



MINUTES

April 26, 2012

PRESENT: Frank Wong, Chair, Elizabeth Craig, Richard Reiter, Dennis Delaney, John Hall, Nick Lee, Elisa Pollino

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Marc Andre, Marc G. Andre Architects; Kate Throckmorton, Environmental Land Solutions; Kevin O'Brien, Wilton Country Homes; Susan DiLoreto, Conservation Commission

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:33 p.m.

II. PUBLIC HEARINGS

A. WET#2082(S) – FOSTERHOUSE, LLC – 122 Olmstead Hill Road – expansion, restoration, and relocation of a pond and wetland and proposed B100a within a regulated area

Ms. Sesto noted that the applicant has requested a continuation and read the letter into the record. She also noted that the commission should have received electronic copies of new materials.

Mr. Wong **MOVED** to continue the Public Hearing, **SECONDED** by Mr. Hall and **CARRIED** 7-0-0.

B. WET#2097(S) – GARRITANO – 19 Ground Pine Road – “corrective action” to restore wetland, deck expansion, and tree and vine removal (cont.)

Ms. Sesto noted that there were new materials emailed to the commissioners.

Ms. Sesto read the new documents into the record.

Ms. Throckmorton noted that the plan has been revised per the commissioner comments expressed at the last meeting. The debris pile and propane tank have been adjusted on the new plan. The vines will be removed from the trees where needed, but the trees along the southern boundary will not be removed. There will be no expanded lawn area as previously discussed. The lawn will be clearly delineated with shrubs and the area to the north-west will be replanted

with shrubs.

With no questions or comments, Mr. Wong closed the public hearing.

**C. WET#2099(S) – PETTIT – 27 Wolfpit Lane – construct pool and other site improvements
60 ft. from wetlands**

Ms. Sesto read the documents into the record. Ms. Craig, Mr. Reiter, Mr. Hall, Mr. Lee, Ms. Pollino, and Mr. Delaney indicated they visited the site.

Mr. Andre noted there is an open permit for new house construction which is almost completed. The developer is proposing a pool between the new detention basin and the main house. He stated they are limited in potential locations due to slopes and septic. Construction access will be from the existing driveway around the south side of the house and minimal excavation is needed. They propose a retaining wall to contain the western limit of fill and the pool. There is no mitigation included in this application since so much was done with the previous permit. No long term impacts are anticipated with this activity. Some shrubs will be relocated during construction and will be brought back and the area re-seeded the area post-construction.

Mr. Lee noted that the masonry work was blocking the accessway when he completed his site visit. He added that they would not even get a wheelbarrow through the opening in the stonework to access area. He also noted that the plantings from the previous permit were not installed correctly, there appear to be Norway maples planted, and some cherry trees subsequently died. Mr. Andre knows of one dead cherry and confirmed this will be replaced. He stated that they relocated a red maple and a cherry and the transplanted cherry has died. Mr. Andre confirmed all dead or improper vegetation from the old permit will be replaced. Ms. Sesto will check the plan as there are some invasive species present, and the basin, which is supposed to be a dry basin is currently ponding water. Mr. Andre stated he would check with this engineer on this issue.

Mr. Delaney noted the 100 foot buffer line looks out of scale and requested the applicant check if the map is drawn accurately.

Mr. Lee requested a construction sequence and details focusing on the construction access.

Ms. Craig asked for the dimensions of the pool and asked if there was any consideration to change the shape of the pool. Mr. Andre confirmed the pool size is 20 x 30 ft and they have not looked at other configurations.

Mr. Reiter asked about the structure around the pool. Mr. Andre stated that the proposed elevated area will be grassy patio. They will install flagstone and grass, not set on cement, so it will remain pervious. The gap between flag stones will be 6-8 inches. Mr. Andre also noted they would like to install a trellis between the pool and the basin for aesthetics. A detail of the grassy patio was requested by Ms. Sesto.

Mr. Hall asked if there were any alternate locations for the pool on this property. Mr. Andre responded that there were none and explained that they cannot put the pool closer to property line due to zoning regulations. He added that any other location would require moving the newly installed septic, which is not feasible.

The work associated with previous permit was discussed, concluding that construction it generally done with the exception that the bioretention basin is not draining properly. Mr. Lee requested more information detailing cut and fill expectations and the construction methodology of the retaining wall.

Mr. Hall asked if the septic on plan has been installed. Mr. Andre confirmed that is was just completed and noted that there is a B100a if the septic fails.

Mr. Hall stated there is a lot going on already on this lot. He went further to state that the 600 sq. ft. area with 6ft. deep fill seems like an over-intensification of use. Mr. Andre stated that there is not much more they can do with the property and it is a small pool. Ms. Craig stated that this is a small space to install a pool.

Mr. Lee stated that the six to eight foot drop will need to be addressed with a construction sequence with site access. He was concerned that the soil and erosion controls would fail if the soil gave way. He would like to see the access from the driveway to the pool with all erosion controls noted for clarity.

Mr. Hall asked for Mr. Andre to show where the retaining walls will be, based on the plan. Mr. Andre pointed out the orange double lines and confirmed that the retaining wall continues 70 – 80 ft. down slope and has a 4 ft. drop. Mr. Hall asked how much fill is being brought in for pool construction to which Mr. Andre responded 200 cu. yards, and digging 46 cu. yards for the masonry footings.

Mr. Hall asked if there is a wall behind detention basin. Mr. Andre stated that the old silt fence and haybales will be removed and new ones will be installed.

Mr. Andre confirmed that his scale is incorrect and he will correct it with a new plan. He will include a construction sequence and details for the grassy patio. Mr. Hall suggested moving the patio south.

A discussion ensued relating to set-backs, the commitment of an upland review area, and what the commission's goals are.

Mr. Andre confirmed, with the corrected scale, that the distance from the wetland to the pool is 65 ft. The retaining wall starts sloping at the grade 45 ft. from the wetland.

Mr. Reiter confirmed that the pool pad was outside of the regulated area.

Carol Barbour lives on the west side of the subject property. She has experienced disruption with construction on the street, and sees a lack of care for wildlife and birds who are losing their habitat. She added that another pool previously constructed close by is draining towards her property and causing issues. She is concerned for her neighbors with septic issues which lie directly behind the proposed site.

With no further questions or comments, Mr. Wong continued the public hearing until May 10, 2012.

D. WET#2101(S) – CHACE – 17 Azalea Lane – construction of pool, patio, and septic within an upland review area

Ms. Sesto read the documents into the record. Ms. Craig, Mr. Reiter, Mr. Hall, Mr. Lee, Ms. Pollino and Mr. Delaney indicated they visited the site.

Kevin O'Brien noted that Glenn Gate Pool has done some extensive work on this property already. He stated that there are plans from Glenn Gate that are being submitted as alternatives. He noted that the septic system would need to be relocated to fit the pool on the property. They could keep a portion of the septic in place but would have to re-build the system with a fill package. In order to get the pool area level with the septic, they would have to bring in lots of fill to have the 25 ft. distance. They would lose one row of septic and therefore have to expand or change the septic area. He noted that Ms. Throckmorton will review a letter from the Engineer, Doug DiVesta.

Ms. Throckmorton described the existing property. It is 4.5 acres, but the developed area is only 1 acre because of the parcel's irregular configuration. The owners want pool so they tried to find the best space to avoid unnecessary disturbance. She confirmed that when the home was constructed, the upland review area was 50 ft. so the house construction did not require a wetlands permit.

The original proposal called for the pool to be 50 ft. away from the leaching fields, causing the development to shift closer to the wetland and requires removal of trees and some re-grading. An on-site meeting with the commission's staff resulted in an effort to move the pool further from the wetland and within the existing lawn. To do this, the leaching fields had to be relocated.

After completing test holes in this area, it was discovered that the intended location was not feasible for septic. She described other alternatives to accommodate the pool and septic within existing lawned areas and the various issues encountered meeting the health code and sound design practices. Ultimately, the leaching fields were located within a wooded area west of the house and partially within the 100 foot regulated area of a second wetland system.

Building a system in this area would require no fill and the structures of the existing system could be reused. After construction, the disturbed area will be seeded and mulched and re-naturalize into woods.

Ms. Throckmorton confirmed the pool and all improvements would be within the existing lawn area, which is 60 ft. away from the wetland at its closest point. She confirmed no grading would be required in the lawn area. The sloping area that is open will be re-planted. She has included 3 rain gardens for runoff generated with this alternative and confirmed that the areas directly around the house and the pool will be impervious. The existing driveway drainage runs from the driveway, over lawn area, and into the wetland. It is proposed to collect the run-off into the rain gardens which will hold and infiltrate up to one inch of rainfall. Any overflow from larger storms will have a chance to infiltrate again in the lawn prior to getting to the remaining wetland buffer. The pool house at the northern portion of the property has gutters proposed, which will be collected and sent through one of the rain gardens as well.

Ms. Throckmorton responded to the Conservation Commission comments by stating she would

like to look into the landscape options around the patio. The homeowners wanted a sunny pool location so no new trees would be recommended directly adjacent to the pool.

Mr. Lee suggested that they pull the septic 35 – 40 ft closer to the well and still be outside of 75 foot well setback. Ms. Throckmorton read Mr. DiVesta's letter which states that this location is not feasible based on the need for more fill. Mr. DiVesta letter went on to describe the various setbacks needed between the pool, its retaining walls and the leaching fields and the various leaching field configurations considered. He concluded that it was not feasible to have the pool and leaching fields in the northeast portion of the property simultaneously.

Ms. Throckmorton presented two sketches to illustrate the various leaching field setbacks depending on whether the area of the proposed pool was to be filled or have a cut. She described that if they were to keep one of the two existing fields in place, the pool building site would have to be elevated by 4 ft., requiring 500 cu yds. of fill. This was deemed imprudent. Similarly, it was deemed imprudent to split up the two leaching rows in two locations on the property.

Ms. Throckmorton stated that Mr. DiVesta's letter continued by reporting on the area to the west of house as the depth of the restrictive layer was deeper in the currently proposed location, which would negate the need for select fill. Moving the leaching field closer to Deep Test Hole 1 of 3 allows the field to be closer to the limit of the protective well radius, but necessitate more fill. Ms. Sesto countered that the amount of additional fill is only about eight inches. Mr. Divesta's letter further added pulling the fields up the hill is contrary to the grades at the top so it would further increase the disturbance area. Mr. O'Brien stated if it is closer to the well, they would need to add more fill and clear a bigger area in order to make the system work. He suggested that this area be closed off with mid-story trees and mulch to avoid further development. He also confirmed that they would get a survey done in order to proceed with the septic work and ensure it is installed on the subject property.

Mr. Delaney inquired about the negatives to the original plan from Glenn Gate. Ms. Throckmorton stated it was primarily lacking a grading plan and the pool was closer to wetlands by 20 ft. into the wood line. She confirmed that the pool cannot be lower than the fields so that plan would not be feasible. She added that the Glenn Gate plan proposed the whole area to be filled up to 4 ft. which would make the wall over 12 ft. on lower side in conflict with zoning requirements. Any location of the pool below the system requires significant work. She believes the plan they proposed has least amount of disturbance and earth work, and provides the biggest buffer while maintaining all work within the existing lawn.

Mr. Reiter asked for an idea of the scope of the clearing for the relocated leaching field. Ms. Throckmorton did not have the exact amount of trees at this time but could provide by the next meeting. Mr. Hall inquired if the septic system is the same size. Ms. Throckmorton confirmed that they are as they are re-using what is there. Mr. Hall asked if relocated septic failed, where would the alternative system going to be allowed. Mr. O'Brien noted that this application does not include a B100a, as they are not building more bedrooms, but he understands the fields could be rebuilt it in same area because of the flexibility the health code provides repairs.

Mr. Lee asked if they would consider moving the well. Ms. Throckmorton stated it was out of their scope of feasibility and not prudent. Mr. Delaney asked if the pool could be moved to east of garage. Ms. Throckmorton confirmed that the zoning setback would not allow this option. Mr. Delaney asked if it was feasible if they apply for a variance. Ms. Sesto noted that it would

be difficult to prove a hardship. A discussion ensued relating to historical variances of these kinds.

Mr. Wong stated that the patio is extensive and asked if they could make it smaller and move the pool closer to house. Ms. Throckmorton will consider this option, but reducing the patio does not help with the pool, due to the way the pool needs to be configured. She explained that if you pull the pool towards the house it would be out of the lawn area and the configuration of the land makes it difficult. Mr. Wong asked why they cannot change the direction of pool. Mr. O'Brien confirmed that it would go against the slope. Ms. Throckmorton stated that she can provide an illustration of this at the next meeting.

Ms. Sesto stated that she would prefer that they protect the larger wetland by maintaining its buffer, instead of the pocket wetland buffer. Ms. Throckmorton stated that the septic work is only temporary as the septic is in grade and that they would simply rework the existing soil. The plan notes 6 inches minimum fill would be required but this was not Ms. Throckmorton's understanding. She stated that she would double check this detail.

Mr. Delaney stated that he does not like this application. He does not think a pool needs to be installed within 100 ft. of the wetland and does not like the idea of clearing woods and compromising buffers. Mr. Lee would like to see an alternative plan to install the pool closer to the pocket wetland while the existing septic remains in place. He suggested that if the pool is closer to the pocket wetland, you could leave the existing septic as is and work closer to rear of house. Mr. Delaney countered that they would then have to bring in fill. Mr. Lee confirmed that it would be outside of the 50 ft. area so the fill would not be required. Mr. Hall suggested swinging the pool closer and reconfiguring the septic. Ms. Throckmorton reiterated that at least one row needs to be moved per the engineer. Mr. O'Brien stated this would compromise the pocket wetland instead. If outside 50 ft. from second trench, no fill would be required but they would need to remove the canopy for the pocket. Ms. Sesto confirmed that this pocket has nominal value. Mr. Lee suggested shifting the pool sideways. Ms. Sesto suggested using a Living Filter for the leaching field so that they can have a smaller footprint. Ms. Throckmorton reviewed this as one of their alternatives discussed. That alternative would require taking out one row of the septic, and change one to a Living Filter. They discovered that this configuration doesn't work because the pool would be higher than the driveway. Ms. Sesto countered that the Living Filter will give them more room. She added that prudence is subjective here as the applicant is already willing to move the septic to accommodate a pool..

Joe Torg, a neighbor to the south of the subject property, raised concerns asking for a surveyor to stake the leaching fields 10 feet off the property line prior to construction, and he asked that someone monitor this throughout the permitted activity. Mr. O'Brien did not object to this request. Mr. Wong inquired if a B100a would be required. Ms. Sesto confirmed this would only be required if they are adding living space, which they are not.

Mr. Delaney asked if the pool house includes plumbing. Ms. Throckmorton confirmed that it does not. They plan to store the utilities and outdoor furniture only in this structure.

With no further questions or comments, Mr. Wong continued the public hearing.

III. APPLICATIONS READY TO BE REVIEWED

- A. WET#2097(S) – GARRITANO – 19 Ground Pine Road** – “corrective action” to restore wetland, deck expansion, and tree and vine removal (cont.)

Frank MOVED to APPROVE WET#2097 with the General and normal Special Conditions and the additional Special Condition that all work be completed by September 30, 2012, SECONDED by Mr. Reiter and CARRIED 7-0-0.

IV. APPLICATIONS TO BE ACCEPTED

- A. WET#2107(S) – i.Park – 761 Main Avenue, Norwalk** – site work in parking area adjacent to the Norwalk River
- B. WET#2108(S) – TOWN OF WILTON – Horseshoe and Wolfpit Road** – extend sanitary sewer from existing man hole on River Road through Horseshoe Road and Wolfpit Road to Miller-Driscoll school

Mr. Lee MOVED to ACCEPT these new applications, SECONDED by Mr. Reiter and CARRIED 7-0-0.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. APPROVAL OF MINUTES

Mr. Wong MOVED to APPROVE the April 12, 2012 meeting minutes, as drafted, SECONDED by Mr. Delaney, and CARRIED 7-0-0.

VIII. ADJOURN

Mr. Reiter MOVED to ADJOURN at 8:55 p.m., SECONDED by Mr. Hall, and CARRIED 7-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary