

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

WILTON INLAND WETLANDS COMMISSION

DATE: May 27, 2010
PLACE: Town Hall Meeting Room A
TIME: 7:30 P.M.

Present: Franklin Wong, Chairman; Joseph Fiteni; John Hall; Jill Alibrandi; Phil Verdi;
Sydney Gordon

Also Present: Patricia Sesto, Director of Environmental Affairs; Allison McConnell, Acting
Recording Secretary; William Dexter, septic installer; David Pattillo; Case
Korpan, 15 Westfield Drive; Pamela Ely, Director, Children's Day School; Dennis
Delaney, resident ; Louise Delaney, resident; Clarissa Cannavino, Gregory and
Adams PC; Tom Shiel, Milone and MacBroom; Grant Jaber, Avalon Bay

A. CALL TO ORDER

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

B. PUBLIC HEARINGS

None.

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.

The applicant was not yet present at the time the meeting was called to order. Ms. Sesto
stated that she had spoken to Mr. Delaney to remind him about the meeting.

Chairman Wong stated the matter would be held open till the end of the meeting.

The matter was taken up again later in the meeting. Commissioner Fiteni was recused from
this discussion.

Dennis Delaney, the property owner, summarized the proposal, and some alternate arrangements. Mr. Delaney also submitted a revised map indicating the site coverage. He noted that the septic company he has contracted was concerned about placing the tank closer to an existing rock ledge; alternatively, the tank could be placed closer to the leaching fields, but that would also be closer to the wetland.

Mr. Delaney addressed the issues that were of concern at the last meeting, when his contracted builder, Kevin Myer was present.

He noted that according to the Health Department, a B100a system is not required.

He stated that the calculations of impervious area are noted on the drawing. He also noted the existing and proposed coverage as detailed on the drawing.

Ms. Sesto asked Mr. Delaney about a proposed mitigation plan that was requested by the commission at the last meeting.

Mr. Delaney noted the suggestions that the Commission presented to Mr. Myer at the May 13 meeting. He stated that he was not in favor of any of the suggestions regarding relocating the shed, reducing the paved surfaces, and reducing the area of maintained lawn.

There was some discussion of how the proposal would impact the wetland buffer, and why those suggestions, or a similar proposed mitigation plan, would be necessary for approval of the application as proposed.

Commissioner Alibrandi pointed out that the Commission does not allow a shed so close to a wetland, and it should therefore be moved.

Ms. Sesto noted that it would be possible to check aerial photos to determine when the shed was installed, but that the Commission cannot necessarily regulate it depending on the evidence she has available.

Commissioner Verdi asked what was stored in the shed.

Mr. Delaney replied that lawn care equipment including gasoline was stored in the shed. He also stated that it was built with all required Town permits, including Wetlands approval.

There was some discussion as to whether Wetlands Staff had reviewed the site or approved the shed at that location.

Chairman Wong explained that, in reviewing any application, the Commission looks at the existing conditions vis a vis the proposal, and looks for opportunities to improve the wetlands to compensate for the new proposal. He stated his view that there are opportunities on the Delaney property to improve the function of the existing wetland.

Ms. Sesto noted that there should be a plan to compensate for the proposal's impact on the

wetlands buffer. When the lot was developed the balance of economic development and wetland protection was more than met.

Chairman Wong continued that the Commission is concerned about the condition of the lawn, the location of the septic, and the impervious area of the driveway, all of which could be feasibly amended to create an improved situation for the adjacent wetland and compensate for the proposed addition. With these options available he doesn't see a hardship which would require the application to be approved as proposed.

Commissioner Hall noted the proposed changes all negatively impact the buffer by encroaching closer to the wetland. He noted that the existing property would be non-compliant if it were presented as a new application. He explained that the Commission is interested in working with the property owners to compromise, create an alternative proposal, or offer a trade-off that would improve the functioning of the wetland.

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

Louise Delaney noted that the shed was installed with Town approvals.

There was further discussion of site coverage and pervious and impervious surfaces.

Chairman Wong concluded that the impact of development on wetlands due to a loss of buffer has been well documented through environmental science. With no further options presented by the applicant, the Commission will consider the application as proposed.

The Commission discussed the application.

Commissioner Alibrandi expressed her dismay at Mr. Delaney's unwillingness to accept the Commission's suggestions for mitigation, noting that the least arduous compromise would be to move the existing shed.

Ms. Sesto noted that she will verify whether the Building Department has a permit for the shed.

Commissioner Wong asked if lack of mitigation is a valid reason for denial.

Ms. Sesto explained that the Commission would need to determine that the application warrants mitigation, and then find that there is a lack of mitigation in the proposal. She noted that it is known from studies that a 100 foot regulated area is needed to protect a wetland, and that impervious area on a property increases the amount of water and the temperature of the water entering the wetlands. It is also known that Wetlands officials need to minimize known detrimental practices.

Commissioner Verdi expressed his concern about the applicant's lack of compromise. He noted that the further away the limit of lawn is, the better.

Ms. Sesto noted that the runoff generated could further be mitigated by a rain garden.

There was some discussion of a Motion to Deny.

Commissioner Gordon suggested that Staff could discuss mitigation with the applicant.

Ms. Sesto noted that she had spoke to the applicant prior to the application being submitted, specifically discussing mitigation. She also explained that the Commission would be obligated to provide a reason for denial, and instructions for submitting a new application.

Ms. Sesto recapped the reasons supporting a denial discussed by the commission; the balance between development and wetland protection was met with the original development of the lot, increased impervious coverage contributes to increased runoff volumes and degraded water quality to the receiving wetland, and lastly, no mitigation was proposed by the applicant to compensate for the impacts.

Chairman Wong MOTIONED to deny WET#1952 due to factors as outlined by Ms. Sesto, Commissioner Hall SECONDED; PASSED 5-0-0.

Mr. Fiteni was reseated.

2. **WET#1962(I) – KEATING** – install new 5-bedroom septic system with leaching fields approximately 87 feet from a seasonal stream at 34 Telva Road.

William Dexter, licensed septic installer, summarized the proposed project, and explained the infeasibility of alternative arrangements.

Chairman Wong asked what are the types of vegetation in the area separating the proposed septic system and the existing seasonal stream.

Mr. Dexter responded that there are a few hardwood trees, but very little understory-type plants.

Chairman Wong asked about the limit of lawn and if that issue was pertinent. It was not.

Commissioner Hall asked for clarification of the drywells indicated on the plans.

Mr. Dexter described the location of the two existing dry wells and their condition, which is quite good. He also explained the benefits of the proposed system. The intent is not to build the reserve system unless the drywells fail some day in the future. Considering their good condition, this is not likely to happen any day soon.

David Patillo, the interested buyer of the property, identified himself, and noted that he is interested in the property only if this application is approved, which will allow him to continue with other improvements to the property.

Chairman Wong asked if the Commission had any further questions. There were none.

Commissioner Verdi MOTIONED to approve the application; Commissioner Hall SECONDED; PASSED 6-0-0.

3. **WET#1966(I) – KORPAN** – landscaping within a regulated area at 15 Westfield Road.

Case Korpan, property owner, summarized the proposed landscaping proposal. Invasive shrubs, largely winged-euonymus will be removed and a few small dead or declining trees. More desirable shrubs will be replanted.

Chairman Wong asked the Commission if there were any questions.

There was some discussion of demarcation of limit of lawn, and a bond will be required.

Commissioner Verdi MOTIONED to approve the application with the requirements of lawn demarcation and a bond in an approved amount; SECONDED by Commissioner Gordon; PASSED 6-0-0.

4. **WET#1967(M) – CHILDREN’S DAY SCHOOL** – installation of shed within wetland buffer at 111 Ridgefield Road.

Pamela Ely, Director of the Children’s Day School, summarized the proposal to place a shed adjacent to the wetland.

There was some discussion of the existing concrete slab on site, and the placement of the proposed shed in relation to the wetland. Ms. Ely noted that the slab was required by the Planning and Zoning Commission as part of a Special Permit application. The Commission noted its concern that the slab is placed too close, if not within to the wetland. Ms. Sesto will follow up with the Planning & Zoning Department.

There was some discussion of alternative, feasible sites for placement of the proposed storage shed. There was discussion of the issues of sightlines for monitoring the children, finding a flat slope, and not blocking the views of the adjacent rental unit. A location at the edge of the lawn, west of the parking lot was discussed and appeared viable.

Ms. Sesto asked if it was the inclination of the Commission for the matter, a Minor application, to go back to Commission Staff for revision and approval. The concrete slab will be dealt with separately and the applicant would not be subject to “corrective action” fees. The Commission agreed.

D. APPLICATIONS TO BE ACCEPTED

None.

E. APPROVED MINOR ACTIVITIES

1. WET#1964—GODSMAN –deck addition 85 feet from a pond at 30 Deepwood Road

There was no discussion.

F. CORRESPONDENCE

1. CT Siting Council – re: T-Mobile Certificate of Environmental Compatibility and Public Need, dated May 24, 2010

There was no discussion.

2. Permit Need Determination – Waugh, 23 Apple Tree Lane

Ms. Sesto reminded the Commission of the particulars of the original application, WET#1895(I).

Clarissa Cannavino of Gregory and Adams, PC, represented the property owner.

Ms. Sesto noted that the use of land for horse pasture is an agricultural use that is not regulated by the Inland Wetlands Commission.

Commissioner Fiteni noted his concern that future property owners may not use the land in an agricultural capacity and instead convert it to manicured lawn. He requested that staff research whether there is a mechanism to prevent a future owner from maintaining the pasture as a non-agricultural lawn area.

Ms. Cannavino noted that the regulations would require a permit to change the character of the land for a different use.

There was some discussion of the nature of the use as an “as of right conversion”.

The consensus of the Commission was that the conversion would have no impact on the existing permit.

Ms. Sesto reiterated that the consensus of the Commission is that no permit is required; and the second issue of concern to the Commission is creating a future precedent for the use of the property.

Chairman Wong MOTIONED that no permit is required for the creation of pasture within a regulated area 23 Apple Tree Lane; Commissioner Verdi SECONDED; PASSED 6-0-0.

G. OTHER APPROPRIATE BUSINESS

1. Proposed Field Change

a. WET#1306 – Avalon – 111 Danbury Road

Tom Shiel of Milone and MacBroom summarized the proposal. Avalon is ready to move forward with construction, and is working with State Department of Transportation and the Town on an agreement regarding the sidewalk.

A sidewalk was already approved as part of the original application, but DOT has required a different arrangement of the sidewalk. DOT has asked for there to be a strip of lawn between the curb and the sidewalk, and another flat strip of lawn between the sidewalk and the retaining wall. Avalon is proposing two shorter walls terraced into the slope, with a landscaped area between them, and is seeking approval on this proposal as a field change.

Mr. Shiel submitted copies of a drawing entitled "Improvements within the State Right of Way" dated August 5, 2009, last revised May 19, 2010.

There was some discussion of the width of the impacted area in the right of way, and its distance from the wetland. Grant Jaber noted that the sidewalk is a Town requirement.

Ms. Sesto explained that all of the proposed activity is on State land, and the State has asked Avalon to propose these changes on their behalf, and therefore the Commission must review the proposal.

Mr. Shiel noted that they already have verbal approval from DOT, although DOT is awaiting a maintenance agreement regarding the wall.

Commissioner Fiteni expressed his discomfort with the number of field changes that have been proposed.

Commissioner Verdi MOTIONED to accept the field change; Commissioner Hall SECONDED; PASSED 5-1-0, with Mr. Fiteni opposing.

H. BONDS

None.

I. VIOLATIONS

1. **PAPAKASMAS** – 105 Twin Oaks Lane

Ms. Sesto noted that the matter has been referred to Town Counsel.

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

Ms. Sesto reported that she has met with Jay Fain, soil scientist, although he has not been properly retained by Mr. Boccarossa.

3. **KRONIGSBERG** – 72 Clover Drive

Ms. Sesto noted that she has been in touch with Ms. Kronigsberg and her agent and the project appears to be moving forward.

4. **GOUDIS** – 21 Trails End
5. **CERRETANI** – 3 Trails End

Ms. Sesto reported that she has a meeting scheduled next week with Don Strait, representative of Mr. Goudis, to discuss a formal application.

J. APPROVAL OF MINUTES – May 13, 2010

Commissioner Verdi MOTIONED to approve the minutes of May 13, 2010 as amended; Chairman Wong SECONDED; passed 6-0-0.

K. ADJOURN

Chairman Wong MOTIONED to adjourn at 8:55 pm; Phil Verdi SECONDED; PASSED 6-0-0.

Respectfully submitted,

Allison McConnell for Karen Padowicz
Recording Secretary