

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

## WILTON INLAND WETLANDS COMMISSION

**DATE:** September 10, 2009  
**PLACE:** Town Hall Meeting Room A  
**TIME:** 7:30 P.M.

Present: Frank Wong; Sydney Gordon; John Hall; Jill Alibrandi; Phil Verdi; Richard Ziegler  
Patricia Sesto, Director of Environmental Affairs; Karen Padowicz, Administrative  
Secretary; Mark Andre, Sound Property Development, LLC.

Not Present: Joe Fiteni (Noticed of intended absence)

### A. CALL TO ORDER

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

### B. PUBLIC HEARINGS

None

### C. APPLICATIONS READY TO BE REVIEWED

Chairman Wong scrambled the agenda.

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

Mr. Andre, agent reviewed the proposed site plan.

Ms. Sesto described the original permit issued and the finished work that does not comply with the permit issued. She reviewed photographs of the subject area taken prior to the commencement of construction. The photos show site features that allow the viewer to conclude where the old limit of lawn was. The plantings proposed to mark the new limit of lawn are closer to the wetland than the predevelopment limit of lawn.

Mr. Andre offered to add more plantings and bring the delineation further from the wetland. He would like to keep the retaining wall as it currently exists and acknowledged that two or three trees had been removed in conflict with the permit. To compensate for the permit violation, thirty five trees, shrubs, and boulders are proposed to mark the limit of lawn.

Mr. Hall accepted that the proposed plan seemed reasonable.

Chairman Wong stated that the new rubble wall and materials deposited behind the limit of lawn should be removed.

Mr. Andre agreed to remove the stumps and construction debris to meet the requirements of the Commission and Mr. Hall reiterated the need to leave the wooded area in it's natural state.

Jill Alibrandi expressed her concern regarding the reduction of the wetland buffer. She asked for clarification of the difference between the permitted distance from the then proposed house and limit of lawn and the actual line.

Ms. Sesto stated that permitted depth of the rear yard was 32 feet and the proposed distance is 42 feet at its maximum. Discussion supported the need to protect the buffer and have a rear yard of 32.5 feet.

Mr. Andre offered to revise the site plan and submit it to staff for approval.

Ms. Sesto reviewed that the limit of lawn, as established by boulders and plantings shall run along the top of the slope above the retaining wall, connect to the fresh stump shown on the plan west of the patio, then continue north to the old rotted stump at the stonewall. This will produce a rear yard that ends generally 32.5 feet off the back of the house.

Phil Verdi MOTIONED to approve WET#1922 with the standard General and Special Conditions and the additional Special Condition that the limit of lawn be shown on a revised site plan as described by Ms. Sesto, and implemented by October 1, 2009, SECONDED by John Hall and carried 6-0-0.

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

John Hall recused himself and left the meeting.

Ms. Sesto explained that Joe Fiteni, who was not present, had expressed his desire to contribute to the discussion at the next scheduled meeting.

Chairman Wong stated that there were two different driveways proposed, one essentially from the formerly approved application off Olmstead Hill Road and the preferred alternative off Riding Club Lane as proposed in this application. He concluded that no alternative had been submitted for the house.

Richard Ziegler reminded the Commission that an alternative for the house had been requested by the Commission and was not offered by the applicant.

Ms. Sesto reminded the commission that the difference of the permitted house and the proposed house had been discussed, thus the house of the existing permit was a presented alternative. She further recalled that at the portion of the hearing where this was discussed, Mr. Fiteni had urged the applicant to think beyond the location of the previously proposed house, and relocate the house to better suit the site's topography and keep it further from the wetland.

Ms. Alibrandi expressed concern that there is not enough area around the proposed house footprint to maneuver for construction.

Ms. Sesto confirmed that the pool had been removed from the site plan.

Mr. Ziegler reminded the Commission that the square feet proposed of 4,400 had increased from the previously approved 2,200 square feet.

Chairman Wong inquired as to whether the twenty five year stormwater management plan was sufficient for the site.

A discussion ensued concerning the neighbor's consulting engineer's comments concerning the plan.

Mr. Ziegler quoted the neighbor's engineer that stated that he could not assure his client that they would not be impacted the proposed plan because of deficiencies in the parameters of the applicant's engineering study and the consultant went on to add his concern that the pavers in the driveway may be paved over at a later date, detracting from the stormwater management plan.

Ms. Sesto responded that the property would be subject to the terms of the permit in perpetuity, however enforcement of these terms becomes less likely as time moves forward.

A discussion ensued about the required maintenance of a pervious driveway and the reasonability of enforcement of the permit over time.

Mr. Ziegler expressed discomfort with the likelihood of maintenance and enforcement in the future and also expressed his lack of confidence in the draft maintenance plan submitted.

Ms. Sesto agreed with Mr. Ziegler that the draft maintenance plan was inadequate.

Chairman Wong stated he would be more comfortable with the reduction of the size of the house as a means to reduce the amount of stormwater generated.

Mr. Verdi felt that the Commission should be responsible for enforcement in future years, with

various ownerships and he agreed with Mr. Ziegler about concerns of proposed driveway.

Ms. Sesto described the defined impact of crossing the wetland and watercourse as previously approved off of Olmstead. She then read from the ELS environmental assessment report associated with a previous application for this site, which described the crossing of the watercourse as a minimal intrusion.

The Commission agreed that the extent of disturbance with the proposed plan is substantially greater than would be needed for the driveway off Olmstead. Chairman Wong asked Ms. Sesto what the Commission's responsibility is concerning the driveway and its impact to the wetland buffer. She responded by saying that the Commission's charge is to protect wetlands and watercourses. With the one alternative there is a direct wetland impact as opposed to the preferred alternative which consumes only buffer. The question is whether or not the extensive loss of buffer presents impacts to the wetland and watercourse that exceed the those impacts caused by a succinct crossing of the wetland.

Ms. Sesto defined the limited impact on the wetland crossing and felt that it would have less impact on the wetland than the runoff down the driveway being proposed and added that this conclusion would have to be substantiated by documents in the record. She added that the Commission was not bound to decide between the approved permit and the proposed application and that a different approach can be considered by the applicant for proposal.

Chairman Wong confirmed that other options could be considered.

A discussion ensued concerning percolation test hole and deep test hole data. The deep test holes note a restrictive hardpan layer, although the percolation tests indicate the hardpan does not substantially impede infiltration.

Ms. Sesto expressed concern that the infiltration galleries are 5 feet from the house and the trafficking that would occur over them during construction. In her experience infiltrators are not placed so close to the house.

Chairman Wong concurred with Mr. Ziegler that the construction and heavy equipment on the site would compact the soil in the area of the infiltrators, percolation would be diminished and the efficacy of the infiltrators compromised.

Ms. Sesto suggested deferring the issue to Joe Fiteni who had expressed this concern at the last meeting.

Mr. Ziegler pointed out that the peak runoff concerns raised by the neighbor's consulting engineer should be addressed.

Ms. Sesto stated that the proposed site plan didn't offer any meaningful alternatives to preserve the regulated wetland and watercourse buffer. She stated that the proposed driveway limit of disturbance is 50 feet and the house was 72 feet away from the wetland boundary.

Chairman Wong asked if there were issued not touched at this point.

Mr. Ziegler suggested that the limit of lawn be addressed and he was not comfortable with the presented application and there was not an alternative house provided.

Ms. Alibrandi felt that the buffer would be disturbed beyond what is depicted because there is very limited area surrounding the house as proposed.

Syd Gordon felt that the driveway and house are a concern.

Mr. Ziegler requested that the application remain open for discussion for the next scheduled meeting.

Chairman Wong MOVED to carry WET#1898 to the next scheduled meeting, SECONDED by Richard Ziegler and carried 5-0-0.

**D. APPLICATIONS TO BE ACCEPTED –**

Commissioner Wong made a MOTION to accept WET#1924, seconded by Mr. Ziegler, and carried 5-0-0.

**E. APPROVED MINOR ACTIVITIES –**

None

**F. CORRESPONDENCE –**

None

**G. OTHER APPROPRIATE BUSINESS –**

Ms. Sesto asked the Commission for guidance on a proposed project monitor for the Stonebridge permit issued earlier in the year. She reviewed the submitted statement of qualifications.

It was decided by the Commission that the proposed monitor was not sufficiently qualified because he lacked engineering experience. Given the character of the watershed of the subject pond, this type of experience was deemed essential.

**H. APPROVAL OF MINUTES**

August 13, 2009

Chairman Wong MOTIONED TO approve the minutes for August 13, 2009, SECONDED by Richard Ziegler and carried 5-0-0.

**I. ADJOURN**

Richard Ziegler MOTIONED, to adjourn at 9:10, SECONDED by Chairman Wong and carried 5-0-0.

Respectfully submitted,

Karen Padowicz  
Recording Secretary