

INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
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MINUTES
INLAND WETLANDS COMMISSION MEETING
JULY 22, 2010
7:30 P.M.

DATE: JULY 22, 2010
PLACE: Town Hall, Meeting Room A
TIME: 7:30 p.m.

I. CALL TO ORDER

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

PRESENT: Franklin Wong, Chair; Joe Fiteni, Phil Verdi, John Hall.

Also present: Patricia Sesto, Director of Environmental Affairs; Jennifer Russell, Recording Secretary; John McCoy, Donald Strait, Mr. Goudis, Adam Swanson, Eric Lindquist, Kate Throckmorton, William Kenney, Melissa Spohn, Donna Correale, Karen Shopis, Joe Cugno, Alice Osborn.

II. PUBLIC HEARINGS

- A. WET#1972(S) – DARST – 1054 Ridgefield Road** –installation of septic system with minor filling within designated inland wetland buffers.
Discussion was continued from Public Hearing on July 8, 2010.

Ms. Sesto read a letter from Jennifer Zbell, Assistant Sanitarian, dated July 20,2010 in response to the July 8, 2010 Inland Wetlands Commission meeting stating the requirements of a new septic system to be designed to accommodate the existing 4 bedroom house.

Mr. John McCoy of JM Engineering of Ridgefield presented maps of the property. Mr. McCoy submitted a revised plan for the record. He noted that there would be an extended sleeve to the pump chamber on the left and to the wall on the right, as depicted on the map.

Mr. McCoy stated that the current septic system for a three bedroom house is not adequate for the four-bedroom house. He explained that the leaching field for the four bedroom house will be 96 feet from the wetland and the system will be centered between wetlands. If the system were a straight repair, with no expansion, the fields would be 10 feet further from the wetlands.

Further discussion with the applicant continued briefly.

Mr. Wong asked if there were any more questions from the commission or public. Hearing none, the public hearing was closed.

Mr. Verdi made a MOTION to APPROVE WET#1972 with the General and normal Special Conditions. Mr. Hall seconded the motion. The motion carried 4-0-0.

B. WET#1973(S) – SOUND MANAGEMENT GROUP – 21 Trails End Road– restoration of construction and landscaping in and adjacent to wetlands, and;

C.WET#1974(S) – SOUND MANAGEMENT GROUP – 3 Trails End Road – construction of tennis courts and restoration of landscaping activity within wetlands and buffers.

Mr. Wong clarified that the two applications will be presented as simultaneously for the adjacent properties.

Ms. Sesto read the List of Documents submitted for WET#1973 and WET#1974 into the record.

The documents included a letter from Ms. Lois Higgins of 326 New Canaan Road. Ms. Higgins expressed concern about location of the dog kennel and its proximity to the watercourse, noting the area floods on occasion. She suggested a proper sewer or septic system should be installed so that waste does not flow into the brook. She also requested a limit on the number of dogs in the kennel.

The documents also included a memo from Ms. Sesto to the Inland Wetlands Commission in which she explained that these applications are as a result of two Cease and Desist Orders issued for the properties at 3 and 21 Trails End Road. Ms. Sesto clarified that while the two applications may be discussed simultaneously, they would need to be voted on separately.

Commissioners who visited the site were Frank Wong, Joe Fiteni, John Hall, and Phil Verdi.

Don Strait, landscape architect and agent for Sound Management Group, outlined the proposed plan for 3 and 21 Trails End Road. He stated that 3 and 21 Trails End Road remain two separate properties and had not been merged correcting a previous statement to the contrary by Ms. Sesto.

The plan proposes removal of the existing dog kennel and construction of another kennel at the location of the existing garage at 3 Trails End. Mr. Strait explained that physically moving the existing dog kennel is not possible as the structure is brick.

Mr. Strait acknowledged the concern regarding the proximity of the proposed kennel to the brook and agreed that the dog kennel may be moved to a different location on the site. He also observed that, as the properties were not merged, the kennel would have to be moved to accommodate building setbacks in any case.

Regarding the applicant's deposit of approximately 4 to 6 inches of fill and new plantings in the area south of the pond, Mr. Strait stated that the fill and new plants were an attempt to normalize the pond level.

While not part of this application, Mr. Strait reviewed the situation with the dam and the overflow pipes that were to be installed. It is anticipated that this work will be submitted under a separate application once the Dam Safety Division of the DEP makes a jurisdictional determination.

Regarding the reconstruction of the four wooden bridges, Mr. Strait agreed to provide evidence regarding the location and size of the previous footings to establish that these were not enlarged. Regarding the construction of the pergola, deck, and plantings, Mr. Fiteni noted that any adverse effects of the pergola could be reduced by substituting a permeable floor. Mr. Strait also proposed the installation of 10-12 feet of plantings to improve the buffer. It was also noted that the pergola presents a zoning issue in its current location which Mr. Strait stated the applicant is trying to resolve with that department.

Regarding the placement of stones and gravel around the perimeter of the pond, Mr. Strait stated that some stones were there historically while others have been added to prevent erosion of the pond bank. Mr. Fiteni expressed doubt that the new stones would serve this purpose and also that it was difficult to see how the gravel served any purpose other than aesthetic.

Regarding the proposed daylighting of the brook, Mr. Fiteni asked for greater detail of what this would look like. Mr. Strait agreed to supply this, and also stated that box culverts would be installed in order to accommodate the new driveway that was cut.

Regarding the trees which were removed, Mr. Strait noted that the plan includes planting 30 trees to replace these. Ms. Sesto expressed concern about the choice of trees in the plan, noting the smaller size of mature white birch trees versus those which had been removed. Mr. Strait stated that the applicant would try to accommodate her request for the planting of shade tree species.

Mr. Strait noted that the majority of the landscape debris adjacent to wetlands has been removed, though there still needs to be continued cleaning by hand.

The proposed plan for 3 Trails End Road includes the construction of a tennis court and a "guest house." Mr. Strait suggested maintaining the existing evergreen trees and stated that portions of the driveway will be removed and grass will be planted.

Mr. Verdi inquired why demolition took place despite the issuance of a cease and desist order to which Mr. Strait responded that a permit was obtained for the demolition. Ms. Sesto clarified that the Inland Wetlands did not approve the demolition and reiterated the question of why demolition and deposition of stone in the pond occurred after the issuance of the Cease and Desist Order. Mr. Strait was unable to address this issue.

Mr. Verdi asked about the run-off of dog waste from the dog kennel. Mr. Strait responded that a berm could be formed behind the kennel to help stop the flow of pollutants to the brook. He added that a drain may have to be installed. In addition, he again noted that the kennel will be moved back approximately 20 feet due to the 50 foot zoning setback. Ms. Sesto raised the concern that if the area floods as the neighbor stated, then floodwaters would circumvent the berm and carry the pollutants to the watercourse.

Following a question, Mr. Strait answered that the total acreage of both properties approximately 7 acres. The property at 21 Trails End Road has approximately 5 acres and 3 Trails End Road

has approximately 2 acres.

Mr. Fiteni questioned how the Commission could consider the application for activity at 3 Trails End Road since adequate information was lacking. He inquired about the exact location of the well, septic system, and drainage flow. Mr. Fiteni stated that 3 Trails End was not a valid application as presented.

Mr. Wong asked about the appropriate course of action taken by the Commission due to the inadequate application for regulated activities at 3 Trails End Road. He further stated that the violations for this property have not been acknowledged nor addressed sufficiently.

In response to the comments of Msrs. Fiteni and Wong, Ms. Sesto described the application process, noting that the commission has to accept an application regardless of its perceived completeness. Once received, the commission can deem the application incomplete and deny it. With regards to the ongoing work, the Commission's actions could include reissuing another Cease and Desist Order and/or imposing fines.

When asked, Mr. Strait said there is no hydraulics report for 3 Trails End Road.

Mr. Fiteni stated that the footings of the bridges could be an issue if they constrict flow. He asked whether the bridges were on the same footings and requested proof that there is no restriction of the water way. He questioned the purpose of the stones and gravel in the pond. Mr. Strait offered that the stones were an effort by the applicant to limit erosion where the streams enter the pond.

Ms. Sesto refuted that claim, noting that the juxtaposition of the inlets would work together to minimize the risk of erosion.

Mr. Wong inquired about the change in water levels of the pond and asked whether there was a method to determine the previous level.

Mr. Fiteni reiterated his question about why the stones and gravel were installed.

Mr. Wong asked if the pond could be expanded without flow issues.

Mr. Verdi stated that the 13 points in Ms. Sesto's letter need to be addressed.

He outlined that the violations to be corrected and the Cease and Desist Order needs to be respected.

Mr. Hall referenced a previous application that was submitted by this applicant, establishing that the applicant is aware of the regulations. He repeated the expressed concern that the Cease and Desist Orders were ignored. He proposed fines in order to convey the message that the work cannot occur without proper permitting.

Mr. Wong would like each violation to be addressed individually.

Mr. Verdi agreed with Mr. Hall that the Commission should evaluate all corrections at one time. Mr. Wong and Mr. Fiteni stated that the applicant disregarded the violations, rather than honoring them and expressed strong hesitation to review an application for site improvements

with a list of violations outstanding. Mr. Wong stated that if the tennis court and other improvements worked to address the violations, then a unified application may work. Accordingly, the applicant was asked to provide specific details in the proposed plan to demonstrate how the violations would be rectified.

Ms. Sesto stated her understanding that the Commission is in agreement that the stones and gravel should be removed from the pond.

Mr. Fiteni suggested the addition of plantings close to the pergola to address the elimination of a portion of the stream buffer. Ms. Sesto encouraged the Commission to evaluate all the plantings in order to amend recommendations as needed. Mr. Hall requested further information about the existing plantings which are to be removed or replaced.

Ms. Sesto questioned the size of the box culvert and the ability to properly set it given the shallow nature of the brook on 3 Trails End. Mr. Strait stated that the size of the culvert is 2 feet by 4 feet and the configuration of the brook should accommodate the culvert.

Mr. Hall asked if the Commission could add the new violations to the existing Cease and Desist Order to which Ms. Sesto responded no. There is a specific process that comes with Orders and adding to them would circumvent that process. Instead, new Cease and Desist Order could be issued to time the show cause hearing for the next meeting and fines could be issued. Mr. Hall agreed.

Mr. Fiteni requested more information about the hydraulics and suggested that Mr. Strait seek the advice of a hydraulic engineer.

Mr. Wong asked if the public would like to speak. There was no further discussion.

Mr. Wong declared that the public hearing for applications WET#1973 & WET#1974 will remain open until the next meeting.

D.WET#1975(S) – MUTUAL HOUSING ASSOCIATION OF S.W. CT – a.k.a. WILTON COMMONS – 21 Station Road - installation of affordable assisted living housing with associated development (parking lot, sidewalks, retaining walls and landscaping) within regulated area.

Ms. Sesto read the List of Documents into the record.

Ms. Sesto read a letter from James Evans of Stamford, CT dated July 22, 2010 a requesting the public hearing be carried over.

Mr. Wong stated that the public hearing for application WET#1975 will continue at the next meeting.

E.WET#1977(S) – TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA – 10 Westport Road – construction of surface parking spaces on the property, some of which are located in a regulated buffer.

Ms Sesto read the List of Documents into the record.

She read her memo regarding comments about this application. Her recommendations included a request for alternative locations and impervious cover. She stated that the Conservation Commission's suggestion to stack parking should be considered.

Commission members John Hall and Phil Verdi indicated they visited the site.

Adam Swanson of Gregory and Adams, P.C. and representing the applicant, spoke about the proposed plan. He explained that additional parking spaces are necessary due to the increased number of employees and a loss of parking when 20 Westport Road was developed.

Erik Lindquist, P.E. explained the proposals for the property and responded to Ms. Sesto's memo. To address erosion concerns down gradient of the level spreader, he suggested additional plantings. Mr. Lindquist said an analysis of Chestnut Hill Brook was conducted and the downstream culverts and structures can pass the additional flows. He described the various sediment and storm water controls of the lower parking areas.

Mr. Lindquist gave details of alternate locations considered to meet the parking needs and spoke to the Conservation Commission's suggestion of stacked parking. He stated that in order to stack the parking, a portion of the hillside would have to be excavated, which would include blasting.

Ms. Sesto clarified the concept of stacked parking suggested by the Conservation Commission, noting that the commission had envisioned it going adjacent to the existing building, not into the hillside as described by Mr. Lindquist.

Mr. Fiteni conveyed his position that alternatives were not considered thoroughly.

Mr. Swanson read from the Planning and Zoning permit issued in 1990 for 20 Westport Road and explained the relationship between 10 and 20 Westport Road. He stated that 638 parking spaces are required under zoning regulations, although there are only 497 parking spaces at 10 Westport Road. Mr. Swanson asserted that only a limited portion of the project was in the commission's jurisdiction because much of it was more than 100 feet from the wetlands.

Ms. Sesto questioned how P&Z approved a plan in 1990 with less than the required number of parking spaces. This contradicted her understanding of the P&Z process. She also responded to the jurisdictional statement, noting that the storm water discharges to the wetlands were regulated; therefore the parking areas themselves are under the scrutiny of this commission.

Mr. Swanson requested continuation of the hearing in order to effectively address a variety of issues.

Mr. Fiteni requested reduced disturbance of the environment in the proposed plan. He explained that the focus of the Inland Wetlands Commission is the long-term impact on the wetlands environment. He further stated that cost in and of itself is not a factor as outlined in the statutes.

Ms. Throckmorton, landscape architect, described the landscaping plans and agreed with Mr. Swanson and Mr. Lindquist that alternate plans can be discussed at the August meeting.

Mr. Verdi verified that alternative plans would include an alternative landscape plan, to which

Ms. Throckmorton agreed.

Mr. Hall asked about the possibility of relocating the parking spaces in order to eliminate the effect on the wetlands. Mr. Lindquist acknowledged that the ultimate goal is to nullify the effect on the wetlands.

Responding to Mr. Lindquist's description of two phases, Mr. Hall suggested obtaining a permit to meet current parking needs, rather than constructing parking spaces in anticipation of possible future needs.

Mr. Verdi countered that a one-time construction is more cost-effective than multiple constructions. Therefore, he proposed that the Commission consider the entire plan at this time. Ms. Sesto agreed that the entire plan would be considered as long as the need for parking spaces is justified.

Mr. Wong asked for public comments. There were none.

Mr. Wong held the public hearing for application WET # 1977 over to the next meeting.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#1976(I) – SPOHN & WENMAN – 66 Spoonwood Road - construction of in ground pool and spa with deck and retaining walls within regulated area.

Bill Kenney, wetlands and soil scientist, of William Kenney Associates, introduced himself as the agent for the applicant. He went on to describe the project. He stated that the topsoil will be stockpiled and the excavated subsoil will be removed from the site as soon as possible. Mr. Kenney pointed out the uphill slope is in small watershed area so there is not a large amount of water passing through the site.

Mr. Fiteni inquired about the run-off from the lawn. Mr. Kenney explained that the drainage pattern will be similar to current conditions and a shallow swale is part of the grading plan to direct overland flows around the pool and towards the brook.

Mr. Fiteni expressed concern about the flows directed to the stream and proposed plantings at the edge of the lawn to slow the drainage flow.

Mr. Kenney agreed that the request could be accommodated as part of the plan.

Ms. Sesto suggested a 10 foot deep by 20 foot wide planting area. The limit would be marked.

Mr. Kenney agreed to this request.

Mr. Verdi made a MOTION to approve application WET#1976 with the General and normal Special Conditions and the additional Special Condition that a 10' x 20' planting area with demarcation be included, Seconded by Mr. Hall and carried 5-0-0.

B. WET#1979(I) – CORREALE – 27 Weeburn Lane – “corrective action” to correct retaining walls and construct access way within regulated area.

Ms. Sesto explained that the Commission could not complete a site walk at this property due to

storm-related road closure.

Ms. Shopis, landscape architect, spoke on behalf of the Correales. She described the nature of the work that lead to the violation. The access road that was part of the violation is proposed to stay to resolve issues associated with limited access to the back yard. The proposed plan calls for the removal of two additional maple trees and planting of red maple trees on each side of the access way. Shrubs will also be added to restore damaged areas.

Mr. Hall clarified the specifics of the planting plan.

Mr. Verdi made a MOTION to approve application WET#1979 with the General and normal Special Conditions, Seconded by Mr. Hall and carried 5-0-0.

IV. APPLICATIONS TO BE ACCEPTED

None.

V. APPROVED MINOR ACTIVITIES

- A. WET#1980(M) - PETTIT AKA SOUND PROPERTY DEVELOPMENT – 51 Coley Road –** expansion and renovation of existing single family dwelling with associated general site work.

VI. CORRESPONDENCE

- A. WET#1542(I)- DAVIDSON – 143 Cheese Spring Road –**
Request for a 5 year extension

Mr. Verdi asked if the extension was required. Ms. Sesto stated that from the applicant's perspective, maintaining a valid permit was worthwhile, even if they didn't anticipate constructing the B100.

Mr. Wong moved to extend the permit for 5 years. Mr. Hall seconded. The motion carried 5-0-0.

- B. WET#1831 – MILLER – 221 Sharp Hill Road-** Request for field change.

Mr. Joe Cugno spoke about the requested field change to the 221 Sharp Hill Road. In the original application the retaining wall was held tight to the construction, too tight. Mr. Cugno showed the area where he would like permission to "bump out" the retaining wall to better facilitate vehicular movement. In exchange, a portion of the buffer to the west will be enhanced with more plantings.

Ms. Wong made a MOTION to approve the revision to the application WET# 1831 as a field change, Seconded by Mr. Verdi seconded and carried 5-0-0.

VII. OTHER APPROPRIATE BUSINESS

A. Violations

- 1. PASTAORELLO – 84 Raymond Lane**
- 1.2. HOLLETT – 94 Raymond Lane**

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- 1.3. **PAPAKASMAS** – 103 Twin Oaks Lane
- 1.4. **BOCCAROSSA** – 107 Twin Oaks Lane – Home owner will submit necessary documentation.
- 1.5. **DELATERRE** – 5 Powder Horn Hill - Ms. Sesto had hoped to meet with homeowner on 7/23/10, but the meeting has not been confirmed.

VIII. APPROVAL OF MINUTES – July 8, 2010

Mr. Verdi moved to approve minutes with minor changes. Mr. Fiteni seconded the motion. The motion carried 5-0-0.

Mr. Verdi thanked Joe Fiteni for his 10 years of service to the Inland Wetlands Commission and applauded his stellar efforts and leadership. Commissioners and staff agreed added their words of agreement and gratitude.

IX. ADJOURN

Mr. Verdi moved to adjourn. Mr. Hall seconded the motion. The motion carried 5-0-0.

Meeting was adjourned at 10:24 p.m.