



MINUTES

May 23, 2013

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

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Dan Sullivan, homeowner; John McCoy, JFM Engineering; Jeff Mitchell, homeowner; Kevin Quinlan, Kevin Quinlan Architecture; Christopher Dynega, homeowner

I. CALL TO ORDER

Mr. Wong called the meeting to order at 7:30 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 this application will not move forward as the check for the consultant has not been provided to the town.

Mr. Delaney **MOVED** to extend the time for the public hearing, **SECONDED** by Mr. Lee and **CARRIED** 6-0-0.

B. WET#2175(S) – SULLIVAN – 491 Nod Hill Road – bedroom addition including B100a

Ms. Sesto read the documents into the record and confirmed this application is back in front of the commission due to incorrect testimony during the first hearing. The last application documents were also entered into the record for this hearing. The original testimony was that the leaching fields would be at the top of the slope, when in actuality, it is mid-slope. Mr. Wong, Ms. Craig, Mr. Lee and Mr. Delaney indicated they visited the site.

Mr. Sullivan confirmed he was misinformed when he stated that the leaching fields were going to be placed on the slope, instead of at the top. Mr. Sullivan confirmed two trees should be removed per Land-Tech, but considering they are vine covered and broken on top from storm damage the loss is insignificant.

Ms. Sesto concurred that there is a lot of ledge on the property and the area where the system would make the most sense was ruled out due to unacceptable existing fill material. Mr. Wong asked if a single line of silt fencing would be appropriate, and asked that the area is seeded once the septic is in place. Ms. Sesto confirmed that one row of silt fence is okay, and the seeding can be a condition on the resolution of approval.

With no further questions or comments, Mr. Wong closed the Public Hearing.

Mr. Wong made a motion to APPROVE WET#2175, with the General and normal Special Conditions and the additional Special Condition that the applicant seed the area of disturbance, SECONDED by Mr. Hall and CARRIED 6-0-0.

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

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

Mr. McCoy provided updated drawings with the same plans, but included further details per staff comments. He indicated the test pits were corrected on the plan and the plantings have been revised.

Mr. McCoy stated the property is 2 acres including .27 acres of wetlands. When power was restored after Hurricane Sandy, an electrical surge caused a fire in the home. In an attempt to rebuild the house, they have run into zoning and health code issues. The current footprint of the home is within the zoning setbacks, and a new house should have footing drains which would be too close to the existing septic system. They are proposing the new home to be built behind the current footprint while utilizing the current septic and well. They wish to extend the driveway and build a small stone wall to keep runoff away from the wetland. He confirmed the driveway is intended as gravel, but noted someone may want to pave it in the future so the plan reflects this future consideration. The wetland is currently 8 feet away from the driveway and the distance of the proposed driveway is 18 feet away, which is an improvement.

Mr. McCoy described that buffer plantings are proposed to be installed between and the wetland and the development which will assist with nutrient uptake and habitat. He also confirmed that roof leaders send runoff to a bio-swale. They hope to be able to utilize the existing septic and had hoped the B100a would go over that system but the soils were questionable. The B100a location has the best soils. The smallest septic footprint is 64 linear feet and is approximately 65 feet away from the wetland but with the natural flow of the land, the wetland is 100 feet away.

Mr. McCoy confirmed the house is close to grade, therefore only 365 cu. yds. of fill will be removed and 1,300 cu. yds. will be brought in. He showed where the lawn will be delineated and noted trees on the plan with an “S” will be saved. There are minimal trees that will be removed for construction access only. Mr. Lee confirmed that the sheet flow from the driveway would go into the little wetland.

Ms. Sesto inquired about the proposed piping. Mr. McCoy confirmed there is a 6 in. corrugated pipe which takes water and flows to the neighboring property. He added that the proposed

footing drain goes to the same location. The roof leaders flow directly to the small wetland but the retaining wall acts as a dam. Mr. Hall noted this may be considered a rain garden. Mr. McCoy added that the wetland is mostly dry.

A discussion ensued about the slab foundation and the possibility of rebuilding on the same footprint. Mr. McCoy stated that they would require footing drains which would not be approved by the Health Department due to the proximity of the leaching fields. Zoning would also have issues as they would be in the front yard setback. He confirmed there would be hydrologic issues without the footings drains in front. Mr. Mitchell confirmed that the lower level does get wet and there is no sump pump.

A discussion ensued about the placement of the house and the driveway. Mr. Hall suggested moving the driveway to the front of the house. Mr. McCoy stated his professional opinion that the current proposal is the best placement. Mr. Lee stated that he adjusted the B100a plan by 10 feet, big trees can be saved. Mr. Wong noted that the proposed home footprint is 1,000 sq. ft. larger than the previous home. He was also concerned that the large septic area would invite further clearing. Mr. McCoy stated that they hoped it would be okay in the front yard, but kept pushing it back toward the wetland due to soil and the hope is that they will need the B100a at all. Ms. Sesto suggested that the limit of northern boundary of lawn be marked on a plan for the next hearing. In the absence of an environmental evaluation, questions regarding wetland impacts and advantages or not of various alternatives went unanswered.

With no further questions or comments, Mr. Wong continued the Public Hearing.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2181(I) – MARSILLO – 71 Glen Hill Road – “emergency” septic replacement within a regulated area

Ms. Sesto confirmed that this was an emergency septic and was granted via temporary permit.

Mr. Lee MOVED to APPROVE WET#2181, with the General and normal Special Conditions, SECONDED by Mr. Delaney and CARRIED 6-0-0.

B. WET#2182(I) – DYNEGA – 10 Wilton Acres – “corrective action” for the newly constructed retaining wall and other site improvements 45 feet from a watercourse

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

Mr. Quinlan stated that the homeowner was enhancing a stone wall that previously existed. They have included a new cooking counter in a location different from the originally submitted plan. As the site coverage is tight, they are proposing to remove the rear patio, walkway and existing fireplace.

Mr. Quinlan described the wall that was originally planned was 8.2 feet high so they knew they needed to make some changes. The new wall is 4.5 feet high which will be level with the patio and at grade. The building and site coverage are being increased by 0.1%. He confirmed the cooking counter has just a corner in the 100 ft. regulated area.

Mr. Quinlan described the wall detail as poured footing and pinned with reinforcements at 4 feet on center including 2 in. diameter weeps. He confirmed there will be no drainage behind the wall. Runoff will flow directly to daylight to the gravel filled dry well, or directly to the brook.

Mr. Quinlan confirmed neighbor support where the activity extended off the applicant's property. He also confirmed that the 2 trees to be removed near the fire pit will be replaced. Mr. Wong suggested remediation of a buffer in the open area by the stream. Ms. Craig suggested willows or viburnum for this area. Mr. Wong stated that a 15 foot buffer, with a combination of shrubs and herbaceous material, would be requested in the silt fence area, which is approximately 60 feet long.

Mr. Wong MOVED to APPROVE WET#2182, with the General and normal Special Conditions and the additional Special Condition that a planting plan for the buffer be submitted including 12 – 15 shrubs, 3 – 4 ft. in height and herbaceous material. The planting shall take place no later than September 30, 2013, SECONDED by Mr. Hall and CARRIED 6-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2184(I) – SANTANGELO – 89 Musket Ridge Road – “emergency” septic replacement within a regulated area

B. WET#2185(S) – SILVER HILL HOSPITAL – 208 Valley Road, New Canaan – bridge repair

C. WET#2186(S) – SILVER HILL HOSPITAL – 208 Valley Road, New Canaan – dredge pond

Mr. Lee MOVED to ACCEPT all new applications, SECONDED by Mr. Delaney and CARRIED 6-0-0.

V. APPROVED MINOR ACTIVITIES

A. WET#2180(M) – BARYMOW – 137 Kellogg Drive – above ground propane tank 10 ft. from a wetland and generator 60 ft. from a wetland

B. WET#2183(M) – CONSOLIDATED MANAGEMENT GROUP – 13-37 Fawn Ridge Lane – repair and/or replacement of concrete entrance steps and installation of 2 rain gardens

Ms. Sesto provided a brief description of the approved Minor applications.

VI. CORRESPONDENCE

A. WET#2147(S) – CIGANIK – 74 Cheese Spring Road – request to extend timeframe to complete special conditions until May 2014

Ms. Sesto stated the Ciganik's sent a letter to the commission requesting an extension for their special conditions and activities set forth in their recent resolution 0313-11, dated March 28, 2013. The Ciganiks are requesting posting of the bond be deferred until 2014. The commissioners discussed the willful disregard of the applicant in past applications and merits of

their request. The commissioners came to a consensus that the bond cannot be deferred until next year; the applicant needs to make a good faith effort to post the bond with monthly payments. In order to give the directives of the commission more weight and in consideration of past non-conformities, Ms. Sesto stated she can ask the Town Attorney to draft a letter of the commission's decision.

Mr. Delaney MOVED to direct staff to ask counsel to contact the homeowners to establish a payment plan, payable in 6 equal installments, SECONDED by Mr. Lee and CARRIED 6-0-0.

B. WET#2099(S) – PETTIT – 27 Wolfpit Lane – request to ensure removal of pool from the application does not constitute a violation of the approval

Ms. Sesto confirmed Mr. Pettit sent a request to allow the retaining wall be built, but not the pool at this time. The commission must decide if the intent of the permit will remain the same. As the plan requires less building and disturbance, the commission agreed that the approval will remain the same.

C. WET#2188(I) – SLOUGH – 6 Wilton Acres – request to deem septic replacement as an emergency activity

Ms. Sesto noted that Mr. Slough's septic replacement does not constitute an emergency per regulation since he is pro-actively replacing the septic with an optimal upgrade. Mr. Slough is requesting that this be considered an emergency for timing purposes.

The commission agreed that they could not deem this as an emergency as it does not constitute a failure or repair.

VII. OTHER APPROPRIATE BUSINESS

A. Violations

1. Kevin Smith & Carol McDonnell-Smith – 281 Sturges Ridge Road
2. Tim & Kara Golden – 269 Sturges Ridge Road

Ms. Sesto stated that she met with Carol McDonnell-Smith to discuss her planting plan. Mike Conklin also examined the soils of the cleared area and deemed this area as non-wetland. The area is however within 100 feet of a stream.

Ms. Sesto noted that the Golden's have not submitted their corrective action to date.

B. Municipal Inland Wetlands Agency Comprehensive Online Training Program

Ms. Sesto stated that there are some training courses being offered by the DEEP and anyone who would like to go can contact Ms. Larkin for her to complete the registration. Ms. Larkin stated she would email the information to all commissioners for their consideration.

C. APPROVAL OF MINUTES – May 9, 2013

Mr. Wong MOVED to APPROVE the minutes from May 9, 2013, SECONDED by Mr. Hall and

CARRIED 6-0-0.

D. Hallman Violation

Mr. Delaney asked for an update on the Hallman violation. Ms. Sesto stated that the soil scientist that Mr. Hallman hired did not believe the areas of clearing to be wetlands however, next door, it was previously determined that there are wetlands by another soil scientist. Ms. Sesto confirmed that the commission can hire a consultant, at the expense of the homeowner, to have a third opinion. Mr. Hallman challenged the level of the application to which Ms. Sesto reminded him the commission deemed the activities as significant at the prior meeting.

E. Summer Intern

Ms. Sesto stated that the Environmental Affairs Department has a Wilton High School Summer Intern for 5 weeks who will be primarily focused on checking that easements are being upheld.

VIII. ADJOURN

Mr. Hall MOVED to ADJOURN at 9:09 p.m., SECONDED by Mr. Wong, and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary