



MINUTES

June 25, 2015

PRESENT: John Hall (Chair), Tom Burgess, Nick Lee, Rick Stow

ALSO PRESENT: Mike Conklin, Environmental Analyst; Liz Larkin, Recording Secretary; Kate Throckmorton, Environmental Land Solutions; Elizabeth Marcal, Property Owner; Doug Cilento, Property Owner; Tim Draper, T&M Lawn and Landscaping; Kevin O'Brien, O'Brien Premiere Properties; Steve McAllister, McChord Engineering Associates

ABSENT: Dan Falta & Liz Craig (notified of intended absences)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS – None

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2323(I) – MARCAL – 303 Cannon Road – fill in an existing pool

Mr. Burgess indicated he visited the site.

Ms. Throckmorton described the proposal to fill in an existing pool which has been unused for many years. She confirmed the wetlands are located between the house and the road and the small retaining wall will remain in place.

Ms. Throckmorton stated the truck access will be immediately off the driveway. She then described the sequence of the filling and confirmed clean stone and fill will be used. She also confirmed soil and erosion measures and dewatering details. The entire project will be completed in 3 days time.

Mr. Burgess MOVED to APPROVE WET#2323, with the General and normal Special Conditions, SECONDED by Mr. Lee and CARRIED 4-0-0.

B. WET#2324(I) – CILENTO – 5 Old Lantern Drive – “corrective action” for reconstruction of a stone wall and filling and grading in a regulated area

Mr. Burgess indicated he visited the site.

Mr. Draper explained that he was hired to replace an old stone wall that backed up to wetlands in addition to removing storm damaged trees in the area. Mr. Draper also explained that the old wall was a thrown boulder wall and he created a retaining wall in the same location and backfilled between the house and the wall with top soil. While this work was taking place, they discovered they needed a wetlands permit.

Mr. Draper stated that he hired Steve Trinkaus for delineation purposes as they are now requesting an after-the-fact permit for the retaining wall and filled lawn area as well as a new patio and extension of the driveway. He confirmed the wall may have been moved in a little bit away from the wetlands. He stated he already cleaned up some spice bush which is an improvement.

The commission asked Mr. Draper for more detail on what soil was brought onto the site. He responded that there was about four tri axles and confirmed the large oak was not filled as evident by the tree trunk. Mr. Draper noted that the stone wall is about 3 feet tall. Mr. Hall stated that fill must have been brought in for this height. Mr. Draper stated the lawn now has a flatter area for the children to play.

Mr. Burgess asked about the existing roof leader pipes that discharge through the new wall. Mr. Draper stated the wall was built around these and he did not cut them. Mr. Burgess asked Mr. Conklin if the commission can make the owner cut them back. Mr. Conklin referenced a recent application where the homeowners were required to cut back their pipes as a condition of approval. Mr. Hall noted that the wall may stop the water. Mr. Draper stated the wall is in the lowest portion of the site and the water cannot spread anywhere else.

Mr. Hall explained that point discharge creates erosion and he would like to see a planting plan with the restoration along the face of the retaining wall. Mr. Draper said they would consider installing rip-rap. The possibility of a rain garden at the end of the driveway was mentioned but Mr. Conklin did not think this would be necessary as there was previously lawn in that area.

Mr. Conklin suggested proposing a rip rap or gravel pad at the roof leader outfall. Mr. Hall asked for a planting plan. The commissioners discussed whether the plantings could be approved by staff and Mr. Conklin stated he preferred this to go back to the commission.

With no further questions or comments, the applicant and his agent were asked to come back with a mitigation planting plan for the July 9th meeting.

C. WET#2326(I) – MOESER – 302 Belden Hill Road – “emergency” septic replacement

Mr. Conklin noted that this applicant received a temporary permit and the work has been completed.

Mr. Lee MOVED to APPROVE WET#2326, with the General and normal Special Conditions, SECONDED by Mr. Burgess and CARRIED 4-0-0.

D. WET#2328(I) – RUDDY – 97 Old Boston Road – “emergency” septic replacement

Mr. Conklin noted that this applicant received a temporary permit and the work has been completed.

Mr. Lee MOVED to APPROVE WET#2328, with the General and normal Special Conditions, SECONDED by Mr. Burgess and CARRIED 4-0-0.

E. WET#2331(I) – 3 HUBBARD ROAD, LLC – 434 Hurlbutt Street – proposed 2-lot subdivision

Mr. Burgess indicated he visited the site.

Mr. O'Brien stated that the owner of the Wilton Arms at 3 Hubbard Road entered into a 1031 exchange for the property at 434 Hurlbutt where he is proposing a 2-lot subdivision. Mr. O'Brien confirmed the site is 7.5 acres with an existing home and two guest cottages with a pool and a structure that holds the heating system for the pool. He explained that this structure will be removed which is 30-40 feet from the wetland.

Mr. O'Brien confirmed 2.5 acres are being gifted to the town as open space and the remaining 2+ acre lot does not contain any wetlands. Mr. O'Brien also noted the owner requested and received a similar permit in 1999 for a larger house 70 ft. from the watercourse. He stated this permit was never implemented as he did not wish to lose one of his accessory dwelling units, a planning and zoning regulation.

Mr. McAllister explained they found a location for a 5-bedroom septic system and underground stormwater galleries. He confirmed the flow of the property runs to the south. He noted that some grading will take place and the cut will be used as fill. Mr. McAllister indicated where the reserve septic systems will be for the main house and the guest house. Mr. Conklin asked if the soil was tested for the stormwater infiltration system. Mr. McAllister responded that percolation tests were only done for the septic and noted the construction entrance and stockpile area. Mr. Conklin asked that the stockpile area be relocated outside of the regulated area and asked that further testing is done for the reserves as he has seen underground detentions fail recently.

Mr. Hall asked for the distance from the structure to the wetland. Mr. O'Brien confirmed it is 80 feet.

Ms. Throckmorton reviewed her landscape plan which includes a handful of trees to be removed and replaced around the old pool heater structure. She stated the property would consist of a meadow and woodland, and all the trees in the buffer will remain for this large, good quality wetland off the property.

Mr. Lee stated they should revise the plans for the next meeting showing the stockpile area outside of the regulated area and test the reserve septic systems for infiltration. Mr. O'Brien stated they could add an easement for some of the wetlands.

With no further questions or comments, the applicant's agents were told to come back with more information at the July 9th meeting.

IV. APPLICATIONS READY TO ACCEPTED

- A. **WET#2333(I) – SESHAN – 6 Pine Ridge Road** – additions to residence
- B. **WET#2334(I) – HALAN – 295 Newtown Turnpike** – construction of on-slab three car detached garage
- C. **WET#2335(I) – GALLIGAN – 102 Hulda Hill Road** – “emergency” septic replacement

Mr. Lee MOVED to ACCEPT all above applications and schedule them for our next available meeting, SECONDED by Mr. Burgess and CARRIED 4-0-0.

V. APPROVED MINOR ACTIVITIES

- A. **WET#2332(M) – CHILDREN’S DAY SCHOOL OF WILTON – 111 Ridgefield Road** – install 20’ x 60’ playground adjacent to a wetland

Mr. Conklin provided a brief summary of the above approved minor activity.

VI. CORRESPONDENCE

- A. **Letter from Gregory & Adams, dated June 23, 2015**

Mr. Conklin noted that Casey Healy of Gregory & Adams has submitted a letter requesting legal counsel on the application fees we have been charging as of September 1, 2013. Mr. Conklin explained that Ms. Sesto completed research on the surrounding town’s fees and Wilton is not the most expensive in our area. Ms. Larkin and Mr. Conklin are pulling information to bring to town counsel for their advice.

VII. OTHER APPROPRIATE BUSINESS

A. VIOLATIONS

1. **English – 189 Westport Road**
2. **DiFranco – 1039 Danbury Road**

Mr. Conklin provided a brief summary of the above current violations. He confirmed Mr. English is waiting to hear back from his surveyor. The DiFranco violation has almost been addressed satisfactorily and will likely not require a wetland permit.

B. APPROVAL OF MINUTES – June 11, 2015

Mr. Lee MOVED to APPROVE the minutes as drafted, SECONDED by Mr. Hall, and CARRIED 4-0-0.

VIII. OTHER APPROPRIATE BUSINESS

Feasible & Prudent Clarification from June 11, 2015 meeting – Mr. Conklin handed out some information from the University of Connecticut, and case law for the charge of the commission relating to feasible and prudent alternatives. He noted feasible means to be

constructed with consistent sound engineering principles and prudent means it has to be economically reasonable. Mr. Conklin confirmed there needs to be an adverse impact to the wetland to look at feasible and prudent alternatives.

IX. ADJOURN

Mr. Burgess MOVED to ADJOURN at 8:45 pm, SECONDED by Mr. Lee and CARRIED 4-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs