



MINUTES

September 13, 2012

PRESENT: Frank Wong, Chair, Nick Lee, Dennis Delaney, Elizabeth Craig, Elisa Pollino

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Kevin O'Brien, Wilton Country Homes; Steve McAllister, McChord Engineering; Kate Throckmorton, Environmental Land Solutions; William Kenny, William Kenny & Associates; Robert & Irene Pepitone, Homeowners; Deborah McFadden, Homeowner; Salvatore Mannuccia, Homeowner

ABSENT: John Hall (notified of intended absence), Don Pastorello

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:32 p.m.

II. PUBLIC HEARINGS

A. WET#2134(S) – O'BRIEN – 1030 & 1042 Ridgefield Road – proposed 3-lot subdivision with a common driveway that crosses wetlands, and grading within the upland buffer

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

Mr. O'Brien provided the history of the property whereas the owner bought the lot in 1983 as well as the adjacent lot to the back as he did not wish to have any construction behind him. He merged the two lots and now wishes to separate them again into three parcels. The main house will remain on lot one and two other parcels are proposed as building lots. There is one acre to the rear of the property that will remain as open space which meets up with Land Trust property.

Mr. O'Brien confirmed that many configurations of the piping and pavement were considered and that this proposal is the best plan. He also stated that the interior property lines are not fixed until they go before the Planning and Zoning Commission.

Mr. McAllister reported that both rear lots will have a 16 foot wide porous gravel common driveway that utilizes an echo-grid system for minimum compaction. The driveway will have

two crossings over wetlands. The first crossing has an existing 24 in. RCP pipe. The second crossing is new and they are proposing a 2 ft. by 4 ft. box culvert which is oversized for species passage. Mr. McAllister confirmed that retaining walls would be constructed and associated grading will be required. Each property includes a 12 ft. wide paved driveway and its own well and septic. Mr. McAllister is also proposing two rain gardens to receive runoff from up to a 25 year storm from both new houses and driveways.

Ms. Throckmorton described the wetlands as being in a north to south direction. The property topography undulates starting at the road and then goes to a watercourse and under the house. The existing crossing will need to be widened for the driveway so some fill is proposed here. She confirmed there will be long-term stabilization and species recovery for this area.

Ms. Throckmorton confirmed that there is a small vernal pool that continues off the property which they would like to protect. As such, they picked the narrowest part of the watercourse to concentrate the construction. She added that they are trying to minimize the extent of the work that needs to be done within the 100 ft. setback.

Ms. Throckmorton confirmed that both new house locations are outside the setback, but there will be some septic work and driveway grading required on the western side. She stated that her mitigation plan includes revegetating almost the entire buffer with trees, shrubs, and herbaceous plants. She stressed that they have minimized the crossing, no curbing, and will minimize the lawn area.

Ms. Sesto asked for the grade of the gravel drive. Mr. McAllister responded that this is 8% and you can get to 10% before there are issues. He added that the geo-grade stone grid helps with this grade as it is 6 in. high of high strength PVC.

Ms. Sesto questioned how the grades of the steeped banked stream will be made to conform to the flat bottomed culvert. The culvert is bottomless and it will be set on a bed of gravel to compensate for the irregular ground surface.

Ms. Sesto asked for the rationale of why the rain gardens are placed where they are. Ms. Throckmorton responded that this is driven by the engineering for the septic. A discussion ensued relating to feasibility and locations of possible rain gardens. Ms. Sesto expressed dissatisfaction with the trade off of having to clear the buffer to construct rain gardens. She suggested adding infiltrators by the driveways. Mr. McAllister confirmed that the septic areas are the only code-complying areas left on site so these could not be relocated.

Mr. Delaney suggested gravel for the entire driveway. Mr. McAllister noted this could be considered. Mr. Wong asked why the septic on lot two is so large. He asked if it was possible to preserve as much upland buffer as possible and thinks it could be shifted closer to the fields. Ms. Craig suggested moving the upper home southward to decrease the size of the building envelope. Mr. McAllister noted there is ledge in these areas so there is no room for underground storage with a rain garden.

Mr. Wong asked if any alternatives were considered. Mr. O'Brien responded that, with regards to the driveway, they utilized an easement for the driveway to construct it below sensitive areas, but the once the common driveway splits, septic areas dictate the driveway placement. They also considered a rain garden by the first dip of the driveway, and a bridge crossing. Their opinion is

that the over-sized box culvert will be better suited for this area.

Ms. Pollino asked for the construction sequence. Mr. McAllister confirmed the driveways will be done first, including a construction entrance, and that all sedimentation and erosion controls will be installed prior to any activity.

Ms. Sesto referred to the Conservation Commission memo requesting the activities be compressed to a tighter footprint. Ms. Sesto asked if they are removing more trees than necessary in the line that leads to the septic fields on lot 3. She asked if the tank is in a fixed location and what is driving the clearing between the driveway and the septic line. Ms. Throckmorton indicated she would re-visit this area.

Mr. Delaney confirmed the legality of a common driveway with 3 homes. Mr. O'Brien confirmed that a driveway can serve up to four homes per the town regulations. They considered a more narrow driveway with intermittent pull-offs, but Planning and Zoning requires a common driveway be 16 ft. in width.

Mr. Wong confirmed that no additional clearing would be requested for above-ground wires. Mr. McAllister confirmed all utilities are underground.

Ms. Sesto asked if there could be a deed restriction to prohibit future owners from seeking individual driveways. She also asked if the 16 ft. wide driveway requirement was one the P&Z Commission could waive or would it require a variance from ZBA. Mr. O'Brien stated they may need a variance for this and would confirm this opinion.

Mr. O'Brien stated that they would like to continue the hearing to gain additional information. To recap, he stated that he would look into moving the northern most home south, reducing disturbance for septic, alternatives for rain gardens, and assess the paved portion of the site.

With no questions or comments from the public, Mr. Wong continued the Public Hearing until the next meeting on September 27, 2012

B. WET#2135(S) – PEPITONE – 22 Hillcrest Place – construction of pool, patio, and grading 20 ft. from a wetland

Ms. Sesto read the documents into the record.

Mr. Lee joined the meeting.

Mr. Wong, Ms. Craig, Ms. Pollino, and Mr. Delaney indicated they visited the site.

Mr. Kenny reported that he recently received memos in response to the application, and would like to introduce the project; but would like to continue the hearing to be able to formalize a response. He described the property with a sloping wetland in the eastern portion. He confirmed the eastern portion of the site is not appropriate with zoning setbacks and septic for a pool installation. Previously, there was an above-ground pool in this area with some electrical components remaining.

Mr. Kenny noted the pool location is requested due to the location of the sun. The existing edge

of lawn will be brought inward as per the dark line on the plan, so that the entire area to the west of the pool will be eliminated. He also confirmed that the patio on the upper portion of the home can be eliminated. He will provide a detailed plan including a low basin, vegetated with native species, to renovate the water prior to the wetland. Ms. Sesto confirmed that the alternative in the northern portion would not work due to zoning setbacks.

Ms. Pollino inquired if the homeowners considered a smaller pool. Mr. Kenny confirmed that this could be considered. Ms. Craig asked for the square footage of the patio. Mr. Kenny stated he would include on the revised plan. Ms. Pollino asked for the detail of the patio construction. Mr. Pepitone confirmed they would use pavers with stone dust. Ms. Sesto reminded them that there are coverage maximums within the Zoning Regulations that they should check.

Mr. Delaney stated that this application is for a huge pool and a huge patio very close to the wetlands. He recommended that they re-size the pool, create a pervious patio, and tighten up the plan. Mr. Pepitone confirmed that the location of the pool is so that they have sunlight; otherwise the pool would be shaded by the house. He added that they are requesting a standard pool size of 20 ft. by 40 ft. Mr. Craig suggested they shift the pool location around the house to assist with the sunlight issue.

Ms. Sesto stated that the patio is a concern for her as the wetland is only 30 ft. away. Mr. Lee suggested that they include some fencing. Mr. Kenny confirmed that this would be a good demarcation and would be close to the pool's edge. Mr. Lee asked if the lawn would be usable with the fence installation. Mr. Kenny said it would not be usable. Mr. Delaney asked if the applicant would consider moving the outlet. Mr. Kenny confirmed that they would and added that it is a 2 in. conduit. Ms. Sesto asked that any pool equipment be added to the plan for the next hearing.

With no further questions or comments, Mr. Wong continued the public hearing until the next scheduled meeting on September 27, 2012.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2131(I) – DARTLEY – 87 Olmstead Hill Road – “corrective action” to fill an abandoned pool within an upland review area

Mr. Wong, Ms. Craig, Mr. Lee, Ms. Pollino, and Mr. Delaney indicated they visited the site.

Ms. Throckmorton confirmed that a violation was discovered for earth work. She reported there was an in-ground pool on the property when the house was purchased, but that it was abandoned and covered in vines. The wetlands have now been flagged and the activity is outside of the wetland. They are proposing 20 - 30 more yards of fill to add to the 50 yards already brought on site. They will seed the area as meadow and Ms. Throckmorton confirmed the siltation fence is installed and will remain, until the activity is completed. She stated that they have added three new trees to the plan.

Ms. Throckmorton reported that there is minor erosion on the slope of the driveway. This area will be addressed during the site work. Ms. Sesto added that she has saw the pool before this project began at it did look more like a pond that was abandoned long ago. The 1969 aerials also show the pond existed back then. Ms. Throckmorton added that there is a spring that was used to

fill the pool that will also be abandoned and cut off.

Ms. Sesto asked for the rationale of the placement of the new trees. Ms. Throckmorton confirmed that it is to create a buffer between the residences, and it is in the edge of the previous lawn. Ms. Sesto questioned whether a new owner would know these trees area delineation of anything in particular. She requested they be distributed throughout the newly disturbed area.

Mr. Delaney asked if the pool was masonry. Ms. Throckmorton responded that it is masonry rubble as the sides have been crushed in. Ms. Sesto confirmed that it must be cracked concrete because it is allowing water in.

Mr. Wong MOVED to approve WET#2131, with General and normal Special Conditions, and the additional Special Condition to distribute the plantings in the work area, SECONDED by Mr. Delaney and CARRIED 5-0-0.

B. WET#2133(I) – MCFADDEN – 109 Westport Road – replacement of deck and room addition within a wetland

Mr. Wong, Ms. Craig, Ms. Pollino, and Mr. Delaney indicated they visited the site.

Ms. McFadden provided background on how trees fell on her home during Hurricane Irene in 2011. Her deck, roof, and chimney were destroyed. The deck was originally 12 ft. x 16 ft. on piers with stairs. The main living area has a sliding glass door that used to go to the deck, but now has an eight foot drop, which is dangerous per her insurance company. Ms. McFadden is proposing a 20 ft. x 24 ft. addition and deck on piers with no foundation. She confirmed that she is giving back some lawn and adding native plantings.

Ms. McFadden stated that they are using this opportunity to research solar energy. The solar consultants recommended she remove three to four existing trees in the back of the house so the roof is not shaded. She added that one tree is leaning towards the house and the state will provide assistance on cost with the solar update. Ms. Sesto asked if she considered mitigating this area with shrubs. Ms. McFadden stated that she is giving back areas behind and to the side of the house. Ms. Sesto asked that she include this area on the plan as it needs to be memorialized for future owners. Ms. McFadden stated that she would plant blueberry bushes and add some stones as she does not prefer boulders. She confirmed she does not use chemicals on the lawn and that four and a half acres of wetlands on her property are all natural. Ms. Sesto confirmed that there needs to be a limit of lawn demarcation and stated she can utilize boulders 15 ft. on center, and that they can be partially sunken, or they can use a split rail fence if they prefer.

Mr. Wong inquired what was being placed under the proposed addition. Ms. McFadden responded that it will be a gravel base and she is considering lattice or a shed for storage. Mr. Wong asked if any other utilities are being requested. Ms. McFadden confirmed that she will add another condenser unit and a gas line to the plan.

Ms. McFadden asked Ms. Throckmorton if she would be willing to step outside and make the requested revisions to her plan. At this time, Ms. McFadden and Ms. Throckmorton left the meeting and asked to continue when their conversation was completed. The commission agreed.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2139(S) – KENNEDY – 66 Warncke Road – 2-lot subdivision

B. WET#2143(I) – BABASHAK – 12 Deforest Lane – depositing fill and topsoil, and raise existing wall

Mr. Lee MOVED to ACCEPT WET#2139 for the next available meeting, SECONDED by Mr. Delaney and CARRIED 5-0-0.

Ms. Larkin confirmed that WET#2143 should be removed from the acceptance list as the applicant did not submit the remainder of the application documents as they indicated they would. This will be on the next meeting agenda for acceptance.

V. APPROVED MINOR ACTIVITIES

A. WET#2132(M) – COVIELLO – 52 Clover Drive – garage expansion 55 ft. from wetlands

B. WET#2140(M) – ATKINS – 18 Silvermine Woods – deck expansion 30 ft. from a watercourse

C. WET#2137(M) – BARANOWSKI – 63 Little Brook Road – construction of front porch 24 ft. from a wetland

D. WET#2141(M) – DONEFER – 67 Twin Oak Lane – “after-the-fact” above ground propane tank

E. WET#2142(M) – MANNUCCIA – 64 Whipstick Road – installation of propane tank

Ms. Sesto provided a brief description of the minor activities that have been approved since the last meeting.

VI. CORRESPONDENCE

A. MANNUCCIA – 64 Whipstick Road – violation for filling in a vernal pool

Ms. Sesto provided background for this violation in that Mr. Conklin, Environmental Analyst for the Town of Wilton, was at the site and saw the depressed area while looking at the generator site. He identified the area as a vernal pool and informed the landowner of its presence. When he returned to the site, the area has been filled. Various maps show the area as having been inundated. Mr. Mannuccia’s consultant confirmed no wetland soils are present under the fill. Mrs. Sesto did not dispute this finding, rather the question is whether the area is a watercourse, not a wetland.

Mr. Mannuccia stated that during the first inspection Mr. Conklin was standing on 4 ft. of brush from a tree that was knocked down by the storm. He stated that his contractor had created this depression and that it was not a vernal pool at all. Ms. Sesto asked for the depth of the mulch deposited in the area. Mr. Mannuccia responded that it is 2 – 3 inches. Ms. Sesto disagreed. Mr. Mannuccia stated that the area in question had no wildlife or vegetation but rather it was

grass and rock. Ms. Sesto suggested that the commission schedule a visit to the site to determine what is actually out there. This property will be added to the next site walk agenda.

VII. APPLICATIONS READY TO BE REVIEWED

A. WET#2133(I) – MCFADDEN – 109 Westport Road – replacement of deck and room addition within a wetland

Ms. McFadden and Ms. Throckmorton joined the meeting and asked to continue the discussion based on the revised plan they just created.

Ms. McFadden showed where the gas line is proposed, as well as where the new A/C tank will be located. She showed where they are proposing to remove four trees, but added that it may only be three trees if they can save one. She showed the boulders along the tree line at 15 feet on center. Ms. Craig asked if the roof line would change for the addition. Ms. McFadden responded the peak would be the opposite of the way that the house is as the back is the roof and will have a lower roof line than what exists. Ms. Pollino suggested saving as many trees as possible for the canopy. Ms. Sesto stated that it would help this commission to have an arborist and/or a solar expert explain the need to remove the trees.

Mr. Wong MOVED to approve WET#2133, with General and normal Special Conditions and the additional Special Condition that the revised site plan is used with red lines, and the applicant will provide a letter from a solar expert and arborist to justify tree removal, SECONDED by Mr. Delaney, and CARRIED 5-0-0.

VIII. OTHER APPROPRIATE BUSINESS

A. Bond Reductions

- 1. WET#1050 - Quail Ridge Subdivision**
- 2. WET#1595 - 225 New Canaan Road**

Mr. Lee MOVED to reduce both bond amounts per the memorandum from Mike Conklin, SECONDED by Mr. Delaney and CARRIED 5-0-0.

B. WET#2136(I) – HOLLETT – 94 Raymond Lane - “emergency” septic replacement

Ms. Sesto noted that the grades were corrected for a violation on the site, but the septic failed as a result of that earthwork. She confirmed that the septic has already been replaced with a temporary permit that was issued by staff.

Mr. Wong MOVED to APPROVE WET#2136 with normal and special conditions, SECONDED by Mr. Delaney and CARRIED 5-0-0.

C. Aquarion Testing in Cannondale

Ms. Sesto stated that Aquarion is looking to do some well testing in the Cannondale area. She noted that their work as a public water company is largely exempt from the Inland Wetlands and Watercourses Act, but as they are draining overland which goes into the Norwalk River. Ms.

Sesto contacted the State and they believe a permit is required. In part, the DEEP conveyed the exclusion of the Act pertains to surface water, as that is the jurisdiction of the Act. Ms. Sesto confirmed that the definition public utilities as referenced within the Act includes wells, so DEEP may be incorrect.

Ms. Sesto confirmed LBG is trying to get a permit while jurisdiction issues are sorted out. The work includes discharging the well temporarily to the Norwalk River and evaluating the effects of the draw down to the adjacent wetland.

D. Violations

- 1. Ciganik – 74 Cheese Spring Road** – Ms. Sesto noted that Gregory & Adams sent a letter stating that they would submit an application by the next meeting on September 27, 2012. Ms. Sesto reported that Mike Conklin saw more fill was delivered to the property after the Cease & Desist order was received. The commission consensus is that an application will be required by the next meeting, or more fines will be incurred.
- 2. Babashak – 12 Deforest Lane** – Staff has received partial information for a corrective action permit. The remainder of the information should be received for acceptance at the next meeting.
- 3. Frascino – 302 Sturges Ridge Road** – Ms. Sesto stated there was a house development at this property and approximately 25 good size trees were removed within 50 ft. of a resource. A corrective action application is expected shortly.

E. APPROVAL OF MINUTES

Mr. Delaney MOVED to APPROVE the August 9, 2012 meeting minutes, as drafted, SECONDED by Mr. Lee, and CARRIED 5-0-0.

IX. ADJOURN

Mr. Wong MOVED to ADJOURN at 9:52 p.m., SECONDED by Mr. Delaney, and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary