



MINUTES

September 11, 2014

PRESENT: John Hall (Chair), Tom Burgess, Liz Craig, Dennis Delaney, Nick Lee

ALSO PRESENT: Patricia Sesto, Director, Environmental Affairs; Liz Larkin, Recording Secretary; Geoffrey and Betsy Spillane, Homeowners; Siyuan Cao, Civil 1; Keith Ryan, Homeowner; Kathleen Poirier, Kathleen Poirier Architects; Marie Wilson, Homeowner

ABSENT: Dan Falta (notified of intended absence)

I. CALL TO ORDER

Mr. Hall called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS - None

III. APPLICATIONS READY TO BE REVIEWED

A. WET#2262(I) – SPILLANE – 8 Dorado Court – “corrective action” for installing a seating platform

Mr. and Mrs. Spillane stated they installed a viewing platform on their property not realizing they needed a permit for this activity and are now asking for approval of the platform in its current location. Mr. Spillane confirmed there was no grading involved and that the platform is not affixed to the ground but placed on stones.

Ms. Sesto noted that a previous application required that the area in question remain as a meadow. Mr. Spillane confirmed that the shrubs that were cut back at the pond's edge are recovering and the area will remain as meadow.

Mr. Delaney confirmed that he is not concerned with the proposal as the play house is within the regulated area and is similar to the deck in terms of disturbance. Mr. Hall explained to the Spillane's that with these applications, the concern is that they will add to the platform with walls with what is considered creep. There is some value in the platform in that its location allows for users to appreciate the wetland and pond system.

Ms. Craig asked if this would be an opportunity to restore the understory that is lacking on the property. Mr. Spillane stated that the soils are not good in the area for planting trees but

there are some healthy existing trees that will remain. Ms. Sesto concurred that the shrubs near the pond are healthy. Mr. Spillane added that the grasses have grown in the meadow and they only mow a few paths for the family to walk to the platform and the club house.

Mr. Delaney MOVED to APPROVE WET#2262 with General Conditions, SECONDED by Mr. Lee and CARRIED 5-0-0.

B. WET#2265(I) – SILVER HILL HOSPITAL – 208 Valley Road, New Canaan – replace failing septic

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

Mr. Cao stated that Silver Hills Hospital has a failing septic so they are proposing a new tank and pump chamber which leads to a leaching field in New Canaan. The existing 30-year old tank is cracked and not up to current health code.

The leaching fields will be abandoned and a new pump chamber will be required to reach the proposed leaching fields 900 feet away on the west campus in New Canaan. The pump line will cross the Silvermine River via a 2-in PVC conduit under the bridge that was installed previously in connection with the bridge replacement. Mr Cao is expecting DEEP to send their approval by the end of September and added that the Wilton Health Department has approved the plan as well.

The applicant intends to complete the project by mid-October.

Mr. Delaney MOVED to APPROVE WET#2265 with General Conditions, SECONDED by Mr. Lee and CARRIED 5-0-0.

C. WET#2267(I) – RYAN – 20 Thunder Lake Road - “after-the-fact” installation of a permeable gravel driveway along the southern border of the property 16 feet from wetlands

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

Mr. Ryan displayed his plan and stated that 2/3 of his property is inaccessible due to wetlands and steep slopes. The proposal is to create a pervious, secondary driveway off of the main driveway to access a pad where a tractor and trailer are stored. The driveway will pass through an existing break in the stone wall. The secondary drive will run parallel to an existing shared driveway owned by others. He was informed he can no longer use the drive to get the tractor in and out of its storage area.

Ms. Sesto prefaced her questions by reiterating the tractor storage area is unpermitted and its location is not fixed. If the applicant had come in before constructing the storage area, she would have guided him to seek alternative locations. Vehicle storage so close to the wetland puts the wetland and stream at risk should there be a fuel spill. Mr. Ryan stated that the area he is proposing has a decent grade and the place he is requesting is the most level place for the equipment that cannot be stored at a tilt. Ms. Sesto raised concern about erosion on the driveway. It runs straight down a slope and overland drainage is discharged via pipes in close proximity. Mr. Ryan confirmed there is no erosion there now. Mr. Hall stated that he would be creating an avenue of erosion by clearing the vegetation and running a tractor on it.

Mr. Ryan countered that it is under a dense canopy.

Mr. Delaney confirmed that fill was present in this parking area already and asked why they could not pull the parking area into the dog run area, closer to his private driveway. Mr. Ryan stated they chose this area as they can screen themselves from the neighbors and that there was already some gravel present when they bought the property. They just added to what was there.

Mr. Hall stated he sees the possibility of different locations on the property with less of an encroachment to the wetland. He asked for an analysis of why the proposed area is the only place he could use. Ms. Sesto offered to walk the property with Mr. Ryan to consider alternatives. Mr. Hall reiterated that the commission needs compelling information that erosion will not take place, especially as it will go right into the wetland. Ms. Sesto added that the proximity to the wetland with this type of equipment leads to spills which are a detriment to the wetlands.

D. WET#2268(I) – WILSON – 13 Orem Lane – “corrective action” for clearing land in an upland review area

Ms. Craig, Mr. Burgess, and Mr. Delaney indicated they visited the property.

Ms. Poirier explained the site as a .73 acre property on the south side of Orem Lane which was recently purchased by Ms. Wilson for development. The property is to the west of the Norwalk River and clearing was done in the back corner of the property which falls within the 100 ft. regulated area.

There are boulders delineating the back property from the neighbors and three trees were removed in this area. The proposed mitigation includes planting of 3 evergreen trees while leaving the boulders in their current location. Alternatively, Ms. Poirier stated the boulders could be pulled back to the 100 ft. limit of the regulated area which could avoid further encroachment.

Mr. Delaney asked about moving fill. Ms. Poirier stated the property would be back to the original grade as it is currently not flat. Ms. Wilson confirmed that she would prefer the alternative plan to pull the boulders back. Ms. Sesto asked what size trees they would like for the 3 evergreens. Mr. Lee stated they should be 6-8 ft evergreens.

Mr. Delaney MOVED to APPROVE the Alternate Plan with three 6-8 ft. evergreens to be planted, SECONDED by Mr. Lee and CARRIED 5-0-0.

IV. APPLICATIONS TO BE ACCEPTED

A. WET#2270(I) – HOLLANDER – 211 Linden Tree Road – rebuild house from fire damage

B. WET#2272(M) – HURWITZ – 335 Newtown Turnpike – removal of trees within a regulated area

Ms. Sesto noted that the Hurwitz application to removed several trees was submitted as an

Intermediate Regulated Activity but the homeowner was hoping to lower the activity to a Minor Regulated Activity. She passed photos around and explained that this property has a few very large white pines close to the house that she does not take issue with removing. Likewise, there are some others around the property that seemed justifiable. She explained there are some trees that she thought looked healthy and this combined with the overall number of trees requested to be removed made her uncomfortable approving as a Minor Regulated Activity.

Mr. Lee suggested asking the homeowner to hire an arborist to provide proof that the trees should be removed. If this is the case, he would be comfortable with a minor application. If the arborist does not find issues with the “healthy” trees, it would be an Intermediate level permit.

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

V. APPROVED MINOR ACTIVITIES

C. WET#2269(M) – BUCCIERO – 20 Snowberry Lane – rebuild and expand deck 65 ft. from a wetland

D. WET#2271(M) – MCKELVY – 130 Ridgefield Road – install generator 39 ft. from a wetland and a propane tank 40 ft. from a wetland

Ms. Sesto provided a brief summary of the approved minor activities.

VI. CORRESPONDENCE - None

VII. OTHER APPROPRIATE BUSINESS

A. VIOLATIONS

- 1. Hallman – 25 Spoonwood Road**
- 2. DeVito – 40 Honey Hill**
- 3. Abou-Sabh/Casey - 78 Canterbury Road**

Ms. Sesto provided a brief summary of the current violations. She noted that the Hallmans should be done with their mitigation, the DeVitos are on hold until the fall when they have a court date, and the Abou-Sabh/Caseys were supposed to provide the corrective action application by yesterday.

B. APPROVAL OF MINUTES – August 14, 2014

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

C. Mr. Hall noted that this is Mr. Delaney’s last meeting as he is moving to California, thanked him for all of his work and wished him well in the future.

VIII. ADJOURN

Mr. Delaney MOVED to ADJOURN at 8:32 p.m., SECONDED by Mr. Lee, and CARRIED 5-0-0.

Respectfully Submitted,
Liz Larkin
Recording Secretary