



MINUTES

September 12, 2013

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

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Tom Nelson, McChord Engineering; Kate Throckmorton, Environmental Land Solutions, LLC, Oskar Weder, neighbor; Rob Frangione, Frangione Engineering, LLC; Aleksandra Moch, Green Roof Concepts

I. CALL TO ORDER

Mr. Wong indicated he would be arriving late to the meeting so Mr. Hall, acting chair, called the meeting to order at 7:31 p.m.

II. PUBLIC HEARINGS

A. WET#2192(S) – HALLMAN – 25 Spoonwood Road – “corrective action” for clearing a wooded area (cont.)

Ms. Sesto confirmed that she has been in correspondence with the Hallman’s overseas via email. In lieu of obtaining a third party soil scientist, they have requested additional time to provide a heartier plan that will address the wetland mitigation required to correct the violation. She noted that the Hallman’s can ask for an extension for up to 100 days.

Mr. Hall MOVED to EXTEND the public hearing for 2 meetings only at this time, SECONDED by Mr. Lee and CARRIED 5-0-0.

The commission agreed that they will hold off on the previous requirement for a third party soil scientist at this time.

B. WET#2197(S) – MERCADO – 235 Cannon Road – construction of a single-family residence (cont.)

Ms. Sesto read one new document into the record. Mr. Hall, Mr. Lee, Ms. Pollino and Mr. Delaney indicated they visited the neighboring sites as requested by the neighbors at the last

hearing.

Mr. Nelson confirmed that he has provided a slightly revised plan which reflects some adjustments he made based on conversations with the neighbor's wetland scientist, Aleksandra Moch. He showed where he added a dozen American hollies outside the building envelope for mitigation and screening purposes.

Mr. Nelson also described that he added a small detention structure at the footing drain discharge point to further infiltrate runoff on the site.

Chairman Wong joined the meeting and indicated he visited the site earlier in the day.

Mr. Nelson stated that the new plan includes boulder demarcation 25 feet on center and confirmed that the trees on the slope are to remain. In addition, the beginning of the driveway will consist of permeable material with a gravel sub-base to promote infiltration and help minimize the run-off from the development.

Ms. Moch explained she was hired by the neighbors of the Mercado's to confirm their properties would not be adversely affected by the proposed home construction. She stated her primary concern was the increase in storm water run-off to her client's properties. She investigated the number of trees that were proposed to be removed and the potential impact. She raised concern that the house plans would change by the time the building plans come in as there are no current architectural plans. She added that the Wilton Plan of Conservation and Development states that slopes need to be protected. The conditions she suggested are to address the storm water management, keep the driveway permeable, leave the slope alone and add evergreens to fill in the forest. Mr. Delaney asked Ms. Moch if the neighbors are okay with the current proposal and Ms. Moch confirmed they are okay with the new plans.

Ms. Sesto noted that she checks the building plans when they eventually come in to make sure they are substantially in conformance with the site approved with the wetlands permit. Mr. Hickey, a neighbor, asked if he can call the office of the commission if something does not seem to be in compliance with the plans. Ms. Sesto confirmed he could call the office with any questions or issues.

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

Mr. Hall MOVED to APPROVE WET#2197, with the General and normal Special Conditions and the additional Special Conditions to meet with staff to inspect trees on site, provide a tree protection plan, and the percentage of permeable pavement for the driveway shall be maintained despite possible reconfiguration, SECONDED by Mr. Delaney and CARRIED 6-0-0.

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2205(I) – BAUER – 31 Deepwood Road – interior alterations and associated B100a

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

Mr. Frangione stated the Bauers are proposing some interior alterations to increase the bedrooms from four bedrooms to five, which triggers a B100a septic site. The leaching fields of the B100a

are 95 feet from the wetland. He noted that any other location would require the removal of trees and the proposed location is optimal for septic due to the natural slope. He stated there would be no adverse impacts to the wetlands on site and they do not plan on building the system at this time.

Mr. Wong asked if they tested the soils by the driveway. Mr. Frangione stated that this area was discounted as they would have to remove large trees and has power and service wires which make it not desirable. It was noted that a pump line would go under the driveway.

Mr. Lee MOVED to APPROVE WET#2205, SECONDED by Mr. Hall and CARRIED 6-0-0.

B. WET#2206(I) – SELL – 236 Newtown Turnpike – proposed pool and patio within an upland review area

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

Ms. Throckmorton described that the homeowners would like to install a pool and a patio in an existing lawn area in the back of the house which falls in an upland review area. They will increase the current wood deck, add an outdoor shower and fireplace area. They will remove the play set and plant a 10-20 foot buffer directly behind the pool area. They would like to reconfigure the landscaping around the fireplace with new understory trees. Ms. Throckmorton noted that any excavated material will be regraded and reused on the site.

Mr. Hall asked if the existing shed could be relocated further from the wetland based on the nature of items typically stored in there such as petroleum products that can leak and adversely affect wetlands nearby. Ms. Throckmorton confirmed the shed is set on blocks. Mr. Delaney indicated that the shed is sizeable and not something the homeowner would be able to readily pick up and move.

Ms. Throckmorton confirmed that the Japanese knotweed will be removed and a 30 foot buffer will be maintained. A discussion ensued about the dimensions proposed for the patio and pool. The patio will be roughly 1,200 sq. ft. and the pool is 44 ft. x 22 ft. at its largest point. There is a 45 ft. distance from the pool to the wetland which includes a 3 ft. walkway. Ms. Sesto inquired about the placement of the fence. Ms. Throckmorton confirmed they would like to keep the fence partially hidden.

Mr. Delaney inquired if a pervious pool patio could be utilized. Ms. Throckmorton stated they prefer not to use a material that is pervious to avoid settling issues. Ms. Sesto suggested the new planting area be configured to operate as a rain garden. Mr. Lee asked that the fence be moved up 10 feet to follow the dotted line on the plan that delineates the edge of lawn.

Mr. Wong MOVED to APPROVE WET#2206, with the General and normal Special Conditions, and the additional special conditions to provide a revised plan showing the fence moved to the existing edge of lawn, an additional planting area to the east of the patio to serve as a rain garden or convert the patio to a pervious area, and add a shade tree among the proposed spice bushes, SECONDED by Mr. Hall and CARRIED 6-0-0.

C. WET#2207(I) – CRAW – 114 Westport Road – proposed 2-car garage on concrete slab and footings

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

Ms. Throckmorton stated that the Craw's are proposing a new 20 ft. x 24 ft. 2-bay garage on their property that they use for their residence as well as their veterinarian office. The front of the garage will be built at the same level as the driveway. The back of the garage will consist of a tall foundation wall. Ms. Throckmorton suggested plantings in the back such as pachysandra cover.

Ms. Throckmorton indicated they would "give back" some lawn which will allow a clear demarcation parallel to the wall of the new garage. The lawn will be maintained to the east of this area. She confirmed that all soil and erosion measures will be in place and tree protection will be required on the 38 in. red maple. She added that no excavated material will be taken off site and all work will take place in the existing driveway.

The commission asked if the owner would consider expanding the existing garage on site. Ms. Throckmorton stated this would require more tree removal and would not be desirable. Dr. Craw confirmed he wants to keep the cedar trees. Ms. Craig asked if they plan to naturalize the area. Ms. Throckmorton stated that this is a cool, moist, shady area which consists of natural sedges. Ms. Craig suggested that ferns or bushes would be added. Ms. Throckmorton recommended hay scented ferns.

Mr. Hall asked why they are not attaching the garage to the residence. Ms. Throckmorton confirmed that the private use of the property is kept on the western side, and the business use is on the eastern side. Ms. Sesto asked if some pavement could be removed as a give back for the new pervious area taken by the new garage structure.

Mr. Wong MOVED to APPROVE WET#2207, with the General and normal Special Conditions, and the additional Special Condition that a revised site plan shall be created which shows the mitigation area referenced in the project narrative and this area planted with ferns, the limit of lawn delineation, and a 2-year monitoring plan, SECONDED by Mr. Hall, and CARRIED 6-0-0.

IV. APPLICATIONS TO BE ACCEPTED

- A. WET#2215(I) – SLAVIN – 87 St. John's Road** – removal of 6 trees and pruning of 3 trees within a regulated area
- B. WET#2219(I) – LAMONTE – 5 Edgewater Drive** – one-story rear addition
- C. WET#2221(S) – NORWALK RIVER VALLEY TRAIL – various lots** – eastern loop of trail which crosses wetlands
- D. WET#2222(S) – LUDWIG – 350 Sturges Ridge Road** – "corrective action" to remove wood chips deposited in a regulated area and to renovate a single-family residence

Mr. Wong MOVED to ACCEPT WET#2215, WET#2219 and WET#2222, SECONDED by Mr. Hall and CARRIED 6-0-0.

Ms. Sesto confirmed that she is the applicant for the NRV application so there is a conflict of interest whereas she will not be able to provide guidance.

Mr. Wong MOVED to ACCEPT WET#2221, SECONDED by Mr. Hall, and CARRIED 6-0-0.

V. APPROVED MINOR ACTIVITIES

- A. **WET#2199(M) – SORRELS – 80 Wilton Woods** – construct 10 ft. x 14 ft. deck above an existing stone patio
- B. **WET#2204(M) – CARSTENS – 121 Pine Ridge Road** – generator installation 5 ft. from a watercourse
- C. **WET#2203(M) – ASML – 77 Danbury Road** – addition with canopy over proposed reconstructed walkway
- D. **WET#2211(M) – D’ALESSANDRO – 44 Duck Pond Place** – install generator and underground propane tank
- E. **WET#2212(M) – DORMER – 69 East Meadow Road** – install underground propane tank 35 ft. from a wetland
- F. **WET#2208(M) – MIDDLETON – 35 Berch Court** – proposed roof and screened porch over existing wood deck with new pier footings
- G. **WET#2213(M) – CHAMBERS – 95 Seir Hill Road** – install generator and underground propane tank 25 ft. from a wetland
- H. **WET#2210(M) – STEBBINS – 165 Scarlet Oak Drive** – construct patio with pergola 25 ft. from a wetland
- I. **WET#2209(M) – HASHEMI – 6 Maplewood Lane** – installation of a generator next to existing pool equipment
- J. **WET#2214(M) – FRATINO – 130 Range Road** – installation of a generator 35 ft. from a wetland
- K. **WET#2216(M) – PYTKO – 88 Drum Hill Road** – expand foyer, relocate half bath, new covered entry porch and misc. alterations within a regulated area
- L. **WET#2217(M) – LAFOND – 97 Graenest Ridge Road** – extend patio 45 ft. from a wetland
- M. **WET#2218(M) – CHUTE – 22 Scribner Hill Road** – construct enclosed mud room over existing deck 24 ft. from a wetland

VI. CORRESPONDENCE

- A. **CUTE ASSOCIATES, LLC – 991 Danbury Road** – request to lift Cease & Desist Order

Ms. Sesto confirmed that the final as-built has not been received so the Cease and Desist should remain on the property until local and state health departments have confirmed compliance.

B. GOLDEN – 269 Sturges Ridge Road – review bonding requirements

Ms. Sesto stated that the homeowner is asking that the stone wall portion of the bond be waived. They are currently working on the wall and it will be completed prior to the bonding timeframe for the remainder of the corrective action. The commission agreed that they can forgo the necessity of bonding for the wall.

VII. OTHER APPROPRIATE BUSINESS

A. Violations

- 1. Kevin Smith & Carol McDonnell-Smith – 281 Sturges Ridge Road**
- 2. Jim DeVito – 40 Honey Hill Road**
- 3. Chemlali – 161 Linden Tree Road**
- 4. Lussier – 347 Thayer Pond Road**

Ms. Sesto noted that the DeVito and Ciganik violations have been turned over to town counsel and letters have been sent. The DeVito's have not responded to any of the directions from the commission or town counsel.

Mr. Wong MOVED to pursue legal action against the DeVito's, SECONDED by Mr. Hall and CARRIED 6-0-0.

Ms. Sesto noted that she has been working with the Chemlali's on their corrective action. They have requested more time for the application to be submitted. Ms. Sesto stated that they are making progress as the wetlands have been flagged. The commission agreed to provide an extension.

Ms. Sesto stated that the Lussier's removed trees adjacent to a brook and she will meet with them in the field.

B. APPROVAL OF MINUTES – July 25, 2013 & August 8, 2013

Mr. Delaney MOVED to APPROVE both meeting minutes, as drafted, SECONDED by Ms. Craig and CARRIED 5-0-1 with Mr. Hall abstaining as he was absent.

VIII. ADJOURN

Mr. Wong MOVED to ADJOURN at 8:50 p.m., SECONDED by Mr. Delaney, and CARRIED 6-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary