

INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
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**WILTON INLAND WETLANDS COMMISSION
JANUARY 22, 2009
MINUTES**

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

ALSO PRESENT: Patricia Sesto, Director of Environmental Affairs; Karen Pacchiana, Recording Secretary; Barry L. Hammons, P.E., L.S., Hammons LLC, William L. Kenny, CPWS, ASLA, William Kenny Associates LLC., Mr. & Mrs. Sharlach

A. CALL TO ORDER

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

B. PUBLIC HEARINGS

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

Mr. Hammons said the hearing was continued in order to conduct some percolation tests in the areas of the stormwater recharge and to provide a comparison between what was approved for the site in 2002 and the current plan. The Commission had also asked for an update of the environmental assessment.

He said with regard to the percolation tests, generally the soils are very good and percolate very fast. Percolation tests performed on January 10th resulted in one inch in one minute in one area and one inch in five minutes in another area, which are extremely good percolation rates.

The conditions of approval of the 2002 application specified that the conservation easement be extended west, the driveway be without curbs so that it wouldn't be a conduit for stormwater, and recharges be put underneath the driveway. In the current plan, the required conservation easement has been included and the septic system has been redesigned, which has been approved by the Health Department. The driveway will be pavers, as opposed to asphalt.

Mr. Hammons presented an overlay showing the differences between the 2002 site plan and the current plan. Revisions of the state health code allow them to make more efficient use of the land in terms of septic systems, and the result is that the impact on the surface area will be far less with the previously approved design. The house size itself is approximately the same. They are both 5-bedroom designs. The 2002 plan showed no terraces, patios or decks, and also showed the bays of

the garage facing the road, which is not ideal from a marketing standpoint. The new plan shows the garage to the north at the back of the house, and shows a covered porch, a full terrace and a patio on the south side of the house. There is also a pool on the south side of the house, which is extra impervious area, making the total impervious on the site about 11%. Mr. Hammons said the soil is so good that the small increase in impervious area is offset by the stormwater recharges, which reduce the overall impact.

Mr. Hammons introduced a concept mitigation plan. The catch basin on Ridgefield Road is at a very low point and is without a sump, so untreated water from the road goes straight into the stream and into Comstock Brook. A plan has been prepared to build a stilling basin to clean the water before it goes into the stream and thereby mitigating the sediment load coming from Route 33. The operation and maintenance of that stilling basin would be a deeded responsibility to the homeowner, who would have to maintain the basin basically by digging out the sands once a year.

Mr. Kenny said he was asked to look at the proposed improvements and render an opinion as to the potential for impacts to the wetlands and watercourses on and off the property. He distributed a letter report to the Commissioners. He said he reviewed the documents from the previous application and found LandTech's characterization of the property to be consistent with how he would characterize it. He summarized his findings as follows:

- It is a sloping site from west to east, with Ridgefield Road on the west and a small stream along the southern property line and a flood plain wetland associated with Comstock Brook.
- The site is primarily vegetated as lawn with shade trees and a small orchard. There is a woodland along the edge of the stream, and the flood plain wetland is maintained as a meadow.
- There is a significant stress on the stream from the road as the basin is right over the culvert and has no sump like a typical catch basin, so sand goes into the pipe and directly into the stream.
- No work is proposed within the wetland or watercourse, so his conclusion is there will be no direct impacts to these resources.
- A subsurface sanitary disposal system has been designed in accordance with the state health code, which has been reviewed and approved by the Health Department, and he finds it will be sufficient to protect the wetlands and watercourses on the property.
- Erosion and sediment controls during construction should be put into place to mitigate potential impact from stormwater. The amount of disturbance is relatively small and typically a silt fence is suitable. He would also recommend that there be a row or perhaps a double row of hay bales.
- The soils are sand and gravel predominantly, so the potential for erosion is low, which also helps to offset the potential for impacts.
- There should be a site monitor to check on the erosion and sediment controls on a regular basis, especially after significant storm events, to insure that they are being maintained in a proper way, and that would be during the excavation for the dwelling and subsurface disposal system.
- Attached to his report is some information on an analysis done by the CT DEP in association with the US EPA, which indicates that 12% impervious coverage for Connecticut streams under 50 sq. mile watersheds tends to be a threshold where if you exceed that there is an impact to fish and aquatic resources. In this instance they took a 1% safety factor and set a goal of 11% impervious coverage to achieve and maintain water quality.
- Taking into consideration the infiltration measures as well as the conservation easement proposed, it is his professional opinion that the project will not have an impact on the streams from stormwater post construction.

Mr. Kenny passed around a sketch showing plans for the proposed rain garden or retention basin. The catch basin is moved off the pipe, a sediment sump is proposed to capture coarser sand and debris, and a hood is put on the pipe to prevent floatables, such as oil and grease, from getting through the system. A new pipe will discharge to a shallow basin that will be vegetated, and the soils are so well drained that most of the water will infiltrate into the ground for the smaller storms. In the event of a larger storm, there will be an overflow structure to allow that water to make its way back into the stream.

Mr. Hammons noted that they have already met with the State at the site to discuss the proposal, and he does not anticipate any problems.

In response to questions by Commissioners, Mr. Kenny said the patio will be pavers or stone over stone dust or sand, so it will be partially impervious. Storms that are one inch or less in size account for more than 90% of the total rain a year. Normally runoff does not occur until you get above one inch of rain. It is the smaller, more frequent storms that add up to most of the volume of water in the wetland system.

Mr. Kenny said he thinks both plans are comparable because they both have a stormwater management feature and neither one has activity in the wetland. However, when you add the treatment of the road, the current plan is certainly better than the previous plan.

Chairman Wong asked the public if there were any questions or comments. There being none, at 8:04 P.M. the hearing was closed.

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

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

Site Visit Attendees: Franklin Wong, Phil Verdi and Syd Gordon.

Mr. Philip Sharlach, applicant, said they want to put a patio in the rear of the property with the associated grading extending 25' from the house, then there would be approximately a 10' slope going down to the wetlands. The septic is in the front of the property, and the drinking well is off to the back on the left-hand side of the driveway. They are not proposing a deck or any type of construction. The patio will be 15' by 15' and will probably be flagstone or other pervious material. Trees have fallen on the property, one even coming through their house. There are no trees now in the 25' proposed backyard, and there are no plans to take down trees beyond the lawn area. The property will be leveled and built up about 8 or 10 inches above the ground. Approximately 200 cubic yards of topsoil are proposed. The area has never been planted with grass as it is difficult to maintain a lawn because of the rocks and ground roots, which is essentially why they want to put in a patio.

Ms. Sesto commented that once the boulders are put in at the top of the slope, there is to be no mowing beyond them. Mr. Fiteni said a condition of the permit should state that two-man boulders will be placed at closer intervals than shown.

Chairman Wong asked the public if there were any questions or comments. There being none, at 8:13 P.M. the hearing was closed.

C. APPLICATIONS READY TO BE REVIEWED

1. **WET#1881(I) PIERREBOURG** – remove existing carport and construction a garage and air conditioning compressor unit in a regulated area at e63 Newtown Turnpike – cont.

Ms. Sesto said the Pierrebourgs have requested this be carried over to the next meeting as they have not been able to resolve all of the zoning issues.

Continued to next meeting.

2. **WET1889(I) – LUCAS** – “emergency” septic repair 60 feet from an intermittent watercourse at 4 Signal Hill Road.

Ms. Sesto said an emergency septic system had to be installed. The Lucases had received an approval for a B100 about 5 years and two months ago, and, meaning it expired just two months ago. The new permit is consistent with what the Commission approved the last time.

Phil Verdi MOTIONED to approve WET#1889 with the General conditions and normal Special conditions, SECONDED by John Hall, and carried 6-0-0.

3. **WET#1890(I) – WALTERS** – “emergency” septic repair 70 feet from a wetland at 26 Scarlet Oak Road.

Ms. Sesto said this emergency repair is 70’ from a wetland, and there is a good section of woods between it and the wetland on the neighbor’s property. She does not know if the repair has been completed.

Phil Verdi MOTIONED to approve WET#1890(I) with the General conditions and normal Special conditions, SECONDED by Syd Gordon, and carried 6-0-0.

D. APPLICATIONS TO BE ACCEPTED –

1. **WET#1893(I) – FINKLESTEIN** – “emergency” septic repair in a regulated area at 4 Rockhouse Road.

Chairman Wong MOTIONED to accept WET#1893(I), SECONDED by Phil Verdi and carried 6-0-0.

E. APPROVED MINOR ACTIVITIES –

1. **WET#1892(M) –FRYER** – construction of a deck in a regulated area at 105 Sugarloaf Drive

Ms. Sesto noted that the proposed deck is about 60' from the resource.

F. CORRESPONDENCE –

Request for a bond release for WET#1702 – Walsh, in the amount of \$27,536.30 dated January 12, 2009.

Ms. Sesto said an inspection was done for the site and there is a letter from the engineer attesting that the stormwater management plan was constructed in conformance with the plan, as well as an as-built survey, and the site is stable, so the bond is eligible for release.

Phil Verdi MOTIONED to release the bond for WET#1702 in the amount \$27,536.30, SECONDED by John Hall, and carried 6-0-0.

A letter was received from J. Casey Healy, Esq. seeking clarification of the KJC permit. Condition #1 states “all activities are prohibited other than construction of the driveway within 100’ of the wetlands and watercourses situated south and west of the proposed residence.” He noted that there is an existing foundation in that area which was meant to come out and wanted to clarify that the Commission was not prohibiting the removal of the foundation. Ms. Sesto said that is consistent with her recollection of the discussion. It was the consensus of the commission that Ms. Sesto’s recollection is consistent with their intent.

G. OTHER APPROPRIATE BUSINESS –

1. Violations:

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

Ms. Sesto said she received a letter from the Papakasmas’ attorney dated January 21, 2009 requesting that the hearing be continued to the next meeting. They have contracted with Grumman Engineering and have since met with Don Strait, who believes that an application can be prepared within two to three weeks. She said while the Commission had to open the hearing within ten days of issuing a cease and desist order, there is nothing in the statutes that mandates closing it within a certain time, and Town Counsel concurred with that. The hearing was held over.

H. APPROVAL OF MINUTES -

January 8, 2009

Frank Wong MOTIONED to approve the Minutes of January 8, 2009, SECONDED by Syd Gordon and carried 6-0-0.

1. WET#1885(S) – ANSPACH – new single family residence with in-ground

swimming pool in a regulated area at 232 Ridgefield Road

In response to a commissioner's question, Ms. Sesto observed that it is within the Commission's ability to require monitoring. She said if the Commission is inclined to approve the application, she would prefer to draft a resolution, because there are pieces of the old application that will need to be included and she wouldn't want to miss anything. The conservation easement is one such item. Because it is presently in a field condition, they will allow them to mow it once a year to maintain that field condition.

Mr. Fiteni said they should take advantage of the applicant's offer of a stilling basin and the maintenance for it because that will certainly improve the quality of the stream. They need to emphasize the perviousness of the patio and the driveway, and that the total is not to exceed 11% on the property.

Mr. Wong asked if there is a time period when the applicant begins construction and when the mitigation measures have to be put in place. Ms. Sesto explained that the easement has to be in place before getting a building permit. The applicant has to go through each of the departments and have them sign off and they have to post bonds and file the easement, all of which has to happen before they even break ground. Normally the planting has to be installed within six months of receiving a certificate of occupancy, either temporary or permanent.

Ms. Sesto said in fixing the bond amount, they look at the restoration work specific to the wetlands protection, such as sedimentation, erosion, infiltrators, plantings and boulders.

Frank Wong MOTIONED that they direct staff to draft an approval based on the dialog, SECONDED by John Hall, and carried 6-0-0.

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

Mr. Verdi noted it is a very small area with no piece of grass, and the applicant is not making the area of lawn any larger. The trees that are down have been down a long time, and all the rest is wetlands. It is a small house, so there won't be much runoff.

Ms. Sesto said the boulders should be placed 15' on center, which is the usual. No bond is necessary.

Phil Verdi MOTIONED to approve WET#1887 with any General conditions and normal Special conditions including the addition of the two-man boulders 15' apart, SECONDED by Syd Gordon, and carried 6-0-0.

I. ADJOURN

Syd Gordon MOTIONED to adjourn at 8:32 p.m., SECONDED by John Hall and carried 6-0.

Respectfully Submitted,

Karen Pacchiana
Recording Secretary