

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

**MINUTES**  
**INLAND WETLANDS COMMISSION SPECIAL MEETING**  
**September 8, 2010**  
**7:30 P.M.**

**DATE:** September 8, 2010  
**PLACE:** Town Hall, Meeting Room A  
**TIME:** 7:30 p.m.

**PRESENT:** Franklin Wong, Chair; Syd Gordon, Jill Alibrandi, John Hall.

**ALSO PRESENT:** Patricia Sesto, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Kate Throckmorton, Environmental Landscape Solutions; Jay Fain, Jay Fain & Associates; Grey Hollett; George Therattil.

**I. CALL TO ORDER**

Mr. Wong called the meeting to order at 7:31 p.m.

**II. PUBLIC HEARINGS**

**A. 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. (cont.)

A letter was received from Clarissa Cannavino on September 8<sup>th</sup> asking to continue the hearing until September 23<sup>rd</sup>. Ms. Alibrandi MOVED to Approve the request for an extension, Mr. Wong SECONDED and it was CARRIED 4-0-0.

**B. WET#1987(S) – BOCCAROSSA – 107 Twin Oak Lane** – “corrective action” to restore a filled wetland.

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

Mr. Fain of Jay Fain & Associates explained the property as a 3.8 acre parcel on the north side of Twin Oaks Lane with a common driveway. The existing driveway was excavated to solve a drainage problem and the excavated material was deposited in and adjacent to wetlands without a permit. The goal is to restore the area of disturbance by revegetating with seed mix, trees, and

shrubs.

Ms. Alibrandi inquired if the fill was proposed to be removed and Mr. Fain responded by stating that the fill on the top contains miscellaneous items and if it is disturbed, it can erode and create sedimentation with water ponding on the surface but that he would change it if the commission wishes.

Ms. Sesto noted that the area to the left is a filled system. Mr. Fain confirmed that it contains a mix of soil types. Ms. Sesto noted that it has older wetland vegetation and does not agree with Mr. Fain's concept that moving fill from the wetland is more detrimental than leaving the wetland filled.

Mr. Wong asked for the depth of the fill as it seems substantial. Mr. Fain will confirm the depth of fill when the excavation takes place. Ms. Sesto noted that this area has been disturbed several times so it will be hard to tell what was moved and when.

Mr. Fain explained the history per Ms. Alibrandi's request. The first time he was engaged on this project was in the spring of 2010 when he met with Ms. Sesto. The vegetation was tall and difficult to see the limits of disturbance at that time.

Mr. Hall noted that the violation was due to the filled wetlands. Ms. Sesto confirmed that the fill was placed in wetland and non-wetland areas and that the property owner has historically made changes without the proper permits.

Ms. Hall asked why the fill was placed where it was and Mr. Fain confirmed that there was water coming into the house and they were regarding the driveway to resolve this problem. Ms. Alibrandi confirmed that we need to include demarcations to make sure the area is not disturbed again. Mr. Fain stated that they can place boulders in the area.

Mr. Wong voiced concerns about the water issues for the homeowner if the fill is removed again and Mr. Fain confirmed that this would not be an issue. He explained the soil has been disturbed historically and could not readily state how deep the fill was. At Mr. Hall suggestion, Mr. Fain confirmed that would use his expertise to determine original soil based on field conditions.

Ms. Sesto asked the commission to provide some direction on how extensive of an area they expect the fill to be removed from. Mr. Wong suggested the area should extend north to the upland meadow grasses; some of this fill is older but it should be removed just the same. Mr. Fain confirmed that the soils and topography tells him where the wetland is. Ms. Sesto noted that there is evidence of the ditches being cleaned out and the spoils being left in the wetlands. Mr. Hall stated that we now have the opportunity to correct the historic filling.

Mr. Wong marked up the plan near the driveway by circling areas he feels the fill should be removed. Mr. Gordon noted that some of the areas Mr. Wong circled are state property. Mr. Fain confirmed that they can remove the fill and place boulders in key areas. Ms. Sesto suggested that they use larger trees. This plan would require the plantings to be completed this fall.

Ms. Alibrandi MOVED to approve the application with the General and normal Special Conditions and the following additional Special Conditions; the site plan shall be revised to show

the inclusion of boulders to delineate the limit of mowing, the area where fill is to be removed will encompass is increased as indicated by Mr. Wong's sketch; the size of the plants will be increased to 3-4 feet for shrubs and 2-2.5 inches caliper for trees, and the work shall be completed by October 31, 2010, Mr. Wong SECONDED and it CARRIED 4-0-0.

**C. WET#1988(S) – HOLLETT – 94 Raymond Lane** – “corrective action” to repair clearing and regrading within 100 ft. of a watercourse.

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

Kate Throckmorton is the agent for the Hollett's. She stated the site has been seeded and silt fence that has already been installed. She explained the conditions prior to the violation, stating the wood line was close to the back of the house and shed on the north side. The owners were in the process of more minor removal of select trees immediately adjacent to the house and the contractor proceeded to clear the Hollett's lot and a portion of the neighbor property without permission. Fill was also placed on the east side of the property. The restoration consists of pulling back the fill to original grades for the most part and planting 37 trees and shrubs. There will also be a boulder demarcation line. The owners are hoping to have 50' of lawn area behind the house which would be completed this fall.

Ms. Sesto questioned the trees that were removed and the replacement plan, noting that more trees were removed than are being proposed to be replaced. Ms. Throckmorton stated that there were larger trees previously but the replacements were based on the square footage of the larger trees. There will be a heavy band of shade trees in the lower areas and more dense trees in the upper area to re-establish the vegetation. Ms. Sesto requested stronger substantiation with respect to the density of tree in the restoration plan; perhaps the adjacent woodlands can be used as a “control area”.

Ms. Alibrandi noted that the fill is 3' deep at the densest area but the silt fence is already down. Ms. Sesto confirmed that the area feeding the fence needs to be divided with more silt fence.

Mr. Wong confirmed that the fill on all disturbed areas of the property is set to be removed, and the area will be flattened. He also confirmed that the distance to the wetland boundary is 80 ft. and 130 ft. to the watercourse. The slope is 2-1-1. Ms. Sesto inquired as to why the lawn is consuming a portion of the buffer in order to provide a uniformly wider yard. Mr. Hall added that the previous trees were up to the building and he was concerned about the restoration falling short of the pre-existing conditions. Ms. Throckmorton's response was that her client wanted to have 50' behind each structure to increase air flow and prevent further rotting of the structures. Ms. Alibrandi voiced concern that the trees were not being put back where they were.

Mr. Hollett spoke about the situation with the history of the activity. He was not at the home when the trees were removed and did not get confirmation that the work was being completed. His best guess is that 27 trees were removed on the property. Ms. Throckmorton noted that they can revise the plan and will fix the silt fence immediately. The lawn line should be tightened and Mr. Hollett was advised to gain his neighbors approval for the changes that will be made to their property.

Mr. Wong continued the hearing until the next meeting on September 23<sup>rd</sup>.

### **III. APPLICATIONS READY TO BE REVIEWED**

- A. WET#1983(I) – BROWN – 544 Nod Hill Road** – “corrective action” to extend lawn and additional plantings.

Ms. Sesto noted that Mrs. Brown was hoping to be at the meeting but was not present. Mr. Wong stated that this item would be carried over to the next meeting so that the applicant can be present.

- B. WET#1984(I) – Therattil – 102 Range Road** – stabilize soil erosion and fix existing retaining wall.

Mr. Therattil was present and explained the scope of the stabilization of the backyard. He has been living on the property for 14 years and the soil has been eroding for some time. He has attempted to correct the erosion by fixing the existing retaining wall. The grade in the backyard drops as much as 2.5 ft from the house to the old stone wall. The plan is to replace and supplement the existing stones to create a boulder retaining wall to level the yard. Mulch, shrubs, plants and trees will be placed at the perimeter of the work area. The limit of fill will remain unchanged.

Mr. Wong confirmed with Mr. Therattil that he will use natural stone to ensure drainage through the subsoil.

Mr. Wong made a MOTION to Approve the application with the General and normal Special Conditions, Seconded by Mr. Hall and passed 4-0-0.

### **IV. APPLICATIONS TO BE ACCEPTED**

Chairman Wong made a MOTION to accept the following application, SECONDED by Ms. Alibrandi, and CARRIED 4-0-0.

- A. WET#1991(I) – KONIGSBERG – 72 Clover Drive** – “corrective action” to remove 8’X10’ concrete slab that abuts wetlands.

### **V. APPROVED MINOR ACTIVITIES**

- A. WET#1989(M) - LeBLANC – 10 Canterbury Lane** – construction of a deck
- B. WET#1990(M) – SILVER HILL HOSPITAL – 208 Valley Road** – building renovations to include ADA upgrades and new drainage management

Ms. Sesto gave an overview of each application.

### **VI. CORRESPONDENCE**

Chairman Wong made a MOTION to extend the following permits for 5 additional years,

SECONDED by Mr. Gordon, and CARRIED 4-0-0.

**A. WET#1543(I) – BAKER – 162 Old Kings Highway** – letter to extend the septic expansion for another 5 years

**B. WET#1565(M) – POLITO – 89 Cannon Road** – letter to extend the discharge of a footing drain for another 5 years

**VII. OTHER APPROPRIATE BUSINESS - None**

**VIII. APPROVAL OF MINUTES – August 12, 2010**

Mr. Wong MOVED to APPROVE the minutes of the August 12, 2010 meeting as amended, Ms. Alibrandi SECONDED, and it CARRIED 4-0-0.

**IX. ADJOURN**

Mr. Wong MOVED to ADJOURN at 8:50 p.m., SECONDED by Mr. Gordon, and CARRIED 4-0-0.