



## MINUTES

December 13, 2012

**PRESENT:** John Hall, Acting Chair, Elizabeth Craig, Elisa Pollino, Nick Lee, Dennis Delaney

**ALSO PRESENT:** Mike Conklin, Environmental Analyst; Liz Larkin, Recording Secretary; Kevin O'Brien, Wilton Country Homes; Kate Throckmorton, Environmental Land Solutions; Steve McAllister, McChord Engineering; Doug DiVesta, DiVesta Engineering; Marc Andre, Marc Andre Architects; Aleksandra Moch, Soil & Wetlands Scientist; Julia Kennedy, Homeowner; Lisa Pannone, Neighbor

**ABSENT:** Frank Wong (notified of intended absence)

### **I. CALL TO ORDER**

Mr. Hall called the meeting to order at 7:30 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 (cont.)

Mr. Conklin read the new documents into the record.

Mr. O'Brien reminded the commission that this is their third time presenting for the subdivision, and explained the delay in the process as a result of the recent hurricane and outstanding issues with the Health Department, which have since been resolved. He confirmed the first plan included a large driveway and a rain garden. At the second hearing, a revised plan was provided which included an infiltrator in lieu of the rain gardens, and a narrowing of the driveway which is now proposed as gravel. Mr. O'Brien confirmed this third plan includes the plantings, which is new information from Environmental Land Solutions. He noted that Planning and Zoning has approved the subdivision and they are waiting to issue their permit until Wetlands has completed their resolution.

Ms. Throckmorton reported that her planting plan reduces the overall disturbance while increasing the buffer. She has eliminated the rain garden and regained 50 feet of natural buffer. She confirmed the septic has been pulled in to a smaller area which helps with the reduction of

disturbance. She confirmed she has added plantings along the driveway.

Ms. Throckmorton stated that the addition of the infiltrator has allowed her to gain a line of trees and will replant another 15 foot buffer with understory trees. She confirmed that the driveway size has been reduced and the gravel driveway will be added to the land records for any future owners. She has also relocated some of the trees and plantings from the original plan to maintain the 100 foot buffer and reduce the overall site disturbance.

Ms. Craig asked about the plantings in the septic area. Ms. Throckmorton responded that this area will be made into a woodland edge as big plants would not do well here. Ms. Craig also inquired about salting the driveway in the winter. Ms. Throckmorton responded that the gravel will not be compacted and has an extra deep base so no salting will be necessary.

Mr. Lee asked for the overall reduction in site disturbance with the new plan. Mr. McAllister responded that the original proposal is 1.8 acres of disturbance and the revised proposal diminishes the disturbance to 1.58 acres in total. Mr. Hall asked about the type of wetland that runs through the proposed subdivision. Ms. Throckmorton responded this it is a riparian stream corridor.

Mr. O'Brien reminded the commission that the Land Trust is taking one acre via deed and it will be preserved as open space. Ms. Throckmorton confirmed that the lawn will be delineated by a boulder row and plantings. Mr. McAllister stated that there will be open areas around the house for the stockpiles. Mr. Lee suggested that this be added to the plan and brought to staff for approval.

With no further questions or comments, Mr. Hall closed the Public Hearing. The commission agreed that with the long time frame for this application, a draft resolution will be distributed for commissioner review prior to the next meeting, to ensure all pieces are captured properly.

**B. WET#2148(S) – KOTONSKI – 302 Sturges Ridge Road – “corrective action” to restore site and construct new home (cont.)**

Mr. Conklin read the new documents into the record.

Ms. Moch indicated on her revised plan where she extended the planting area and agreed that it was a narrow restoration plan originally. She stated that there seems to be an issue with the number of trees that were removed as most of them had hollow centers and were in the process of decaying. She added that some were Norway Maples, which are invasive. She reminded the commission that the owners thought the regulated area was 50 feet based on the Town of Wilton website, so they went forward with the removal of trees based on this information.

Mr. Delaney inquired if the trees were removed before the Hurricane. Ms. Moch confirmed that it was a long purchase process and the owners went ahead with the cutting as soon as they closed. She stated that boulder delineation will be added along the driveway while saving some space for snow plowing and extra parking. She reported that she is adding a 20 - 40 foot buffer at the front of the property which will be kept as a natural meadow. She then showed how the wetland is uphill from the development. She responded to the past neighbor report of the privacy being removed by including several evergreen trees in the mitigation planting plan. Ms. Moch also explained that a few trees were blown down in Super Storm Sandy and showed pictures of

this area. Mr. Conklin confirmed that residents have a right to remove fallen trees from their property as landscape maintenance.

Ms. Craig inquired how often the wetland meadow would be mowed. Ms. Moch confirmed that a healthy meadow is mowed twice a year to eliminate shrubs. Ms. Pollino asked why there are only 2.5 inch caliper trees slated to replace the larger trees that were removed. She added that more shrubs and understory trees would help with the lost canopy. Ms. Moch responded that there is a seed bank present and the understory plantings are costly. She indicated that she spent many hours with the homeowner to get to the current plan and she will not be very open to other options. Ms. Pollino added that the smaller caliper trees proposed will take too much time to grow to the size of the trees that were removed. Ms. Moch countered that the smaller trees and plants are good as they have good nutrients and a smaller disturbance hole for the installation.

Ms. Craig insisted that comparable trees be planted to correct the violation. She asked Ms. Moch to consider a variety of native trees, which are neither small nor decorative with appropriate deer protection. Mr. Conklin added that historically, when someone removes a canopy without a permit, the commission has required several smaller trees to replace a large canopy tree. Mr. Lee pointed out that evergreens are measured in height, not caliper, contrary to the plan. He asked that 7 – 8 feet evergreens are used for the mitigation. At this time, Ms. Moch provided a revised plan which includes more trees which are spread out for more coverage.

Mr. DiVesta spoke to the new house placement which provides a 36.5 feet buffer. He confirmed the previously proposed plan included an impervious courtyard encompassing 800 sq. feet, which had now been revised to install pervious pavers. With the driveway revisions, there is a total of 950 sq. ft. less impervious coverage. He stated that the addition of the infiltrator reduces the run-off for five, ten, and twenty-five year storms. Mr. Hall confirmed the differences with the new proposal. The first plan had a 28 foot buffer. The new plan has a 36.5 foot buffer. The house was shifted toward the east and the drainage is now 60 feet away instead of the previous 49 feet.

Ms. Craig inquired about the size of the septic. Mr. Lee noted that the septic is outside of the upland review area. Mr. Hall asked why they could not slide the garage to the other side of the home and farther from the wetlands. Ms. Moch stated that moving the driveway will create light disturbance to the wetland and its habitat. Mr. Hall provided his opinion in that this application should concentrate on the violation that occurred, and not what the homeowner wants to build. Mr. Lee stated that the trees being removed 80 feet from the wetland is not that concerning and that the area is regulated, not restricted.

Ms. Craig stated that the proposed house size is very large for this site. She added that the site is currently a mess and the planting plan is not as elaborate as she would expect. She raised concern that the meadow would switch over the grass. Ms. Moch countered that they are adding boulders to make sure the meadow is delineated. Ms. Pollino agreed with Ms. Craig in that 1/3 of the site is wetlands and maybe a 5-bedroom home is not feasible here.

Mr. Conklin inquired about the amount of fill that will be proposed to re-grade the regulated area because the topography dips down. Mr. DiVesta confirmed that the spoils from the foundation will be graded into the site and there will be 50 cu. yds. of fill to regrade the tie the topography together. He indicated they would place minimal fill over the drainage system as well. Mr. Conklin asked if the drainage system was pulled closer to the existing driveway, would the fill in

the regulated area be required. Mr. DiVesta provided a red-lined sketch of the drainage system. He noted that if they pull the grades up, they will reduce the overall grading in the area. Mr. Conklin added that the Assistant Sanitarian stated that the outlet should not drain to the septic. Ms. Pollino requested that the planting plan include mixed up materials and diversity while adding an understory. Mr. Hall stated that he agrees that more mitigation is needed. Mr. DiVesta stated they can add more plantings above and below the infiltrator.

Mr. Delaney inquired about the hydrology report. Mr. DiVesta confirmed that this report has 2 different calculations. There is a flow chart which represents current conditions at pre-development. The other report, entitled "2P", shows the post development detention basin flows. He noted that if you add the flows together, they want to show that the proposal is less than, or equal to post development.

Mr. Hall stated that past applications before the commission have been scrutinized for creep. He noted this is a large structure which would be a permanent commitment to the site. Mr. Lee stated that he is not entirely compelled by the staff comments. Ms. Moch added that this is not a high quality wetland system. Ms. Craig stated that typically people do not want to build in a wetland, and the flow around the home is not important to the commission. She suggested pulling the home back and tightening everything on the plan. Mr. DiVesta stressed that the construction is down gradient of the wetland so it will not be affected. Ms. Moch added that the forest to the right is more viable so they would recommend keeping this location.

Mr. Conklin stated that pulling the home and driveway tighter may not make a big difference as the wetland is uphill. He confirmed any water would drain downhill away from the wetland. He does understand the concern about the permanent loss of the soils that absorb stormwater, but removing the existing house offsets some of the buffer space where the new house is proposed. Mr. Conklin explained that sometimes the applicant will incorporate a deed restriction on the property that limits further creep. He added that the commission can ask to have everything pulled in tighter to increase the wetland buffer, and require a final as-built filed that limits further project creep. Mr. Hall asked that more plantings be added in this area.

Lisa Pannone, of 37 Langner Lane, stated that she felt the applicant's confusion on the regulated distance from the website is irrelevant. She stated that the homeowners supposed lack of understanding of the regulations is not true as they lived next door to this property for several years. She expressed concern that the owners touted themselves as builders when they are not, and the realtor listing stated the home was tucked away in the woods, which is no longer accurate. Ms. Pannone noted that she thinks the homeowners tried to do the work on the property in dribs and drabs and hoped that no one noticed what they were doing. She is unhappy with the mitigation proposal as it is not placing the trees back where they were taken so that she can get her privacy back. Her house is downhill from the subject property and they have wetlands in between.

Mr. Conklin confirmed that staff can approve the removal of one or two trees that are a threat to the structure. If there are more than a couple trees, an arborist letter is requested to attest to the status of the trees and then the project would likely go to the Commission for review. Ms. Pollino indicated that she would like to see a healthier system with more and bigger trees. She suggested 10 foot trees at 15 ft. – 20 ft. on center. Mr. Lee confirmed that 15 ft. is the typical distance but understory is farther apart. Mr. Conklin stated that one overstory tree is typically equal to five shrubs and that it is important to have a deer management plan. Ms. Pollino asked

that they expand the planting plan to the area adjacent to the garage. Ms. Moch stated that deer find their way through deer fencing when they are hungry enough and that understory trees are not desirable to the deer.

With no questions or comments from the public, Mr. Hall continued the public hearing.

**C. WET#2147(S) – CIGANIK – 74 Cheese Spring Road – “corrective action” to rectify work done in an upland review area**

Mr. Conklin read a document into the record from Casey Healy at Gregory & Adams noting that they would like to continue the hearing until January 10<sup>th</sup> due to illness.

**III. APPLICATIONS READY TO BE REVIEWED**

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

Mr. Conklin confirmed that the commissioners received the Draft Resolution via email. Mr. Delaney indicated there was a typo on the first page of the permit. Ms. Craig stated her concern about the abandoned well requiring removal at a later date.

Mr. Delaney MOVED to APPROVE the Resolution, with the correction of one typo, with the General and normal Special Conditions, and additional Special Conditions as drafted, SECONDED by Mr. Hall and CARRIED 5-0-0.

**B. WET#2153(I) – NADLER – 51 Cedar Road – “emergency” septic replacement**

Mr. Conklin noted that a temporary emergency permit was issued and the work is being completed.

Mr. Lee MOVED to APPROVE WET#2153, with the General and normal Special Conditions, SECONDED by Mr. Hall and CARRIED 5-0-0.

**IV. APPLICATIONS TO BE ACCEPTED**

**A. WET#2159(S) – ASML – 77 Danbury Road – construct building addition and relocate driveway adjacent to the Norwalk River**

Mr. Lee MOVED to add WET#2161 for Sullivan at 491 Nod Hill Road, and WET#2162 for Lefevre at 14 Hulda Hill for acceptance, SECONDED by Mr. Delaney and CARRIED 5-0-0.

Mr. Lee MOVED to ACCEPT WET#2159, WET#2161, and WET#2162, SECONDED by Mr. Delaney and CARRIED 5-0-0.

**V. APPROVED MINOR ACTIVITIES**

**A. WET#2154(M) – EASON – 37 Dudley Road – generator and LP tanks 28 feet from wetlands**

**B. WET#2156(M) – MULLER – 52 Crosswicks Ridge Road – install 500 gallon in-ground**

propane tank

- C. WET#2157(M) – PHILLIPS – 18 Wilridge Road** – installation of generator 80 ft. from wetlands
- D. WET#2158 (M) – KEOUGH – 48 Duck Pond Road** – install new generator and replace one 120 gallon LP tank with three 120 gallon LP tanks
- E. WET#2160(M) – MAZZARELLI – 242 Mountain Road** – install generator

Mr. Conklin provided a brief overview of the minor applications that have been approved since the last meeting.

**VI. CORRESPONDENCE - None**

**VII. OTHER APPROPRIATE BUSINESS**

**A. APPROVAL OF MINUTES – November 8, 2012**

Mr. Lee MOVED to APPROVE the meeting minutes from November 8, 2012 with one correction on page three to revise an incomplete sentence, SECONDED by Ms. Pollino, and CARRIED 5-0-0.

**B. 2013 Meeting Schedule**

Mr. Delaney MOVED to APPROVE the 2013 Meeting Schedule, SECONDED by Mr. Hall and CARRIED 5-0-0.

**C. Elections**

Mr. Delaney MOVED to continue with Mr. Wong as President, Mr. Hall as Vice President, and Elisa Pollino for Secretary, SECONDED by Mr. Hall and CARRIED 5-0-0.

**VIII. ADJOURN**

Mr. Hall MOVED to ADJOURN at 9:22 p.m., SECONDED by Mr. Delaney, and CARRIED 5-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary