

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

## WILTON INLAND WETLANDS COMMISSION

**DATE:** June 11, 2009  
**PLACE:** Town Hall Meeting Room A  
**TIME:** 7:30 P.M.

Present:

Richard Ziegler; Frank Wong; Phil Verdi; Sydney Gordon;; John Hall; Joe Fiteni; Jill Alibrandi; Patricia Sesto, Director of Environmental Affairs; Robert Fuller, Esq.; Tom Quinn, Peak Engineering; Ed and Jane Bescherer; Ken Dartley; Maureen and Gary Bare; Amy Souchuns, Esq., Sandak Hennessey & Greco; Erik Lindquist, Tighe & Bond; Chad Nehring, AIA;.Jay Keillor, Land Engineering & Surveying; Yanni Papakosmas; Kevin O'Brien; Kate Throckmorton, Environmental Land Solutions; Mitch Kosh; Yaron Dar; Linda Christensen

Not Present: (Noticed of absence)

A. CALL TO ORDER

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

B. PUBLIC HEARINGS

- 1. WET#1898(S) – LUNG** – construction of a new dwelling, with associated development within an upland review area at 20 Riding Club Road – cont.

John Hall recused himself

Ms. Sesto read the list of documents into the record. She brought to the commission's attention a verified pleading establishing the Martins as an intervener.

Tom Quinn, agent requested that the application be carried over to the next scheduled meeting to address the staff report and engineering and arborist reports recently submitted.

Mr. Quinn stated for the record that the present house footprint is 23% smaller than the last application which was withdrawn.

Joe Fiteni MOTIONED to incorporate the documents listed by Ms Sesto from the previous application, SECONDED by Richard Ziegler and carried 7-0-0.

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

There were none.

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

At Ken Dartley's request, Ms. Sesto read his letter into the record.

Mr. Dartley expressed his concern for his well with the change in flow of runoff from the proposed development.

Attorney Amy Souchuns, agent for a neighbor residing at 24 Riding Club Road, stated that she had filed a "Petition for Intervention" and expressed the concern for the client's trees that were addressed in a letter from an arborist that had been read into the record earlier.

Attorney Souchuns suggested that the site plan for the existing permit, WET#1219 be presented as the alternate plan. She felt that there is a dramatic difference between the existing permit and the proposed application and that there would be a much larger impact on the environment.

Ed Bescherer, 38 English Drive, introduced his agent, Erik Lindquist, PE.

Mr. Lindquist reviewed the proposed driveway and expressed concern for the impact. He was concerned about the maintenance of the drainage system proposed and felt that the system would not be able to support the runoff properly.

Mr. Bescherer stated that the "elaborate" proposal will impact the lot below (his) where the runoff will be directed. He urged the Commission to consider the approved permit as the better choice.

Mr. Dartley stated that there are springs of water on the hill and a pond above the subject parcel that had been filled in. He expressed his concerns about the hazards of construction under these circumstances.

Jane Bescherer commented that she felt the culverts on English Drive must have been

installed in the past for runoff from the hill.

Chairman Wong continued the public hearing for WET#1898 to the next scheduled meeting.

John Hall was reseated.

**2. WET#1900(S) – PAPAKOSMAS** – “corrective action” to restore a wetland buffer at 103 Twin Oaks Lane.

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

Site Visit Attendees: Chairman Wong, Joe Fiteni, John Hall, Richard Ziegler, Jill Alibrandi, Phil Verdi and Syd Gordon.

Yanni Papakosmas, applicant, described the location of the wall which is located ten feet into the buffer. He stated that the relocated wall would be four to five feet tall with no cement and he continued to say that the asphalt driveway will be replaced with pavers in the future. The removal of fill and rebuilding the retaining walls would take between four to six months.

Chairman Wong asked for verification that the relocation of the stone wall would be as the permit describes.

Ms. Sesto answered Chairman Wong by saying yes and asked Mr. Papkosmas if he had resolved the Planning and Zoning concerns.

Mr. Papakosmas stated that the concerns had been resolved.

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

Richard Ziegler asked Mr. Papakosmas if he would complete the project in four months.

Mr. Papakosmas answered Mr. Ziegler by saying he would target the completion for four months.

Following questions from the commissioners, Mr. Papakosmas said that heavy equipment would be used to move the wall and all work would take place from above and there was no need to have equipment down below the wall. He described the stockpile areas again, being above the walls, in the existing yard areas.

Chairman Wong asked if there were any questions from the public.

There were none.

Chairman Wong MOVED to close the public hearing for WET#1900.

**3. WET#1905(S) – KOSH** – “after the fact” installation of a walkway, patio and dock and request to construct an addition, shed and associated site development at 14 Hemmelskamp Road

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

Site Walk Attendees: Chairman Wong, Joe Fiteni, Richard Ziegler, Jill Alibrandi, Phil Verdi and Syd Gordon.

Chad Nehring, agent, described the violation and explained that the applicants did not realize that they were in violation. He explained that the applicant would be willing to remove the concrete at the pond’s edge, replace invasive plants with new plantings, stop mowing on the back side of the boulders, and boulders will be moved to the appropriate approved location. He also offered to move the location of the proposed shed. He described the addition and its purpose to house the applicant’s parents.

Richard Ziegler asked if there was an alternative plan.

Mr. Nehring explained that there were four other options considered for the addition but they would all be closer to the wetland.

Ms. Sesto pointed out that the patio is larger than the existing permit allowed.

Mr. Ziegler reviewed the rationale applied for the original permit to develop this property, noting the commission’s efforts to minimize the site’s disturbance in order to protect the wetlands and watercourse. He felt that the previous permit issued was appropriate for the property and stated that he didn’t feel the property would be able to support he proposed addition and shed.

Mr. Hall recapped the earlier approved permit. He expressed empathy for the reasons behind the applicant’s proposal but that empathy did not allow him to disregard the considerations that led to the original permit. He didn’t feel that he would consider approving the proposed plan based on the prior permitted use.

Phil Verdi asked how runoff would be managed.

Jay Keillor, agent, reviewed the fifty year storm system proposed and pointed out the recharger units that would handle the increase in runoff. He offered to relocate the silt fence

tighter to the work area as was commented on in the staff report. He continued to explain that only one tree in the lawn area would need to be removed to bring in the equipment required to construct the addition. He submitted an alternate plan to the Commission.

Mr. Ziegler asked if there would be an increase in bedrooms. He also did not feel that the shed should be allowed.

Mr. Keillor stated that one more bedroom would be added to make it a four bedroom house.

Syd Gordon commented that the addition would be six hundred square feet.

Chairman Wong added that the proposal also includes a shed and a patio larger than previously approved.

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

There were none.

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

Maureen Bare, 254 Olmstead Hill Road, explained that she lived across the pond and was not happy with the improvements that were done. She explained that the wildlife that used to exist at the pond are no longer there and expressed her disappointment over this.

Gary Bare added that there is a net in the pond that he felt should be removed.

Ms. Bare expressed her discontent with the limited description in the legal notice and requested that the Commission carry the public hearing to the next scheduled meeting to give more neighbors an opportunity to comment.

Mitch Koch, applicant, explained that the proposed addition would be for his elderly parents to be able to move into his home.

The applicant requested that the hearing be carried to the next scheduled meeting to give an opportunity to present an alternative proposal.

Chairman Wong carried the public hearing for WET#1905 to the next scheduled meeting.

**4. WET#1906(S) - POLITO** – two lot sub-division and associated site development to construct two dwellings in a regulated area at 248 Sturges

Ridge Road.

Phil Verdi recused himself.

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

Site Visit Attendees: Chairman Wong, Richard Ziegler, Jill Alibrandi and Syd Gordon.

Kevin O'Brien, agent, reviewed the existing property and the preferred conservation subdivision along with the alternate conventional subdivision. The conventional subdivision would require a wetland crossing with a long driveway and greater disturbance to wetland buffers. Conversely, the conservation subdivision would place each house on a one-acre lot that fronts on Sturges Ridge. There would be no wetland crossing and much less impervious coverage.

Kate Throckmorton, agent, reviewed the proposed conservation subdivision planting plan and explained that the wetlands would not be impacted with the preferred proposal. She continued to point out the benefits of a conservation subdivision for the property.

Kevin O'Brien confirmed that the property owners would own the conservation land (open space).

Mr. Ziegler asked that the proposed plan seemed to show several trees to be removed without obvious reason and asked Ms. Throckmorton to reconsider the removal of some of the trees.

Ms. Throckmorton agreed.

A discussion ensued comparing setback regulation between one acre zoning and two acre zoning and the terms commonly associated with conservation easements. The restrictions of the open space would be governed by Planning and Zoning.

Mr. Hall suggested considering a shared driveway to save on coverage.

Yaron Dar, neighbor, expressed that he is more comfortable with the preferred conservation subdivision than the alternate proposed plan. He requested that the drainage be looked at closely because he is concerned that the flow of water will increase towards his property.

Linda Christensen, 11 Orchard Drive, expressed her concern of the proposed septic system because she has an organic garden and wouldn't want it to be compromised.

Ms. Sesto suggested that there be lawn demarcation shown on the revised proposed site plan and trees reevaluated.

Mr. O'Brien agreed to work with staff to add information on the site plan and preservation of more trees.

Chairman Wong closed the public hearing for WET#1906.

Phil Verdi was reseated.

C. APPLICATIONS READY TO BE REVIEWED

- 1. WET#1909(I) – SHAVEL, ESTATE OF** – remove underground oil tank and replace with above ground oil tank in a regulated area at 134 Ridgefield Road.

Ms. Sesto read a letter from the agent requesting an extension to the next scheduled meeting.

D. APPLICATIONS TO BE ACCEPTED –

- 1. WET#1911(I) – FORTIN** – “emergency” septic repair in a regulated area at 14 St. John’s Road.

Chairman Wong MOTIONED to accept WET#1911, SECONDED by Syd Gordon and carried 7-0-0.

E. APPLICATIONS READY TO BE REVIEWED – cont.

- 1. WET#1900(S) – PAPAKOSMAS** – “corrective action” to restore a wetland buffer at 103 Twin Oaks Lane.

Ms. Sesto felt that the plans submitted reflected the needed corrections. She also pointed out that the plants listed are smaller than the commission normally approves and suggested holding a bond for an additional year or increasing the size of the proposed plantings.

Phil Verdi MOTIONED to approve WET#1900 with the General and normal Special Conditions, and the additional Special Conditions that the work will be completed within four months, and staff to work out the option of bonding for an additional year or increasing the size of the plantings to 3-4 feet, SECONDED by Chairman Wong and carried 7-0-0.

- 2. WET#1906(S) - POLITO** – two lot sub-division and associated site development to construct two dwellings in a regulated area at 248 Sturges Ridge Road.

Mr. Verdi was recused.

Richard Ziegler MOTIONED to approve WET#1906 with the General and normal Special Conditions, and the additional Special Conditions that the site plan be revised to include lawn demarcation and that staff to work with applicant to revise the tree save plan, SECONDED by Jill Alibrandi and carried 6-0-0.

Mr. Verdi was reseated.

F. APPROVED MINOR ACTIVITIES –

None

G. CORRESPONDENCE –

Ms. Sesto read a request to release bond money for WET#1434 in the amount of \$3,715.00 with the condition that an as-built be filed at the clerk's office.

Richard Ziegler MOTIONED to approve the release of bond money in the amount of \$3,715.00 once the as-built is filed in the amount of \$3,715.00, SECONDED by Syd Gordon and carried 7-0-0.

Bond release request for WET#1645, 125 Sturges Ridge Road in the amount of \$7,400.00.

Richard Ziegler MOTIONED to release the bond money for WET#1645 in the amount of \$7,400.00, SECONDED by Syd Gordon and carried 7-0-0.

Request for Commission guidance for bond request for WET#1649, 21 Tall Oaks Road in the amount of \$3,000.00.

John Hall MOTIONED to release a partial bond release for WET#1649 in the amount of \$2,700.00 with \$300.00 remaining to plant a new tree and the reduced bond be held for two additional growing seasons, SECONDED by Syd Gordon and carried 7-0-0.

H. OTHER APPROPRIATE BUSINESS –

1. Violations:

NONE

I. APPROVAL OF MINUTES

May 28, 2009

The Minutes were not available.

J. ADJOURN

Chairman WONG MOTIONED, to adjourn at 9:40, SECONDED by Richard Ziegler and



carried 7-0-0.

Respectfully submitted,

Karen Padowicz  
Recording Secretary