



**WILTON INLAND WETLANDS COMMISSION
November 13, 2008
MINUTES**

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

ABSENT: Richard Ziegler, Vice Chairman (noticed of absence)

ALSO PRESENT: Patricia Sesto, Director of Environmental Affairs; Karen DeSantis, Recording Secretary; Melanie Volker, Studer Design, Inc.; Casey Healy, Esq., Gregory and Adams, PC; Tom Quinn, Peak Engineering LLC; Kate Throckmorton, Environmental Land Solutions; Robert Fuller, Esq.; Ed Brescherer; Matt Salenger; Ted O'Hanlon, Esq.; Michael Guadino; David Close; Tom Flemming

I. CALL TO ORDER

Chairman Fiteni called the meeting to order at 7:34 p.m.

J. 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 continued to describe the proposal to remove the fill and patios to the 1995 condition. The application includes the construction of a permanent roof to replace the existing awning.

Ms. Volker stated that the letter that she distributed was signed by Roland Gardner, surveyor who indicated in his letter that he had made an error on the original survey listing brick as the material used on the patio; the material was impervious rather than pervious. Consequently, the applicant is not offering to replace the material.

Chairman Fiteni asked Ms. Volker if the applicant would consider the alternative to replace the asphalt in the dumpster area with stone as suggested at the last meeting.

Ms. Volker restated that the applicant is willing to bring the property condition into conformance with the last permit. The stone filter previously discussed is no longer part of the application.

Chairman Fiteni requested that the curbing be corrected for the drainage.

Ms. Volker agreed to revise the plan to reflect that drain correction.

Ms. Sesto asked Ms. Volker if the applicant was willing to return the impervious patio surface to pervious such as brick.

Ms. Volker reviewed the letter from Roland Gardner and explained that the surface prior to the expansion was pavement with partial brick.

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

There were none.

Chairman Fiteni closed the public hearing for WET#1856.

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

Attorney Casey Healy, agent, passed out revised plans to the Commission along with a cover letter to address the Commission's concerns from the last meeting.

Attorney Healy stated that the buffer at the house site had been revised to preserve 75 feet of it rather than the previously proposed 50 feet.

Attorney Healy briefly reviewed the alternate access routes considered and stated that it would require an additional 100 feet of buffer intrusion and a steep slope area would have to be traversed. He stated that the decision to install the power lines over or under the ground would ultimately be the utility company's. The proposed plan will reflect above ground utility lines and a re-inspection of the proposed drive showed that most of the mature tree's branches are above the utility line height, so other than some trimming, the mature trees would overarch the lines, maintaining a closed canopy for the most part.

In response to an earlier question regarding pavement vs. gravel, Attorney Healy stated that paving of the driveway would be safer and cause less overall disturbance due to less maintenance.

Ms. Sesto asked attorney Healy how the proposed trees would have enough clearance to grow up and past the utility lines.

Kate Throckmorton, agent, answered Ms. Sesto's question by stating that the trees would be planted after the utility lines had been installed and would be appropriately placed to accommodate clearance.

Ms. Sesto inquired about the width of the proposed driveway.

Attorney Healy stated that the applicant would be will to accommodate the Commission with a 14 foot width, but would prefer 16 feet.

Ms. Sesto suggested that the house site be moved more north to avoid development in the buffer. Preserving the buffer to a watercourse and wetland deemed by the applicant's agents to be of high caliber is important.

Attorney Healy commented that the house is wholly outside the buffer and the associated development would be only 25 feet into the buffer.

Chairman Fiteni commented that it appeared the proposed lawn area would be in the buffer and asked if it could be brought out of the buffer.

Attorney Healy offered to discuss the matter of the lawn area with the applicant.

Franklin Wong inquired about the house details for stormwater management.

Tom Quinn, agent, explained that the footing drains would be directed to the depression in the yard (west of the pool) to manage the runoff.

Chairman Fiteni asked Mr. Quinn if fill would be brought in to level and smooth that area?

Mr. Quinn responded to Chairman Fiteni by saying no.

Chairman Fiteni asked the Commission if there were any questions or comments.

There were none.

Chairman Fiteni asked the public if there were any questions or comments.

Robert Fuller, Esq., agent, commented that the width of the driveway being reduced to 14 feet from 16 feet would not make a difference in the impact on the wetlands or watercourses and felt for safety reasons the driveway should be 16 feet. He added that a second building lot is the jurisdiction of Planning and Zoning, not this commission. Accordingly, he cautioned the commission that the width of the driveway and any possible second lot was not something the IWC should be considering.

Ms. Sesto responded that there is a strong body of evidence in the scientific community that substantiates a direct correlation between the amount of imperviousness in a watershed and water quality. Therefore, the driveway width does have potential impact on the wetlands and watercourse. Secondly, her interest in a possible second lot is relevant inasmuch as that second lot appears to be driving the applicant's proposal to intrude on the wetland and watercourse buffer.

Chairman Fiteni stated his credentials as a Professional Engineer and endorsed Ms. Sesto's opinion.

Ms. Sesto offered to submit documentation to support the Commission's position on this matter.

Chairman Fiteni requested that the intrusion into the buffers at the house site be reviewed by the applicant and MOVED to carry the public hearing to the next scheduled meeting.

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

Patricia Sesto read additional documents into the record.

Tom Quinn, agent, distributed additional documents to the Commission. He reviewed the added buffer limits to the revised plan.

Mr. Quinn reviewed the previous permit issued in 2003. He distributed maps to the Commission from the previous permit with the driveway off Olmstead Hill Road. He distributed a calculation report to the Commissioners and reviewed the data.

Mr. Quinn presented an alternative plan accessing the lot off Riding Club Road. Runoff would be collected in catch basins and directed to a grit separator. The water would then discharge to a riprapped swale with infiltration chambers below. A second plan was presented that relies on a surface riprapped swale running along the south side of the driveway. The driveway would be pitched to direct flows to the swale. The swale would lead to the infiltration swale described in the first version. The management systems are sized for a 25 year storm volume. The driveway surface alternates between gravel and asphalt.

Mr. Quinn described the sequence of the development of the driveway in response to Mr. Verdi's question.

Kate Throckmorton, agent, reviewed the proposed mitigation areas and stabilization plan. She explained that the stockpile would eventually be spread but would keep it covered, ringed with silt fence, and/or seeded, and mulched while it was being stored. She continued to review a revised planting plan that included removal of invasive vines and an increased number of shrubs. She pointed out that the vegetation buffers had been enlarged, an existing debris pile at the southwest corner of the property will be removed, and that a homeowner maintenance

plan would be provided.

Mr. Wong asked Mr. Quinn if the stormwater management plan would be implemented prior to the development and how the water quality would be managed.

Mr. Quinn described the retaining wall at the low curve of the driveway would be constructed first and would act as a dam. Silt fencing will also be used to control sediment. He mentioned that he had had a meeting with Tom Thurkettle from the Department of Public Works earlier and would accommodate some minor changes suggested by Mr. Thurkettle.

Ms. Sesto asked Mr. Quinn if there was a pollutant renovation analysis prepared for the various stormwater management proposals, to which Mr. Quinn said no.

Ms. Sesto requested a report for the preferred and alternate plans presented. She cautioned the applicant and commission not to consider this proposal only as it relates to the previously approved permit. An approval should not be granted simply because it is better than the last permit. She went on to ask if a reduction in the size of the house would be considered as a means to reduce runoff and had the applicant considered applying the principles of the new stormwater management plan to the shorter driveway off Olmstead Hill Road.

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

There were none.

Chairman Fiteni asked the public if there were any questions or comments.

Ed Brescherer, 38 English Drive explained that he and his wife own the lot below the property and have concerns for the wetlands on their property. He stated that he has hired an engineer to review the application and asked for a continuance to give the engineer time to review the new plans.

Matt Salenger, adjoining neighbor, stated that he had reviewed the previously issued permit, stating the alternative to access the lot from Riding Club Road was not well investigated because the prior applicant preferred coming in from Olmstead Hill Road. Mr. Salenger expressed his confidence in the new proposal to access the lot from Riding Club Road.

Ms. Sesto added that, among other factors, the zoning laws in place at the time of the last application prevented the Riding Club Road access from being viable. The applicable zoning regulations have changed since then.

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

- 4. WET#1872(S) – COUGHLIN** – “corrective action” to restore a cleared upland review area and construction of an addition in an upland area at 102 Kent Road.

Site Visit Attendees: Joe Fiteni, Karen Myers, Jill Alibrandi, Franklin Wong, and Phil Verdi.

Ms. Sesto read the list of documents into the record.

Attorney O'Hanlon, agent, reviewed the violation and reviewed Ms. Sesto's memorandum. He explained that the Planning and Zoning building setback on the west side of the house limit this area. No setback constraints exist on the east side of the house; however that puts the proposed addition into the regulated area adjacent to the wetland. In response to Ms. Sesto's memo, he could not substantiate the reasoning for the fill that is proposed immediately adjacent to the wetland and will look into the issue.

Chairman Fiteni asked what alternatives to save trees had been considered and suggested a greater effort be made to avoid the wetland buffers.

Ms. Throckmorton, agent, reviewed the proposed site plan. She explained that 95% of the vegetation removal were non native invasive species and continued describe the proposed development. She stated that the regrading adjacent to the wetland and swale was wrongfully shown on the map prepared by Grumman Engineering. This map will be revised.

Ms. Sesto pointed out that the maintenance plan calls for monthly mowing for an indefinite period of time. She asked that the plan define an end date.

Chairman Fiteni expressed his position that simply because the wetland and buffer have already been compromised in the past, this does not justify further impacts.

There was no public in attendance to comment on the plan.

Chairman Fiteni continued the application to the next scheduled meeting to await more information.

K. APPLICATIONS READY TO BE REVIEWED

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

Mr. Gaudino, applicant, reviewed the proposed site plan.

Ms. Sesto confirmed with Mr. Gaudino that a small extension of the lawn was being proposed. Otherwise, the buffer is being replanted to reestablish the previous limit of lawn.

Mr. Gaudino and his daughter described twin-trunked tree along the property line that they

would like to have permission to take down. They expressed concerns that it could fall towards the house. Ms. Sesto confirmed with the applicant that they are certain the tree is on their land. The applicant also sought permission to have the stumps of the previously cut trees removed.

Phil Verdi MOTIONED to approve WET#1874 with the General Conditions and normal Special conditions, with the additional Special Condition to allow the removal of one tree as described and the existing stumps, SECONDED by Karen Myers and carried 6-0-0.

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

Site Visit Attendees: Joe Fiteni, Karen Myers, Franklin Wong, and Syd Gordon.

Tom Flemming, agent, reviewed the proposed site plan. He added that a silt fence would be installed despite this not being shown on the current plan.

Ms. Sesto stated that the wetlands across the street are not depicted on the map and any approval should reflect that the proposed leaching area may be in the regulated buffer.

Phil Verdi MOTIONED to approved WET#1877 with the General Conditions and normal Special Conditions, SECONDED by Karen Myers and carried 6-0-0.

L. APPLICATIONS TO BE ACCEPTED –

Chairman Fiteni MOTIONED to accept WET#1879 and WET#1881, SECONDED by Phil Verdi and carried 6-0-0.

E. APPROVED MINOR ACTIVITIES –

- 1. WET#1880(M) – SMITH** – construction of a wooden platform 55 feet from a watercourse at 25 Lovers Lane.

Ms. Sesto reported that the platform is above the 100 year floodplain.

F. CORRESPONDENCE –

Memorandum to the Inland Wetland Commission dated November 5, 2008 from Michael Conklin, Environmental Analyst for WET#1634, 31 Slawson Court for a bond release once an "as built" has been filed on the Wilton Land Records in the amount of \$500.00.

Phil Verdi MOTIONED to release the bond money in the amount of \$500.00 for WET#1634, SECONDED by Jill Alibrandi and carried 6-0-0.

Memorandum to the Inland Wetland Commission dated November 5, 2008 from Michael Conklin, Environmental Analyst for WET#1639, 337 Ridgefield Road for a bond release in the amount of \$500.00.

Phil Verdi MOTIONED to release the bond money in the amount of \$500.00 for WET#1739, SECONDED by Jill Alibrandi and carried 6-0-0.

Memorandum to the Inland Wetland Commission dated November 5, 2008 from Michael Conklin, Environmental Analyst for WET#1713, 110 Thunder Lake Road for a bond release in the amount of \$16,000.00.

Karen Myers MOTIONED to release the bond money in the amount of \$16,000.00 for WET#1713, SECONDED by Jill Alibrandi and carried 6-0-0.

Memorandum to the Inland Wetland Commission dated November 6, 2008 from Michael Conklin, Environmental Analyst for WET#1553, 137 Dudley Road for a bond release in the amount of \$3,500.00.

Jill Alibrandi MOTIONED to release the bond money in the amount of \$3,500.00, SECONDED by Syd Gordon and carried 6-0-0.

G. OTHER APPROPRIATE BUSINESS –

1. Violations:

Lombardi

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

Ms. Alibrandi recused herself.

Ms. Sesto stated that she attended the Citation Hearing earlier this evening with commissioners Verdi and Wong. The citation was upheld and \$1,000.00 is due to the Town. The commission directed staff to have town counsel write to Mr. Lombardi to issue a corrective action application submission deadline of December 10, 2008.

Papakasmas

103 Twin Oaks Lane, - Permit Violation WET#913

Ms. Sesto stated town counsel has attempted to reach Mr. Papakasmas' attorney. Ms. Sesto will follow up.

H. APPROVAL OF 2009 MEETING SCHEDULE

Phil Verdi MOTIONED to approve the 2009 Meeting Schedule, SECONDED by Syd Gordon and carried 6-0-0.

I. APPLICATIONS READY TO BE REVIEWED – cont.

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

Commissioners discussed the surveyor’s letter and concluded the concrete patio was in keeping with previous site conditions. Ms. Sesto expressed her frustration with 13 years of violations by the applicant and the chipping away of the riparian corridor.

Chairman Fiteni stated his discontent with the proposal as it relates to protecting the river from dumping. Discussion ensued regarding the difficulties of changing behavior and what physical changes could be made that would deter dumping down the banks. At the very least the curb required in a previous permit must be repaired. Chairman Fiteni suggested a swirl separator be installed behind the dumpsters to catch solids. Units he has used have been small, thus should be suitable for this space-constrained area. The commission acknowledged the need to respect the boundaries of the riverwalk easement in solving the pollution problem.

The Commission requested staff to draft a resolution to be reviewed at the next scheduled meeting. Chairman Fiteni will provide Ms. Sesto with specific information regarding the swirl separator.

J. APPROVAL OF MINUTES -

October 23, 2008, November 9, 2008 Site Walk

Phil Verdi MOTIONED to approve the Minutes of October 23, 2008, November 9, 2008 with minor changes, SECONDED by Chairman Fiteni and carried 6-0-0.

K. ADJOURN

Phil Verdi made a MOTION to adjourn at 10:00 p.m., Seconded by Chairman Fiteni and carried 6-0-0.

Respectfully Yours,

Karen DeSantis
Administrative Secretary Recording Secretary