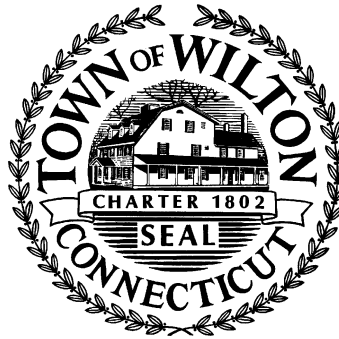


INLAND WETLANDS
COMMISSION
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TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

WILTON INLAND WETLANDS COMMISSION

DATE: August 13, 2009
PLACE: Town Hall Meeting Room A
TIME: 7:30 P.M.

Present:

Frank Wong; Sydney Gordon; Joe Fiteni; Jill Alibrandi; Phil Verdi; Richard Ziegler
Patricia Sesto, Director of Environmental Affairs; Robert Fuller, Esq.; Tom Quinn,
Peak Engineers, LLC; Matt Salinger, Erik Lindquist, Tighe & Bond; Ken Dartley;
Murray Martin; Amy Souchuns, Esq.; Pat O'Rourke, Caselli Construction

Not Present: John Hall (Noticed of intended absence)

A. CALL TO ORDER

Mr. Wong called the meeting to order at 7:40 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.

Tom Quinn, P.E. began his presentation by reviewing the changes made to the site plan and presented at the last meeting, and new changes made in response to Milone and MacBroom's report.

The driveway has been reduced in width from 12 feet to 11 feet, and the alternating pavement and gravel design has been changed to impervious pavement for the first 500 feet, then pervious interlocking pavers would be used for the remainder of the driveway and courtyard. The retaining walls have been revised to show one 6-foot tall wall around the east and south side of the house. In response to comments by Milone and MacBroom (M&M), the infiltration galleries have been moved from three feet away from the house to

five and six feet from the house and deck footing, respectively. The M&M report also raised a question regarding the relationship of the swale east of the driveway and the leaching fields. There was a concern that the swale could intercept subsurface effluent. In response the driveway was raised 15 inches to bring the base of the swale up to existing grade to remove this risk. The local health department would have the final say on this matter.

Other comments of the M&M report were addressed by Mr. Quinn. He provided the source document of a previously submitted graph and indicated that no detail for the interlocking pavers was submitted.

Mr. Quinn moved on to respond to a letter report submitted by Erik Lindquist, P.E. of Tighe and Bond. To Mr. Lindquist's repeated assertion that the area of the drainage study needs to be moved downstream, Mr. Quinn disagreed. He stated that he concluded this was unnecessary and one could draw conclusions downstream based on the information provided. Mr. Quinn addressed Mr. Lindquist's second concern regarding a lack of pretreatment for the stormwater. The pretreatment methods were removed from the plan in a prior revision, with the current proposal being the preferred plan. Commissioner Fiteni questioned what was meant by "preferred plan". Mr. Quinn responded that it was his interpretation of the commission's previous comments and conceded that the commission had not actually expressed a preference.

He went on to clarify the location of the gallery overflow, and the absence of a study to substantiate the use of blasted rock subbase. Mr. Quinn stated that he used his professional judgment to formulate the design and that the study was unwarranted: the voids will be present in the rock. Item 6 of the Lindquist report questioned the absence of drainage calculations for the 50 and 100 year storms, which had been provided with previous design proposals. Mr. Quinn chose not to do those studies because the Planning and Zoning regulations only require designs to handle up to a 25-year storm event. He provided his assurance that the flow volume will decrease for the 50 and 100-year storms.

In response to a commissioner's question, Mr. Quinn reviewed the separating distances of the development to the wetland, with the house being 70 feet, just north of the house is a 55 foot buffer, and the driveway is 20 feet away just south of its bend.

Ms. Sesto questioned the location of the infiltrators, stating her concern that the underlying soils would be compacted. The location of the infiltrators being five to six feet from the house, how could one reasonably protect the area from trafficking? Mr. Quinn indicated that compaction wouldn't be an issue and the contractor, Pat O'Rourke, Caselli Construction, offered to install galleries rated for H2O loading. Commissioner Fiteni stated his credentials as a professional engineer and reiterated his concern that compaction is an issue that could undermine the efficacy of the infiltrators.

Attorney Fuller summarized the application, stating that there is no impact to the wetland. He read a letter report from Kate Throckmorton, landscape architect, into the record. He followed on restating the separating distances of the development to the wetland and the fact that there is no direct wetland intrusion. All of M&M comments have been addressed and SNEW have written favorable statements regarding the proposed development. The development will result in less runoff post development as compared to predevelopment conditions. He reviewed the Inland Wetland and Watercourse Regulations, concluding that if there are no impacts to the wetland, then an approval is warranted.

Commissioner Fiteni corrected Mr. Fuller's statements regarding the post development stormwater runoff, stating there is a difference between total volume and peak discharge. Further, Mr. Quinn has not provided the studies for the 50 and 100 year storm event, so how can Mr. Fuller substantiate his statements? Mr. Quinn reviewed the storm-flow data, stating peak and total volume discharges for storms up to a 25 year event would decrease, peak flows will increase for the 50 and 100 year storms, but the volume for these storms will decrease. He offered to submit the calculations to confirm these numbers.

Eric Lindquist, P.E., of Tighe and Bond and representing the Brescherers, reviewed his report, stating that due to the absence of a drainage study using the downstream culvert as the design point, he cannot assure his clients that this development will not negatively affect their property. He is concerned that there will be overlapping peak flows. Further, the long term viability of the proposed stormwater management plan relies heavily on the ability of the residential property owner to maintain the system. Mr. Quinn responded that historic graphs show that Mr. Lindquist's concerns regarding the increased flows are unfounded. Mr. Lindquist again asserted that the 50 and 100 year storms should have been studied.

Amy Souchuns, attorney for Murray Martin, restated her client's concerns that the driveway development will cause the hedgerow of mature Norway spruces to die. She reviewed the letter from the applicant's arborist, citing its lack of detail in just how the spruces would be protected. Chairman Wong asked what the impact to the wetland would be if the trees were to die. Attorney Souchuns responded that the impact would come from the eventual loss of the root system which is important to control runoff. She encouraged the commission to approve the other access off of Olmstead Hill Road. Mr. Quinn added that the preferred driveway could be shifted five feet or so to the north and away from the trees.

Ken Dartley read his letter into the record, restating his concerns and the history of the Olmstead Hill access and concluding his preference for this access.

Hearing no further questions from the commission, staff, or the public, Chairman Wong

made a motion to close the hearing for WET#1898, seconded by Commissioner Fiteni, and carried, 6-0-0.

C. APPLICATIONS READY TO BE REVIEWED

D. APPLICATIONS TO BE ACCEPTED –

- 1. WET#1922(I) – ANDRE** – “Corrective Action” to delineate the limit of lawn and filling at 21 Wolfpit Lane.

Commissioner Fiteni made a MOTION to accept WET#1922, seconded by Mr. Verdi, and carried 6-0-0.

E. APPROVED MINOR ACTIVITIES –

None

F. APPLICATIONS READY TO BE REVIEWED – cont.

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

Chairman Wong began by stating that a lot of material has been recently submitted on top of an already voluminous application. He would like to hold off on discussing the application until September 10, 2009 to give the commissioners time to review the material. Discussion ensued regarding the presence of divergent professional reports.

Commissioner Verdi commented that the applicant met the 25-year storm regulation. Commissioner Fiteni clarified that the 25-year storm regulation is a design criteria and storms of greater magnitude can impact wetlands and watercourses; peak discharges are the most important element to consider in determining impacts. Commissioners also clarified that it was the attorney who stated there was no impact to the wetland or watercourse.

Chairman Wong encouraged the commissioners to focus on the regulations for the review and Ms. Sesto handed out a generic guidelines sheet to help the commissions understand the boundaries of their review. Commissioner Ziegler asked if the site and the property next door can be visited. Ms. Sesto cautioned against visiting the subject parcel and said visiting the parcel next door was out of the question. She would check with counsel regarding the permissibility of revisiting the subject parcel.

Following Commissioner Verdi's inquiry regarding compliance with the regulations, a discussion ensued regarding the meaning of compliance, wetland reviews are not as simple as checking off a list of requirements, and what is needed to pass the "alternatives test." Prior to seeking alternatives a finding needs to be made that an impact to the wetland and/or watercourse exists. This application should not be solely compared to the previously approved Hopple application. This is not an either or situation.

Chairman Wong requested copies of the minutes from all applications as entered into the record. The credentials of the various authors of reports and letters need to be considered.

Ms. Sesto confirmed that the commission has 65 days to make a decision on the application.

G. CORRESPONDENCE –

None

H. OTHER APPROPRIATE BUSINESS –

I. APPROVAL OF MINUTES

July 23, 2009

Richard Ziegler MOTIONED TO approve the minutes for July 23, 2009, SECONDED by Phil Verdi and carried 6-0-0.

J. ADJOURN

Chairman WONG MOTIONED, to adjourn at 9:45, SECONDED by Syd Gordon and carried 6-0-0.

Respectfully submitted,

Patricia Sesto
Director of Environmental Affairs