

INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
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**WILTON INLAND WETLANDS COMMISSION
JANUARY 8, 2009
MINUTES**

PRESENT: Franklin Wong, Chairman; Jill Alibrandi, Joseph Fiteni, Jr., John Hall, Phil Verdi and Richard Zeigler.

ALSO PRESENT: Patricia Sesto, Director of Environmental Affairs; Karen Pacchiana, Recording Secretary; Kate Throckmorton, Environmental Land Solutions, Tyisha Hovanec, Esq, Robinson & Cole; Dean Martin, Grumman Engineering; Barry L. Hammons, P.E., L.S., Hammons LLC.

A. CALL TO ORDER

Chairman Wong called the meeting to order at 7:31 p.m.

B. PUBLIC HEARINGS

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

Chairman Wong read a letter from the applicant withdrawing the application.

- 2. 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.

Patricia Sesto read additional documents into the record.

Attorney Tyisha Hovanec, agent, said they have significantly revised their plan to move the driveway and additional structures out of the upland review area.

Dean Martin, agent, posted the revised site plan and briefly reviewed the plans for the septic system for the proposed accessory building, as well as the septic reserve area for the existing structure. A drainage analysis of the before and after conditions on the property was done, and an onsite storm water system was designed which would have storage capacity to accept the increased runoff and put it back into the ground. The system consists of collecting the water from the existing and proposed roof of the residence

and direct it through a coarse particle separator, then through a pump chamber that will be able to recycle some of the water through a sprinkler system. The storm water system is sized based on a 25 year design storm, and the layout is in compliance with the landscape plan submitted earlier.

Chairman Wong asked the public if there were any questions or comments. There being none, at 7:39 P.M. the hearing was closed.

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

This application should be discussed under “Applications Ready for Review”.

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

Ms. Sesto read the list of documents into the record. She noted this was an emergency repair and the system has been installed.

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

Richard Ziegler MOTIONED to approve WET#1883(S), SECONDED by Phil Verdi and carried 6-0-0.

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

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

Site Visit Attendees: Jill Alibrandi, Franklin Wong, and Phil Verdi.

Barry Hammons, agent, noted that the project has been before Planning and Zoning for an adaptive use permit of historic buildings. He posted the site plan and pointed out the existing buildings, which consist of a garage, a first floor office and a second floor residence, and explained that the garage will be turned into a cabinetry workshop. There will be no retail activity at the shop, and there will be no plumbing facilities installed.

The driveway has been redesigned and will be of a Grass Crete paver material. The pavers will be raised slightly so that the concrete is visible to let visitors know that they can park there. Approximately 300 yards of fill will be brought in to level the driveway, and there will be a terraced wall that is going to be revealed about a foot, so that the water will be caught and then directed down to the catch basin. In addition, the driveway will be outlined by low plantings. A plan for normal erosion and sediment controls during construction has been developed. The fence will be rebuilt according to zoning code.

Because the property is on Route 7, they met with the State on site and determined it is doable in terms of the sight lines. They are proposing to bring in public water, and have talked to Aquarion. The Health

Department suggested that they test for a code compliant area for a reserve septic system should it become necessary, and they have shown that. The current system is approximately 50 to 60 years old.

The property is graded sharply down to a flood plain. To handle water quality issues and mitigate existing water quality problems, they propose to pitch the water down into a grit chamber, which can be accessed and cleaned on a regular basis, then piped into a level spreader where it will flow into a rain garden. Mr. Hammons said he did not have a planting plan for the rain garden. Mr. Fiteni confirmed that the grit separator would not be a “static” type.

Chairman Wong asked the public if there were any questions or comments. Ms. Sesto noted that the planting plan is a fairly standard piece of information, and feels comfortable closing the hearing without it. There being no further comments, at 7:59 P.M. the hearing was closed.

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

Site Visit Attendees: Franklin Wong, and Phil Verdi.

Mr. Ziegler said he had walked the property previously in association with a prior application. Ms. Sesto noted that that was application WET#1189 and was approved about six years ago.

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

Mr. Wong asked if any of the old documents referenced had been updated as far as the environmental reports, and Ms. Sesto confirmed that they had not.

Barry Hammons, agent, said the IWC approved the application for a single family residence development in 2002. Many of the things approved in 2002 have been incorporated in the new application, but the house, driveway and pool are different, the drainage calculations are different, and the septic system is under current code.

A buffer will be provided and is protected by a conservation easement, and will be delineated by 15 flowering dogwoods. A Mantis septic system is proposed, which is very efficient. The soils are very good in the area. Because of the slope, a pump system will be required.

The proposal for storm water management is to capture the water as it comes down the driveway into a basin, and then into a Coltech system, which will overflow into a level spreader. The roof leaders and the drainage from the patios and the terraces will go into a second set of Coltechs and then overflow into a level spreader. They are sized for a 25 year storm. No percolation tests have been performed under the Coltech units so the units are sized to fully contain the volume from a 25-year storm event.

There is a water main easement that comes through the property, and they are showing no activity in that area. As Ridgefield Road is a State road, they have met onsite with the State and have worked out the sight distances to match the speed limits. They have also met with staff, and feel confident that their

concerns and ideas have been incorporated in the plans.

The driveway will be Grass Crete pavers, which is a semi pervious material. The Grass Crete type of paver system is desirable because it is easier to plow and maintains its form, and is much more aesthetically pleasing.

Ms. Sesto said since the new proposal has more driveway and has activities closer to the wetland, she thinks it would be helpful to have some clarification of how this application relates to what was previously approved.

Mr. Hammons said he would be happy to prepare that presentation, and would be happy to perform percolation tests in the two areas.

Ms. Sesto noted that the environmental assessment that was referenced should also be updated for this particular site plan.

Mr. Hammons said with regard to the reference to the storage of building materials while the building is being built, they would stipulate that no construction materials will be stored in the area of the watercourse.

In response to a question by Ms. Alibrandi, Mr. Hammons said there are always alternatives, but he believes the five bedroom house proposed is prudent for the economics of the region and does not violate the spirit of what the Commission is seeking to do. He said in appearing before various commissions over the years, he thinks the idea of what is appealing and what fits the neighborhood without adversely impacting the inland wetlands is what the wisdom of the various commissions have gravitated toward.

In terms of impact upon the resources, Mr. Hammons said they are only talking about impact upon the upland review area. There is zero or minimal impact upon the actual watercourse and the wetlands.

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

Ms. Susan Thompson, 226 Ridgefield Road, asked how much closer are they from the wetlands than in the 2002 application. Mr. Hammons said that while the building is bigger than what was approved in 2002, they have maintained the 50' distance, which is the closest they get to the wetlands.

Ms. Sesto said she thinks an important distinction to make between this application and the previous application is in 2002 there was a 50' regulated area off of wetlands and 100' feet off of watercourses and today it is 100' off of both.

Mr. Jeff Thompson, 226 Ridgefield Road, asked how much more square footage is now within the 100' line. Mr. Hammons said he does not know, but he will do that calculation.

Mr. Wong noted that many of the questions will be answered when they have both applications next to each other and compare the changes.

Ms. Thompson said she hopes that Mr. Anspach will treat both the brook and the Comstock Brook with more respect going forward as they have witnessed on multiple occasions building construction insulation and piping in the streams, which is very upsetting.

In response to a question by Mr. Simon O'Reardon, 242 Ridgefield Road, Mr. Hammons said there is about one acre of land outside of wetlands and easements.

There being no further comments from the public, at 8:35 P.M. the hearing was continued to the next scheduled meeting to await more information.

I. APPLICATIONS READY TO BE REVIEWED

1. WET#1860(I) PIERREBOURG

Extended to next meeting.

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

Ms. Sesto noted that the public hearing was closed at the last meeting and that the Commission requested a draft in which the special conditions were set out. She said a plan was submitted which showed the driveway being dropped down to 12' in width, and she has no problem calling that out as a special condition to highlight that change. With regard to the utilities, Ms. Sesto said the first special condition acknowledges that CL&P has to make the determination whether the lines go above ground or below, and if given the opportunity, they shall go underground.

Phil Verdi MOTIONED to approve WET#1860 with the General Conditions and normal Special conditions including the list as proposed by staff, , SECONDED by Joseph Fiteni, and carried 5-0-1, with John Hall abstaining.

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

Jill Alibrandi recused herself.

Ms. Kate Throckmorton, agent, reviewed the proposed site plan. She said there is an established lawn and driveway area in the front of the house, and then in the back there was some clearing that was done to provide for a small lawn. She described the plan which enhances the existing 50' buffer along the western side of the property line. The plan includes several shade trees, some understory trees and some evergreens for privacy. In addition, it includes a small addition to house on the south side, which is a little over 300 square feet, and the grading associated with it. The trees that are along the wall are going

to remain, and the area that was cleared in the back of the house is asked to be maintained as lawn.

The intermittent watercourse, which is offsite, is carrying water mostly from a larger watershed to the northwest. The water comes down the road and is caught in catch basins. The property slopes from north to south. The new lawn area drains northwest and minimally contributes to the watercourse. The driveway swoops into the house and drops off, and there is a wall that extends along the property, which serves as somewhat of a surface barrier, allowing the water to infiltrate, so there isn't any direct surface flow to the watercourse.

Ms. Sesto asked if the eleven trees being proposed to correct the violation were planted now and the applicant chose to do the addition at some later date, would that work interfere with the planting. Ms. Throckmorton said the trees are located at the edge of the disturbance line and would not interfere.

Mr. Ziegler said he appreciates that the area has been enhanced, but he is disappointed that there has been nothing put back where the new lawn is proposed within the setback area as there is going to be flow going straight down. Ms. Sesto noted that the flow off the new lawn area does not go to the watercourse. Ms. Throckmorton pointed out that the lawn is a very small area and there is a fairly sizable buffer of up to 50' that exists that will be enhanced, so she doesn't think there is any detriment to allowing the lawn to stay.

Frank Wong MOTIONED to approve WET#1888 with the General Conditions and normal Special conditions, with the additional Special Condition to include the permanent lawn delineation, a bond necessary to cover the planting and the restorative plantings to be done by May 1st 2009, and the Norway Spruce to be 7' to 8', SECONDED by Phil Verdi and carried 3-2-0, with Joseph Fiteni and Richard Ziegler opposed. Mr. Fiteni and Mr. Ziegler both agreed that they did not think the replacement of the trees is sufficient and believes there is drainage in the direction of the intermittent watercourse.

D. APPLICATIONS TO BE ACCEPTED –

Chairman Wong MOTIONED to accept WET#1891(S), SECONDED by Phil Verdi and carried 6-0-0.

Chairman Wong MOTIONED to add WET#1889 and WET#1890 to the agenda, SECONDED by Joseph Fiteni and carried 6-0-0.

Chairman Wong MOTIONED to accept WET#1889 and WET#1890, SECONDED by Joseph Fiteni and carried 6-0-0.

Phil Verdi MOTIONED to approve WET#1872 with the General Conditions and normal Special Conditions, SECONDED by Joseph Fiteni and carried 6-0-0.

Phil Verdi MOTIONED to approve WET#1884 with the General Conditions and normal Special conditions, including the planting plan for the rain garden and the Vortechnic type grit chamber SECONDED by Joseph Fiteni and carried 6-0-0

E. APPROVED MINOR ACTIVITIES –

F. CORRESPONDENCE –

Request for a partial bond release for WET#988 for Lot 2R in the amount of \$4,626 and Lot 3R in the amount of \$4,972 eligible for release with the condition that an “as built” survey is filed.

Jill Alibrandi MOTIONED to release the bond of \$4,972 attributed to Lot 3R and \$4,626 attributed to Lot 2R, SECONDED by Joseph Fiteni and carried 6-0-0.

Request for an extension for a B100 septic for 20 Ambler Lane, WET#1320. Permit is due to expire on January 22, 2009 and the system has now failed.

Joseph Fiteni MOTIONED to extend WET#1320 for a period of one year, SECONDED by Richard Ziegler and carried 6-0-0.

G. OTHER APPROPRIATE BUSINESS –

1. Violations:

Papakasmas, 103 Twin Oaks Lane, - Permit Violation Just Cause Hearing

Ms. Sesto said at the last meeting staff was directed to issue a Cease and Desist Order to Mr. Papakasmas and a show cause hearing was scheduled for this evening. She said she has met with his attorney who is requesting a continuation of the hearing to January 22, at which time they hope to present an application. She has received a letter of engagement from Grumman Engineering who Mr. Papakasmas has contracted to help with his application, and since there is forward movement, she feels the show cause hearing should be continued to January 22nd. It was the consensus of the commission to continue the hearing.

H. APPROVAL OF MINUTES -

December 11, 2008

Phil Verdi MOTIONED to approve the Minutes of December 11, 2008, SECONDED by Jill Alibrandi and carried 5-1-0 with Mr. Hall abstaining.

K. ADJOURN

Richard Ziegler MOTIONED to adjourn at 8:55 p.m., SECONDED by Jill Alibrandi and carried 6-0-0.

Respectfully Submitted,

Karen Pacchiana

DRAFT