sesto suggested they place construction fencing to the northeast of the temporary access-way to protect the septic system. She asked if the applicant had gone for septic testing at the Health Department.

Mr. Maroun replied that they have not done septic testing yet. There was some discussion of the existing system. Ms. Sesto asked if they believed the system would be co-compliant. She elaborated that there is a risk that if the Inland Wetlands Commission closes the hearing, and then they find that they will need a B-100 within 100 feet, there is a risk that the Wetlands permit will not include all the of the necessary pieces. She asked if they would like the Commission to hold the hearing open.

Mr. Maroun replied that they will take the chance; they believe the existing system will meet the Health Department's requirements.

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

The agent confirmed the stockpiled materials will be removed offsite.

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

Chairman Wong closed the hearing on WET#1955.

Chairman Wong asked the Commission if there were any additional discussion.

Ms. Sesto noted that additional special conditions could be: the need to protect the septic system with construction fencing or other appropriate means; incorporate 2-man boulders into plantings below pool and in front of fence; ensure that all excess material will be removed from the site.

Commissioner Verdi asked if a bond should be required. Ms. Sesto confirmed that a bond would be part of the normal special conditions.

Commissioner Verdi MOTIONED to approve WET#1955(S) with all general and normal special conditions and additional conditions as articulated by staff; SECONDED by Chairman Wong; PASSED 5-0-0.

### C. APPLICATIONS READY TO BE REVIEWED

1. **WET#1952(I) – DELANEY** – proposed addition and associated relocation of septic system to within 50 feet of a wetland at 38 Woods End Drive; cont'd.

Site Visit Attendees: Franklin Wong, John Hall, Sydney Gordon.

Commissioner Fiteni was recused from this discussion.

Kevin Myer of Square Edge Remodeling is the agent for the applicant. Mr. Myer presented the proposal to move the existing septic tanks to make room for a proposed addition. There are 2 alternate locations for the septic tanks.

There was discussion of the plans. Mr. Myer submitted a new drawing depicting the extension of the driveway to the proposed garage addition.

Ms. Sesto noted that the large amount of driveway is an increase of impervious areas, which is not viewed as favorable to adjacent wetlands. She asked if there would be any mitigation or installation of pervious materials on the site.

There was discussion of the site coverage calculations. Mr. Myer did not know them, and they were not noted on the survey. It was noted that the Planning & Zoning regulations have maximum coverage requirements. The proposal has not yet been reviewed by the Zoning Department. Mr. Myer explained that the applicant is conditioning the feasibility of the addition on a review of the septic proposal.

Chairman Wong asked how the movement of the septic system would affect the plantings in the proposed new area, assuming that septic tanks are usually covered by lawn.

Mr. Myer noted that the footprint of the lawn was not intended to change.

Ms. Sesto pointed out that there would have to be an accessway to the tank to pump it out. She also pointed out that the lawn area between the deck/porch and the limit of lawn ranges from 2 to 10 feet, which might not be realistic. She noted that she had previously talked to Mr. Delaney about the Commission's concerns about this lawn area, the shed existing on the wetland edge, and the increase of pavement area. She explained that mitigation for the addition might be to remove the shed from the wetland buffer, and use the space under the deck to store items like lawn and pool chemicals, and then improve the wetland buffer.

Chairman Wong also noted that the Commission would be interested in having calculations of runoff from the structure and the pavement.

Commissioner Hall pointed out that taking these mitigating improvements into consideration, it may be possible for the Commission to approve the application. He recommended that the applicant first speak with Commission staff for guidelines on what they will look for.

Commissioner Verdi stated that the Commission would like to know what percent of the site is impervious coverage.

Commissioner Hall recommended the applicant submit a survey showing delineations and coverage calculations. Ms. Sesto checked newly submitted survey; these calculations were not included.

Ms. Sesto recommended the applicant check with the Health Department regarding requirements for a B100. She also noted that she had previously discussed the Commission's mitigation concerns with the applicant, Mr. Delaney.

Chairman Wong also pointed out that the applicant should be aware that the regulations have

changed, and become more strict since the house was built. The commission does not wish to compound the poorly informed decisions of the past.

Chairman Wong will hold the application over until the next scheduled meeting.

Mr. Myers stated that he will check with the Health Department, and talk to the applicant about the shed, defining the lawn, and other mitigation measures.

Chairman Wong asked if there had been a discussion of alternate septic locations. Ms. Sesto pointed out the preferred location as depicted on the plans submitted.

Mr. Myer stated that he will call to speak to Commission staff for more detailed guidelines and advice.

WET#1952 will be continued to the Commission's next meeting, May 13.

2. **WET#1957(I) – MAISANO** – permit application for emergency septic repair in a regulated area at 20 Grey Rocks Road.

Ms. Sesto reminded the Commission that a temporary permit had been issued. The matter is now before the Commission for a regular permit.

Commissioner Verdi MOTIONED to approve WET#1957(I) with the General and normal Special Conditions; Commissioner Gordon SECONDED; PASSED 5-0-0.

3. **WET#1959(I) – WILLSON** – permit application for emergency septic repair in a regulated area at 297 Nod Hill Road.

Ms. Sesto noted that the work had been completed on this application.

Chairman Wong MOTIONED to approve WET#1959(I) with the General and normal Special Conditions; Commissioner Verdi SECONDED; PASSED 5-0-0.

D. APPLICATIONS TO BE ACCEPTED

None.

E. APPROVED MINOR ACTIVITIES

None.

F. CORRESPONDENCE

1. **WET#1934 – DRISCOLL – 149 Wolfpit Road** – Letter of Withdrawal

G. OTHER APPROPRIATE BUSINESS

None.

#### H. BONDS

No new business.

#### I. VIOLATIONS

1. **WISDOM** – 19 Blue Ridge Lane
2. **PAPAKASMAS** – 105 Twin Oaks Lane

The land use departments will be meeting on Monday, April 26 to discuss the property, as no progress is being made on the part of the property owner.

3. **BOCCAROSSA** – 107 Twin Oaks Lane

Atty. Ken Bernard has not yet responded to Ms. Sesto's inquiry as to the nature of the \$1,500 penalty/bond, or confirmation as to whether it has yet been received.

4. **GOUDIS** – 21 Trails Ends

Ms. Sesto explained that the property owner had come before the commission with an application regarding work on the driveway; the application was effectively abandoned, and denied. Since then, they have removed 30 trees, built a dog kennel, rebuilt a dam and 4 bridges, rebuilt a structure on the island, and laid piping to divert the flows from the pond onto Silver Hill Hospital property and then back, lined the pond with stone, and begun removing invasive plants.

She noted that she can issue a Cease and Desist order, and the property owner would have the right to come before the Commission within 10 days of issuance. There was discussion as to whether she should issue it immediately, or time it to be issued on May 3, so that the 10-day window would end on May 13, the next scheduled meeting; issuing it immediately would require the scheduling of a special meeting if the property owners desired a hearing.

She is also researching several legal issues, including whether the State would claim jurisdiction over the dam. Also, some clearing took place on an adjacent property prior to the owner of 21 Trails End having closed the purchase of it, so there is also the question of whether the previous owner should also be cited.

Ms. Sesto also noted that the regulations state that in the case of repeat violations, the subsequent offenses are fined; a case of multiple violations not provided for. There was some discussion as to whether the Commission should levy fines for each violation.

Commissioner Hall noted that since the property owner had previously filed an application, they were obviously aware of the correct process for obtaining a permit for work in a

regulated area. He asked if the regulations had any provision for an egregious or intentional violation. Ms. Sesto responded that they do not.

Commissioner Gordon asked if the work has been completed, what activities would the Commission require to cease and desist.

Ms. Sesto commented that she would prefer that the sanction be to "cease and restore". There was some discussion of the legal difference. Chairman Wong noted that they need to stop the violator from continuing the violating activity. Ms. Sesto noted that she can issue notices of violation for the individual violations, which would trigger individual fines. It was the consensus of the commission that the individual violations constituted repeat violations and were subject to fines.

Commissioner Fiteni asked if it was known who had done the work. Ms. Sesto commented that it was unlikely that staff could get that information. There was some discussion of issuing the notice to the current contractor "Yuri" as a way to obtain information about other contractors that were involved.

Chairman Wong asked if the erosion on Silver Hill Hospital property had taken place in Wilton or in New Canaan. Ms. Sesto confirmed that it had taken place within Wilton borders, and therefore the Hospital will be included in the Violation. She noted that she will be meeting with them the following week. She also noted that a neighbor had brought the activity to her attention recently.

#### J. APPROVAL OF MINUTES – April 8, 2010

Commissioner Verdi MOTIONED to approve the minutes of April 8, 2010 as amended; Commissioner Fiteni SECONDED; passed 5-0-0.

#### K. ADJOURN

Chairman Wong MOTIONED to adjourn at 8:38 pm.

Respectfully submitted,

Allison McConnell for Karen Padowicz  
Recording Secretary