



## MINUTES

December 12, 2013

**PRESENT:** John Hall (Acting Chair), Liz Craig, Nick Lee, Dennis Delaney, Dan Falta

**ALSO PRESENT:** Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Hamid Chemlali, homeowner; Walter Smith, Homeowner, David Smith, Kevin O'Brien, Wilton Country Homes; Joseph and Joanne Lussier, homeowners

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

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

### **II. PUBLIC HEARINGS**

**A. WET#2228(S) – CHEMLALI – 161 Linden Tree Road** – “corrective action” for unauthorized clearing and grubbing in a wetland (cont.)

Ms. Sesto read the new documents into the record.

Mr. Chemlali reviewed his new proposal based on feedback he received from the commission at the last hearing. He confirmed that he has removed the request for a driveway in the cleared area in the front of the house. He proposed new plantings in this area to make up for the loss of vegetation. He noted his request to expand the existing driveway near the garage, away from the wetlands. He confirmed they still plan to remove a small portion of the existing driveway where they had some damage to cars from falling trees.

Mr. Chemlali stated that he hired a soil scientist to identify any protected resources on his property. The only wetlands are in the front of the home, where the clearing occurred, as well as a small pocket directly across the driveway under the woodchip pile.

Mr. Delaney asked if the wood chip pile has been removed. Mr. Chemlali confirmed it has not been moved. Mr. Hall asked what would be left in that area when the chips are removed. Mr. Chemlali stated that the area would be naturalized. The commission agreed that there are some standing saplings in this area.

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

### **III. APPLICATIONS READY TO BE REVIEWED**

**A. WET#2232(I) – SMITH – 26 Lovers Lane** – deck addition, new gravel parking area and connection to sanitary sewer system within an upland buffer

Mr. O'Brien stated the property includes an antique home on 1.9 acres.

Mr. Hall, Ms. Craig, and Mr. Lee indicated they visited the site.

Mr. O'Brien displayed the survey showing the proposed addition the north end of the home. A zoning variance has been issued as the addition is within the setback from the road.

Mr. O'Brien confirmed that the wetlands were delineated behind the home, at the bottom of a steep grade. In addition to the proposed deck, a gravel parking area by the existing barn is desired. In order to complete this work, the town is requiring that the Smiths tie into the town's sanitary sewer system. The proposed the sewer line connects downgrade into the town owned land at Merwin Meadows.

Ms. Sesto asked what was being done with the excavated material from the site. Mr. O'Brien confirmed that none will leave the site: there is minimal excavation for the footings. A minimal amount of fill is needed for the gravel parking area and import riprap to stabilize the parking area. Ms. Sesto asked if the WPCA has approved their proposal and Mr. Walter Smith stated that they have this approval. Ms. Sesto asked that this letter of approval be submitted to the commission for the file.

Ms. Sesto noted that the grades drop down dramatically in the barn area and asked how deep the trench will be to maintain soil cover. Mr. Walter Smith confirmed that the current fields are down in this area already and the maintaining cover is not a problem. Ms. Sesto raised a concern that if there is a deep trench, sediment and erosion controls would be required. Mr. Hall asked if they are installing a new line. Mr. David Smith confirmed that they are installing a new line. Mr. Hall asked how long it would take to install this line. Mr. David Smith responded it would take two to three days. Ms. Sesto stated that it should not be a very wide trench. Mr. O'Brien confirmed that Mr. David Smith is a licensed installer and excavator for the Town of Wilton.

Mr. Hall stated that he was not concerned about infiltration loss with the addition. The area beneath the addition is sloping and likely compacted. Ms. Sesto confirmed with the applicant that the retaining wall will remain in the current location. Mr. O'Brien assured the commission that it would remain as is.

Ms. Craig MOVED to approve WET#2232, with the Special Condition to provide the commission with the written approval from the WPCA, SECONDED by Mr. Delaney, and CARRIED 5-0-0.

**B. WET#2234(I) – LUSSIER – 347 Thayer Pond Road** – “corrective action” for unauthorized clearing in and adjacent to wetlands and a stream

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

Mr. Lussier stated that they had removed some trees from the property for safety and health reasons and they were unaware that this was illegal. Mrs. Lussier stated that they had moved

into the home four weeks prior to Sandy and had never seen anything like the damage they experienced. She indicated trees were falling all over the neighborhood and they wanted to protect their cars which do not fit in the garage. Mrs. Lussier stated that their children were severely affected and fearful that a tree could fall on the house and cause bodily harm. In addition to the safety issues, the family learned that one of their children has an allergy to oak and birch trees and they were trying to remove those from the immediate vicinity of the house.

Mr. Lussier stated that if they knew there was a law against removing trees, they would not have proceeded without permission. Mrs. Lussier added that their realtor had indicated there was some drainage on the property, but not the fact that this is a protected wetland. Mr. Lussier stated the wetland area does have a small stream in the springtime.

Mr. Hall inquired about a planting plan. Mrs. Lussier confirmed that Ms. Sesto met with her landscape contractor at the site to talk about the removal of the trees and what can be done to make the site compliant. Mr. Hall stated that the commission would need to see a rough sketch of where the replacement trees would be planted. Mrs. Lussier asked why they would be required to replant trees in areas where they had trees fall. Ms. Sesto stated that they would be required to replant for mitigation of their violation and that there are many trees that would be inexpensive and safe for the area. Ms. Sesto suggested red maples, flowering dogwoods and shadblow. Mrs. Lussier said her landscape contractor quoted a fee of a couple thousand dollars to create a plan. It was the consensus of the commission that the scale of the restoration plan did not warrant professional preparation and the Lussiers should meet with staff to help them. Mr. Lussier confirmed that they would need to plant 10-12 trees on the property.

Mrs. Lussier asked the commission what could be done with the bamboo that she has on the property. Ms. Sesto suggested going on the DEEP website as they have information on the eradication of this invasive plant. Mrs. Lussier then asked what can be done with a tree top that is leaning on another tree. Ms. Sesto confirmed that they can remove this as-of-right, but that it is always best to photo document to avoid potential question of violations in the future.

With no further questions from the commissioners, the application was continued to the next meeting being held on January 9, 2014.

**C. WET#2228(S) – CHEMLALI – 161 Linden Tree Road – “corrective action” for unauthorized clearing and grubbing in a wetland**

The commission agreed that the revised plan was much better than the original proposal. Mr. Lee confirmed that the wood chip pile, like anything outside right now, is frozen.

Mr. Falta MOVED to APPROVE the revised plan with General Conditions, normal Special Conditions, and the additional Special Condition that the wood chip pile be removed by May 1, 2014, SECONDED by Ms. Craig, and CARRIED 5-0-0.

**IV. APPLICATIONS TO BE ACCEPTED**

**A. WET#2236(I) – DONAHUE – 99 Westport Road – second story and rear addition within 100 feet of wetlands**

Mr. Lee MOVED to ACCEPT WET#2236, SECONDED by Mr. Delaney and CARRIED 5-0-0.

**V. APPROVED MINOR ACTIVITIES**

**A. WET#2233(M) – POISELLA – 58 Glen Hill Road** – underground 1,000 gallon propane tank 25 ft. from a watercourse

**B. WET#2235(M) TAROLI – 81 Stonebridge Road** – install a generator 50 ft. from a wetland and an LP tank 38 ft. from a wetland

Ms. Sesto provided a brief description of the above approved minor applications.

**VI. CORRESPONDENCE**

**VII. OTHER APPROPRIATE BUSINESS**

**A. Violations**

**1. DeVito – 40 Honey Hill Road**

Ms. Sesto noted that the paperwork was received by the attorneys that she will have notarized to move forward.

Mr. Lee MOVED to ADD the 2014 elections to the agenda, SECONDED by Mr. Hall and CARRIED 5-0-0.

**B. Elections**

Ms. Craig MOVED to nominate Mr. Hall as the Chairman, SECONDED by Mr. Berg, and CARRIED 5-0-0.

Mr. Hall MOVED to nominate Mr. Delaney as Vice Chairman, SECONDED by Mr. Falta, and CARRIED 5-0-0.

Mr. Hall MOVED to nominate Ms. Craig as Secretary, SECONDED by Mr. Delaney, and CARRIED 5-0-0.

**C. APPROVAL OF MINUTES – November 14, 2013**

Mr. Delaney MOVED to APPROVE the minutes, as drafted, SECONDED by Mr. Falta and CARRIED 5-0-0.

**VIII. ADJOURN**

Mr. Lee MOVED to ADJOURN at 8:34 p.m., SECONDED by Mr. Delaney, and CARRIED 5-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary