



MINUTES

April 25, 2013

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

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Casey Healy, Gregory & Adams; Kate Throckmorton, Environmental Land Solutions; Benjamin Hallman, Homeowner; Frank Napolitano, Contractor

ABSENT: Elisa Pollino (notified of intended absence), Frank Wong

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:34 p.m.

II. PUBLIC HEARINGS

A. WET#2166(S) – ASML – 77 Danbury Road – widening of the Norwalk River and relocation of existing pedestrian bridge

Ms. Sesto confirmed that the applicant has not submitted a check for the town's consultant so the hearing has been postponed until the next meeting on May 9, 2013.

B. WET#2174(S) – WAUGH – 23 Appletree Lane – “corrective action” to restore a pasture within an upland review area

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

Mr. Healy confirmed there was a permit issued in 2009 for a horse barn with adjacent paddocks near the pool and driveway. In 2010, the homeowners prepared a plan to plant a pasture in the upland review area which was approved by as an as-of-right activity. While creating the pasture, the homeowners built a fence, then laid top soil and seeded. As this area was used for the turnout of the horses, the area became rutted. Mr. Healy confirmed that Mrs. Waugh attempted to fix these ruts by laying sand in the area. Over time, this area became a riding ring which is in conflict with the intent of the 2009 permit and 2010 declaratory ruling.

Ms. Throckmorton confirmed that they are proposing to revert the gravelly and stony surface back to a pasture surface so that grass can grow. She confirmed that the area had been cleared, grubbed, and smoothed out with no significant grading evidenced by root flares. The top soil is still in place, with gravel on top so they propose to scrape down the gravel, re-establish the top soil and re-seed. She indicated a specific seed type that will provide long-term benefits. She stated it would be a 50/50 mix and if gets muddy with rains, they can mitigate immediately. She noted that it would take about 3 weeks for the grass to grow. She confirmed that a silt fence will be installed around the perimeter of the area.

A discussion ensued relating to the wood chips that are present at the perimeter of the riding ring. It was decided that they are assisting with runoff and are not a concern. There were questions on the 3 week timeframe and if horses will be allowed on the area during this time. Ms. Throckmorton confirmed that the horses will need to stay off the area during the initial growth. There was also discussion about irrigation. Ms. Throckmorton confirmed that they do not have irrigation, but there would be access to water from the house or the barn and that they want to complete this corrective action straight away.

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

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2174(S) – WAUGH – 23 Appletree Lane – “corrective action” to restore a pasture within an upland review area

Mr. Lee MOVED to APPROVE WET#2174, with the General and normal Special Conditions and the additional Special Condition that the permitted activity is fully implemented by May 31, 2013, SECONDED by Mr. Delaney and CARRIED 5-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2178(S) – MITCHELL – 232 Silver Spring Road – redevelop fire damaged 4-bedroom home within an upland review area

B. WET#2179(I) – LASHLEY – 24 Salem Road – replacement of septic tank and leaching fields within an upland review area

Mr. Delaney MOVED to ACCEPT both new applications, SECONDED by Mr. Hall and CARRIED 5-0-0.

V. APPROVED MINOR ACTIVITIES - None

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. WET#2172(S) ADAMS – 250 Grumman Hill Road – alternatives received for second story addition including B100a

Ms. Sesto reminded the commission that this resolution for approval was granted at the last

meeting, and confirmed that the health department was not in agreement with the plans. They have come back with a new proposal which Ms. Sesto would be able to explain.

Mr. Lee MOVED to re-open the discussion of this application, SECONDED by Mr. Hall and CARRIED 5-0-0.

Ms. Sesto explained that the approved configuration of the force main is too close to the well per health code. To remedy the problem, the well would have to be moved into the wetland, which the assistant sanitarian expressed reservations. The original application included “alternate a” and was dismissed due to the need to hand dig the line and its proximity to the stream. Sesto confirmed the hand-dug option for the force main is preferred by the health department. The force main will enter the wetlands, cross the stream as with the approved version, and continue towards the leaching fields. This will ensure that the well will not need to be relocated.

Mr. Lee MOVED to APPROVE WET#2172, with the General and normal Special Conditions and the additional Special Condition that Alternative A is the approved version, SECONDED by Ms. Hall and CARRIED 5-0-0.

B. Cease and Desist – Show Cause Hearing 25 Spoonwood Road – Hallman and Napolitano

Ms. Sesto read the documents into the record including email correspondence with the homeowner after her initial visit. She indicated that the area from the garage forward is not within the commission’s regulated area. She confirmed that a neighbor called to confirm if a permit was granted to remove trees on the property which caused her to inspect the property. During this inspection, there were unanswered questions as to where the wetland ends. She stated there were some visual clues and the area is at least somewhat poorly drained, if not poorly drained. In order to determine where the wetlands end, a soil scientist was required before additional work could take place. Ms. Sesto confirmed that more work was completed after this conversation, which included removal of the understory and more seriously, the correspondence was disregarded. She explained that this hearing is required to confirm if the cease and desist should be modified, lifted, or upheld.

Mr. Napolitano, contractor with Nappy’s Landscaping, stated that he did not know there were wetlands restrictions on the property. He indicated that they cleared vines but left trees for a buffer and that they planned to install pines and mountain laurels with the help of Young’s Nursery who they have hired to draw the plans. Ms. Sesto asked why work continued after she told them to stop. Mr. Napolitano replied that he was unclear on her direction. Mr. Hallman interjected that Ms. Sesto told him that most vines in Wilton are from the former farms from the sixties and that cutting these back falls under forest management which is as of right. Ms. Sesto countered that this is not supported by his email where he clearly states he knows he needs to cease the work until proper approvals are granted.

Mr. Hallman stated that his neighbors complained because they did not want to see his house, which is less expensive than their house, without expensive landscaping. He confirmed he did not remove any large trees. He wants to build a new vegetable garden

in the cleared area, as well as plant 15 trees.

Mr. Delaney MOVED to UPHOLD the cease & desist order, SECONDED by Ms. Craig, and CARRIED 5-0-0.

Mr. Delaney MOVED to require a corrective action application, submitted by June 12, 2013 with no fines imposed at this time, SECONDED by Mr. Lee and CARRIED 4-1-0 with Ms. Craig voting against the waiver of the fine.

C. Violations

1. Kevin Smith & Carol McDonnell-Smith – 281 Sturges Ridge Road
2. Tim & Kara Golden – 269 Sturges Ridge Road
3. Christopher Dynega – 10 Wilton Acres

Ms. Sesto confirmed these violations are still outstanding. She noted that the Smith's provided a list of plantings, but we still require a formal application.

D. APPROVAL OF MINUTES – April 11, 2013

Mr. Delaney MOVED to APPROVE the minutes as drafted from April 11, 2013, SECONDED by Ms. Craig and CARRIED 4-0-1 with Mr. Lee abstaining as he was absent.

VIII. ADJOURN

Mr. Hall MOVED to ADJOURN at 8:43 p.m., SECONDED by Mr. Delaney, and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary