

INLAND WETLANDS  
COMMISSION  
Telephone (203) 563-0180  
Fax (203) 563-0284



TOWN HALL  
238 Danbury Road  
Wilton, Connecticut 06897

**WILTON INLAND WETLANDS COMMISSION**  
**October 23, 2008**  
**MINUTES**

PRESENT: Joseph Fiteni, Jr., Chairman, Vice Chairman, Jill Alibrandi, Franklin Wong, Syd Gordon and Phil Verdi.

ABSENT: Karen Myers and Richard Ziegler (noticed of absence)

ALSO PRESENT: Patricia Sesto, Director of Environmental Affairs; Karen DeSantis, Recording Secretary; Paul Dickensen, Village Walk Condominium Association; Matthew Scully, P.E., CCA, LLC; Melanie Volker, Studer Design, Inc.; Jerry Effren, Greyrock of Wilton, LLC.

A. CALL TO ORDER

Chairman Fiteni called the meeting to order at 7:30 p.m.

B. PUBLIC HEARINGS

**1. WET#1856(S) – RAMADANI** – “corrective action” to restore grading and stone wall within a regulated area at 12 Center Street – cont.

Melanie Volker, agent, distributed documents to the Commission and then reviewed the site's current conditions. She pointed out the violations and explained that the patio and rear service area were the focal points. She described the plan of removing some of the illegal patio area that extends into the conservation easement and is in close proximity to the river. There are portions of the patio her client would like to receive an after-the-fact permit for. She went on to detail the removal of the wall and fill twenty feet from the river that is encroaching on the conservation easement and bring it back to its original condition. She offered to mitigate with plant material, delineate and replace the trees that had been cut with three canopy trees.

Ms. Volker offered a commitment by the applicant to stop washing equipment in the rear of the property. She described the plan to remove the concrete by the trash dumpsters, which

will be replaced with gravel. She has recommended to the property owner to replace the dumpsters now and then to do so on an annual basis to avoid leakage in the future. She included that pedestrian access will be made available and plans will be presented to the Conservation Commission and Planning and Zoning.

Ms. Sesto suggested that the applicant consider looking at the impervious surfaces on the entire complex and see what can be done to offset the impervious coverage they are asking for.

Chairman Fiteni didn't feel that the gravel area proposed was a substantial contribution and suggested adding a drainage system to maintain runoff from the parking lot.

Ms. Volker offered to present Chairman Fiteni's and Ms. Sesto's suggestions to the applicant.

Phil Verdi suggested that alternatives been presented to the Commission.

Ms. Volker stated that she would confer with the applicant.

Chairman Fiteni MOVED to continue the public hearing for WET#1856 to the next scheduled meeting.

- 2. WET#1860(S) – KJC REAL ESTATE DEVELOPMENT, LLC** – road improvements with wetland crossings at Old Huckleberry Road, Map#26, Lot#6.

Chairman Fiteni stated that a request was made for a continuance from Casey Healy, Esq., Gregory and Adams PC, and MOVED to continue the public hearing to the next scheduled meeting.

- 3. WET#1861(S) – VILLAGE WALK CONDOMINIUM** – installation of curtain drainage swale and replacement at 5 River Road.

Ms. Sesto read an additional document from the Public Works Department into the record.

Paul Dickensen, applicant, introduced Mathew Scully, Engineer, to address the Department of Public Work's memo presented at the last meeting.

Mr. Scully addressed each question listed on the memo.

Chairman Fiteni stated that he was not satisfied that the Department of Public Works' concerns were adequately addressed and he too was concerned that the alteration to the concrete trough could cause damage to the existing retaining wall. He asked if by removing a portion of the trough, would there be less passive pressure against the base of the retaining wall.

Mr. Scully explained that it would not cause damage to the existing wall. The plan is to add rip rap at the base of the wall, thereby increasing the pressure at the base of the wall.

Further, excavation would be away from the wall.

Chairman Fiteni asked the Commission and then the public if there were any questions.

There were none.

Chairman Fiteni closed the public hearing for WET#1861.

**4. WET#1865(S) – LUNG/YIJING** – Site development for new house, driveway and septic installation at 79 Olmstead Hill Road – cont.

Chairman Fiteni read a letter requesting a continuance to the next scheduled meeting from Tom Quinn, Peak Engineering dated October 23, 2008.

Chairman Fiteni MOVED to carry the public hearing to the next scheduled meeting.

C. APPLICATIONS READY TO BE REVIEWED

**1. WET#1873(I) – BRODY** – “corrective action” to restore a cleared and filled regulated area at 19 Hillbrook Road.

Site Visit Attendees: Chairman Fiteni, Jill Alibrandi, Franklin Wong, Phil Verdi and Syd Gordon.

Robert Brody, applicant, reviewed his proposed mitigation plan that includes removal of landscape debris from the wetland and he listed plantings to be installed.

Ms. Sesto asked Mr. Brody if the planned ten yards of excavated debris is intended to restore the previous grade.

Mr. Brody answered yes.

Ms. Sesto reminded Mr. Brody that his fine has yet to be paid.

Phil Verdi MOTIONED to approve WET#1873 with General Conditions and normal Special Conditions, Chairman Fiteni SECONDED and amended the MOTION to include plantings to be installed by May 15, 2009 and the citation fee to be paid and carried 5-0-0.

**2. WET#1874(I) – GAUDINO** – “corrective action” to restore a cleared regulated area at 16 Rocky Brook Road.

No one was present to represent the application

Chairman Fiteni MOVED to carry WET#1874 to the next scheduled meeting.

D. APPLICATIONS TO BE ACCEPTED –

1. **WET#1877(I) – CLOSE** – construct an addition to an existing dwelling in a regulated area at 596 Nod Hill Road.

Chairman Fiteni MOTIONED to accept WET#1877, SECONDED by Phil Verdi and carried 5-0-0.

E. APPROVED MINOR ACTIVITIES –

1. **WET#1875(M) – WILTON BUILDING GROUP** – installation of a sport court in a regulated area at 118 Vista Road.
2. **WET#1876(M) – VILLAGE WALK CONDOMINIUM ASSOC.** –removal of seven trees in a regulated area at 5 River Road.

Ms. Sesto reported that the trees were against the building at Villagewalk and causing maintenance problems.

F. CORRESPONDENCE –

Request for Bond Reduction – WET# 1588 – Greyrocks, River Road

Partial bond release request, dated September 5, 2008, from McChord Engineering Associates on behalf of Greyrocks development, permittee for WET#1588.

Ms. Sesto described the bonding, totaling some \$350,000.00 for the stormwater management and erosion and sediment control plans. The terms of the permit require the entire bond to be held until as-built plans are submitted and the stormwater management plan has been fully implemented and tested. The applicant is asking for a modification of the bond terms in order to allow a reduction since the project has been put on “hold” indefinitely.

Jerry Effren, reviewed the specifics of the requested bond reduction, which is approximately one third of the amount held. Mr. Effren reasoned that the permit is structured to hold the bond through the testing phase of the stormwater management plan to ensure there are funds to fix any problems. Even if there were problems, it is improbable that the cost to remedy them would come close to \$350,000. Therefore the bond could be reduced to alleviate his financial burden without compromising the ability of the commission to enforce the permit.

Ms. Sesto reported that she had been to the site to inspect the condition with the “clerk of the works” and the project manager and was comfortable that the site is stable.

Chairman Fiteni felt that the erosion and sediment controls bonding, \$12,000.00 should remain in tact since this will be applicable once construction resumes.

Mr. Effren expressed his disagreement with the condition in the resolution that stipulates the bond money would be eligible for release five years after completion of the project and testing of the stormwater management plan. Acknowledging that this is a performance bond as Mr. Fiteni stated, it doesn't make sense to hold the whole bond for a full five years.

Ms. Sesto suggested to Mr. Effren he could bring this issue back to the commission once a year of successful testing has passed. Assuming the tests were positive, he would have a stronger position to argue from.

A discussion ensued regarding the prudence of reducing the bond and by how much.

Phil Verdi MOTIONED to approve a partial bond release in the amount of \$115,000 to bring balance to \$235,000.00 inclusive of altering the Special Condition for WET#1588 that defined the terms for bond release, SECONDED by Jill Alibrandi and carried 5-0-0.

Borner, WET#1575, 4 Hulda Hill – tree removal request - cont.

Ms. Sesto reported that Lars Cherichetti, licensed arborist, whom was hired on behalf of the commission, recommended that the tree be removed. Ms. Sesto read his letter report to the commission.

Chairman MOTIONED to grant permission to remove the tree and that it be replace with a hardwood tree, SECONDED by Phil Verdi and carried 5-0-0.

Request for Bond Reduction – WET 1456 – 37 Kellogg Drive

Ms Sesto presented a request to reduce the bond amount by \$11,000 to reflect the newly planted material that was a replacement for dead shrubs. Cassone, Kellogg Drive and described the reasoning. The plantings that have survived the now three full growing seasons were comprised mostly of trees, which is the expensive portion of the planting plan. The Cassones would like the bond reduced to cover just the shrubs that didn't survive the minimum time period.

Syd Gordon MOTIONED to approve a partial bond release in the amount of \$11,000.00, SECONDED by Chairman Fiteni and carried 5-0-0.

Request for Field Change – WET# - 12 Hidden Lake

Ms. Sesto presented a submission of a map for 12 Hidden Lake concerning a stonewall.

The Commission felt that the information presented was unclear and requested clarification from the property owner who was not present.

Ms. Sesto agreed.

G. OTHER APPROPRIATE BUSINESS –

1. Violations:

**Anspach**

13 Stewart Lane – Notice of Violation referred to town counsel

Ms. Sesto stated that the house had been demolished. She will continue to monitor the progress to see that the stormwater management features are re-installed.

**Lombardi**

99 Kensett Drive – Notice of Violation citation issued, referred to Town Counsel

Ms. Sesto stated that progress had been made. She spoke with Mr. Lombardi's consultant, James McManus earlier this week regarding application requirements.

Ms. Sesto informed the commission that Mr. Lombardi is appealing the second fine. Our normal hearing officer has a conflict since she represented Mr. Lombardi's business partner previously. The commission authorized Ms. Sesto to inquire with the Police Department's hearing officer to see if she would be willing to step in.

**Papakasmas**

103 Twin Oaks Lane, - Permit Violation WET#913

Ms. Sesto met with town counsel on this matter earlier in the week. Counsel will send a letter to restate the need to file a corrective action application.

H. APPLICATIONS READY TO BE REVIEWED

**1. WET#1861(S) – VILLAGE WALK CONDOMINIUM – installation of**

curtain drainage swale and replacement at 5 River Road.

A discussion ensued regarding the need for additional boulders at the lower portion of the swale as suggested by the applicant, the inherent self-preservation component of the condo association to see this project through and consequently no need for bonding. It was the consensus of the commission not to require additional boulders, leaving this to the engineer's discretion.

Franklin Wong MOTIONED to approve WET#1861 with General and applicable normal Special Conditions, SECONDED by Syd Gordon and carried 5-0-0.

I. APPROVAL OF MINUTES -

October 9, 2008, Site Visit September 25, 2008 and Site Visit October 19, 2008

Richard Ziegler MOTIONED to approve the Minutes of October 9, 2008, Site Visit September 25, 2008 and October 19, 2008 with minor changes, SECONDED by Phil Verdi and carried 5-0-0.

J. ADJOURN

Phil Verdi made a MOTION to adjourn at 8:50 p.m., Seconded by Chairman Fiteni and carried 5-0-0.

Respectfully Yours,

Karen DeSantis  
Administrative Secretary Recording Secretary