

INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

WILTON INLAND WETLANDS COMMISSION

DATE: December 11, 2008
PLACE: Town Hall Meeting Room A
TIME: 7:30 P.M.

Present: Richard Ziegler, Vice-chairman, Karen Myers, Jill Alibrandi, Frank Wong, Phil Verdi, and Syd Gordon

Absent: Joe Fiteni, Chairman (noticed of intended absence)

Also Present: Patricia Sesto, Director of Environmental Affairs; Nancy McDaniel, Recording Secretary; Tom Quinn, Peak Engineers; Kate Throckmorton, Environmental Landscape Solutions; Robert Fuller, Esq.; Clarissa Canovino, Gregory and Adams; Kevin Coughlin, Ed and Jane Brescherers, Matt Salinger, Robert Lamonica, GZA geoEnvironmental; Tyisha Hovanec, Robinson & Cole, LLP

A. CALL TO ORDER

In the absence of the chairman, Vice Chairman Ziegler called the meeting to order at 7:32 p.m.

B. ELECTION OF OFFICERS

Mr. Ziegler asked for a motion to scramble the agenda in order to address the election of officers at the end of the meeting. Syd Gordon so moved, seconded by Phil Verdi, and carried 6-0-0.

C. PUBLIC HEARINGS

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

Ms. Sesto read the additional information into the record.

The applicant's representative, atty. Clarissa Canovino submitted a mitigation plan and stated that the driveway has been reduced to 12 feet in width and the lawn area of disturbance around the house has been pulled out of the regulated areas.

Ms. Sesto asked for clarification regarding the utility lines; were they above ground or below. Tom Quinn responded that CL&P has not made a final determination. Ms. Sesto followed up by confirming that if given a choice, the applicant would install the lines underground. This position was confirmed.

Mr. Zeigler asked the commission and then the public if there were any further questions. Hearing none, he closed the public hearing for WET#1860.

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

Ms. Sesto read a November 17 letter from Matt and Betsy Salinger, who supported the plans of the applicant, particularly the two alternate driveways accessing the property from Riding Club Road. They asked for the previously issued permit for this parcel to be voided due to inaccurate information.

Ms. Sesto listed other communications about the application. Mr. Ziegler then read a letter about the impact of the plan from John Mahoney, Manhattan College, who supported the plan. Ms. Sesto referenced the December 10 letter from Eric Lindquist.

Tom Quinn, engineer for the applicant, presented a revised plan. The upper portion of the driveway would be gravel. After the curve in the driveway there would be a second portion of gravel. The curve is at a low spot and the driveway is designed to allow overland flows to seep under this portion of the drive. Flows from the driveway itself would enter two catch basins and discharge to a rip rap swale to slow the flow and collect sediment. The amount of paved surface would be reduced as compared to the previously approved application.

Bill Kenney, wetland and soil scientist, evaluated the approved plan. He said the addition of a swale in the proposed plan would lessen pollutants to the wetland. Ms. Sesto asked several questions about the two plans. She stated her discomfort with the position that as long as the newly proposed plan was better than the previously approved plan, then that was good enough.

Mr. Quinn stated that the size of the house had been reduced by 13% from its original size in this submission, and the driveway was partially pervious.

Mr. Ziegler expressed concern about the size of the house, but favored the reduction in impervious surface.

Ed Bescherer, a neighbor, noted that all drainage from the house would go through his property. He wanted assurances that the drainage would not impact his wetland. He asked the commission to evaluate the plan carefully with his request in mind.

Jane Bescherer stated that she and her husband had hired Eric Lindquist to assess the situation. She thought there was a potential problem with drainage.

Ms. Sesto read the closing comment in Mr. Lindquist letter report which stated that there was insufficient information to allow him to conclude that there would be no impact to his client's wetland.

With two qualified engineers having opposing opinions, Ms. Sesto reminded the commission they could hire an independent consultant to assist them in their decision making. Discussion ensued. It was the consensus of the commission to do so and continue the application until the next meeting.

Mr. Ziegler closed by saying that the property is a sensitive one and needs careful analysis. Mr. Quinn and Mr. Lindquist will confer in an effort to come to agreement. The commission's engineer would be engaged in time for discussion at the January 8, 2009 meeting.

3. 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 – cont.

Taisha Hovanec represented the applicant. In an effort to resolve the violation and construct an addition on the residence, the applicant had incorporated the commission's suggestions and is now proposing a new plan. She asked to continue the hearing to the next meeting to allow their engineer to finalize his plans. She noted this would require an extension of the public hearing and submitted a letter authorizing such.

Kate Throckmorton presented the new plan. The existing driveway would be utilized. An addition on the east and north sides of the house would be placed in existing lawn area. Only seven trees would be removed and 21 planted. Almost all of the work would be outside the upland review area. She described the relationship of wetlands on neighboring properties and stated that the subject property, in practical terms, does not drain under Kent Road. Water would have to pond to a depth of at least two feet to pass over to the neighboring property.

On a motion by Ms. Myers, seconded by Mr. Verdi and carried unanimously, the extension of the application was approved.

Mr. Zeigler carried the meeting to January 8, 2009.

4. WET#1879(S) – 40/60 DANBURY ROAD, LLC - "emergency" remedial excavation to remove petroleum contamination in a regulated area at 40 Danbury Road.

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

Robert Lamonica of GZA geoEnvironmental stated that Perkin Elmer was responsible for petroleum contamination removal on the property. Petroleum dating back 40-50 years had been discovered. Because digging close to the wetland had been necessary, they were required to come before the commission. Following the issuance of an emergency permit, the restoration commenced and is 95% complete.

With no further comments or questions from the commission or public, Mr. Ziegler closed WET #1879.

On a motion by Ms. Myers, seconded by Mr. Verdi and carried unanimously, WET #1879 was approved with General Conditions.

D. APPLICATIONS READY TO BE REVIEWED

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

The commissioners reviewed the draft Special Conditions circulated in advance of the meeting. Ms. Sesto called their attention to one condition associated with the brick patio that was the subject of discussion at the last meeting.

Ms. Sesto stated that after the close of the hearing last meeting and not hearing the discussion of the application that came later in the evening, the applicant had offered to remove some impervious coverage to compensate for the brick patio that was being challenged. They would removed an area approximately 50% smaller than the former brick patio.

Mr. Verdi made a MOTION to approve WET#1856 with the commissions General Conditions and the Special Conditions as drafted, seconded by Mr. Gordon and carried 6-0-0.

1. WET#1881(I) – PIERREBOURG – remove existing carport and construction a garage and air conditioning compressor unit in a regulated area at 363 Newtown Turnpike.

Ms. Sesto read a letter from the applicant’s agent requesting a continuance to January 21, 2009. The application was continued.

E. APPLICATIONS TO BE ACCEPTED –

1. WET#1883(S) - MERCER – “emergency” septic repair in a regulated area at 30 Liberty Street

2. WET#1884(S) – ANSPACH – renovate existing structure to comprise of single family residence and small office, and renovate secondary structure to comprise cabinetry workshop in a regulated area at 526 Danbury Road

3. WET#1885(S) – ANSPACH – new single family residence with in-ground swimming pool in a regulated area at 232 Ridgefield Road

4. WET#1887(S) – SHARLACH – installation of patio and improvement of existing lawn within a regulated area at 26 Snowberry Lane

5. WET#1888(I) – LOMBARDI – “Corrective Action” to restore a cleared watercourse buffer and an addition at 99 Kensett Drive

Ms. Myers made a MOTION to accept the applications as presented, seconded by Ms. Alibrandi, and carried unanimously.

F. APPROVED MINOR ACTIVITIES –

1. WET#1882(M) – KATZ CONTRACTING – construction of deck within a regulated area at 74 St. John’s Road

Ms. Sesto reviewed the essential elements of the application.

G. CORRESPONDENCE –

Letter to the Inland Wetland Commission received November 24, 2008 from Andy Robles, 12 Indian Rock Place.

Mr. Robles wrote that payment of a \$7,000 bond is a hardship and on Ms. Sesto’s advice, is proposing to pay it in installments. He offered to start making payments in April, 2009. Discussion ensued addressing the consensus of the commission that waiting until April was too long, and there must be a balance of Mr. Robles needs. Mr. Ziegler thought a payment up front should be required. Ms. Alibrandi stressed that the commission’s action should be consistent with past practice and suggested requiring \$200 per month until April, then \$1,000 per month starting on May 1. The commission agreed. Ms. Sesto will communicate that schedule to Mr. Robles.

Pre-application inquiry – driveway relocation at 21 Trails End

Ms. Sesto had a meeting with agents of the property owner and she was seeking guidance from the commission regarding the proposal and if there was reason to pursue a permit. The applicant wishes to change the approach to the driveway and soften the curve in the driveway, bringing the driveway closer to the wetland. Their first proposal had been to fill and clear the area quite close to the wetland; Ms. Sesto had advised them that it would be unlikely they would receive a permit. With this revised plan, they would only want to soften the sharp corner and remove seven trees. The prospective applicant does not want to make the investment in the engineering if it is unlikely the commission could approve the plan.

After discussion, the commission agreed that the present application should be submitted, although it might not be approved in its present state.

WET#1322 – 19 Cherry Lane

A site review was conducted by the commission’s staff, who noted that 80% of the

mitigation shrubs have survived and the bond is eligible for release.

On a motion by Ms. Myers, seconded by Mr. Verdi and carried unanimously, it was agreed to release the bond.

WET#1632 – Buckingham Ridge Road

On a motion by Mr. Gordon, seconded by Mr. Verdi and carried unanimously, it was agreed to release the bond for wetland plantings pending receipt of an as-built.

WET#1472 – Johnson – 12 Keelers Ridge Road

On a motion by Ms. Myers, seconded by Mr. Verdi and carried unanimously, it was agreed to release the bond.

H. OTHER APPROPRIATE BUSINESS –

1. Violations:

Papakasmas

103 Twin Oaks Lane, - Permit Violation
WET#913
Referred to town counsel

Ms. Sesto received an email message from town counsel. The survey was due, but did not arrive. The attorney is still questioning the application of the 50-foot buffer area as opposed to a 30 feet buffer. As she reads the permit, her client should be able to come to within 30 feet of the wetland. Ms. Sesto has corrected her interpretation, but no corrective action application has come in.

It was agreed that a Cease and Desist Order shall be sent with the show cause hearing to take place at the next meeting. A date to receive the application would be set and fines imposed if the application is not presented by the due date.

Mr. Ziegler moved that a fine of \$500 be levied for having missed the deadline to submit the survey. Mr. Verdi seconded, and the motion passed unanimously.

WET# 1860(S) – KJC REAL ESTATE DEVELOPMENT, LLC

Mr. Ziegler reviewed the revisions submitted this meeting, noting that the changes addressed the outstanding issues as he understood them. Mr. Zeigler made a MOTION to direct Ms. Sesto to draft an approval, seconded by Mr. Verdi, and carried 6-0-0.

I. NOMINATION OF OFFICERS

Mr. Verdi nominated Mr. Ziegler for the office of chairman. Mr. Gordon seconded. Ms.

Alibrandi nominated Mr. Wong. Mr. Gordon seconded. With Mr. Gordon abstaining, Mr. Verdi and Mr. Zeigler voted for Mr. Zeigler and Ms. Myers, Ms. Alibrandi and Mr. Wong voted for Mr. Wong. After receiving the majority of the votes, Mr. Wong was elected chairman.

Ms. Myers nominated Mr. Ziegler for vice chairman with a second by Ms. Alibrandi. On a unanimous vote, Mr. Ziegler was elected vice chairman.

Mr. Verdi nominated Ms. Alibrandi for the position of secretary. Mr. Gordon seconded. Ms. Alibrandi was elected secretary on a unanimous vote.

J. APPROVAL OF MINUTES

November 13, 2008

On a motion by Mr. Verdi, seconded by Mr. Ziegler and carried unanimously, the minutes of November 13, 2008 were approved.

Mr. Ziegler applauded the work of former chairman Joe Fiteni and recognized the quality of his contribution.

K. ADJOURN

On a motion by Mr. Ziegler, seconded by Mr. Verdi and approved unanimously, the meeting was adjourned at 9:40 p.m.