

INLAND WETLANDS
COMMISSION
Telephone (203) 563-0180
Fax (203) 563-0284



TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

WILTON INLAND WETLANDS COMMISSION

DATE: September 23, 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; Karen Padowicz, Administrative Secretary

Not Present: John Hall (Noticed of intended absence)

A. CALL TO ORDER

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

B. PUBLIC HEARINGS

None

Chairman Wong scrambled the agenda.

A. APPLICATIONS TO BE ACCEPTED –

Richard Ziegler made a MOTION to accept WET#1925 and 1926, seconded by Mr. Ziegler, and carried 6-0-0.

B. APPROVED MINOR ACTIVITIES –

None

C. CORRESPONDENCE –

Ms. Sesto reviewed a site inspection report for a bond release for WET#1641 and

requested release of the bond.

Richard Ziegler MOTIONED to release the bond for WET#1641, SECONDED by Phil Verdi and carried 6-0-0.

D. OTHER APPROPRIATE BUSINESS –

Ms. Sesto announced that the DEP has sent new vouchers for training seminars encouraged participation.

E. APPROVAL OF MINUTES

September 10, 2009

Phil Verdi MOTIONED TO approve the minutes for September 9, 2009, SECONDED by Chairman Wong and carried 6-0-1, Joe Fiteni abstaining.

C. APPLICATIONS READY TO BE REVIEWED

- 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 asked Mr. Fiteni to comment.

Mr. Fiteni stated that he had reviewed the hydrology reports and evaluations from the engineers and felt that there were some consistencies but also some inconsistencies. He explained that the point of discharge at the end of site was the applicant's focus and the applicant did not address downstream flow conditions in conjunction with the changes this proposal would bring about. He was concerned with the time of concentration for the runoff from the proposed driveway to the stream and wetland. Mr. Fiteni felt that the mitigation proposed addressed the total volume concerns, but not the concerns with time of concentration.

Chairman Wong asked Mr. Fiteni to expand on the importance of evaluating time of concentration.

Mr. Fiteni explained that the discharging runoff would reach the wetland and watercourse faster post development than under current conditions and that this concentration of water would have the potential to erode the stream bank, contribute to sedimentation, and degrade the stream quality. He reinforced that flooding and stream bank erosion are his concerns.

Mr. Fiteni described that stormwater detention had been addressed for a 25 year storm

and felt that it was a conservative approach. His concern however was that the stormwater management plan consists of a series of features that are "stacked" and the modeling was based on the assumption that all of these "stacked" components were empty. In reality the detention features would likely have an accumulation of sediment and or water so the modeling was flawed. When one stormwater management feature did not contain its design capacity, then there would be an overflow of the system. He felt that there had been no comprehensive model presented for to address this.

Mr. Ziegler asserted that the series of engineered solutions would not be maintained by a homeowner.

Mr. Fiteni concurred with Mr. Ziegler and elaborated that certain sites such as condos with associations and by-laws are more apt and capable to maintain such a complex system. Further, he was not satisfied with the maintenance plan submitted by the applicant since it did not indicate the need for qualified inspectors or frequent enough inspections.

Mr. Ziegler added that each change of ownership would increase the chances that this engineered system would not be maintained.

Ms. Sesto reminded the Commission that the permit stays with the land so subsequent owners are bound to the terms of the permit, although enforcement can be an issue in the long term.

Mr. Fiteni emphasized that the engineered system must be maintained to be effective. If it is not maintained, then the receiving wetland and watercourse will be impacted.

Ms. Sesto recited section 10.2.e from the Inland Wetland regulations, which directs the Commission to evaluate impacts to down gradient properties.

Mr. Verdi inquired if a larger retention system would be adequate.

Mr. Fiteni answered Mr. Verdi by stating that it could be.

Mr. Fiteni stated that access via Riding Club Road had been addressed in previous applications for this site and that this application did not adequately present alternatives for access from Olmstead Road. He added that the defined disturbance to cross the watercourse could be less of an impact than the long driveway from Riding Club Road, which relies heavily on engineering solutions to ameliorate the stormwater flows. He added that the footprint of the house was less of a concern to him with adequate engineering. It would be necessary to detail the sequence and process of the construction and that house drainage is much easier to mitigate than the driveway and site runoff.

Ms. Sesto followed up stating that a considerable portion of the buffer was impacted by the north-south section of the driveway and its location was reasonably fixed due to the location of the leaching field. Because the loss of buffer for the driveway was unavoidable, she was far less inclined to lose more buffer in order to accommodate the 4,400 sq.ft. house footprint.

With regards to accessing the lot off of Olmstead Hill Road, Ms. Sesto reminded the Commission of a letter report prepared by ELS and signed by Judith Slayback in association with the previous application for this property. In this report Ms. Slayback characterized the wetland and watercourse at the point of the proposed crossing as low quality and the impact the wetland and watercourse system would be minimal.

Ms. Sesto revisited the house size and location, stating that more should be done to preserve the buffer. She quoted section 10.2.g from the Inland Wetland regulations which direct the Commission to evaluate mitigation with the hierarchy of "avoid, minimize, mitigate".

Mr. Fiteni stated that he had great concerns of the application presented and felt that alternatives were not addressed.

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

Chairman Wong stated that he was not satisfied with the proposal submitted and that no meaningful alternatives were offered to reduce the impacts and reduce the reliance on engineered solutions.

Mr. Ziegler reminded the Commission of the soil and erosion problems that developed on a nearby property and since this site has the same soil type and steeper slopes, caution was warranted.

Chairman Wong MOTIONED to direct staff to draft a denial based on the Commission's discussion, and have this document ready for review at the next scheduled meeting, SECONDED by Joe Fiteni and carried 6-0-0.

F. ADJOURN

Richard Ziegler MOTIONED, to adjourn at 8:05, SECONDED by Phil Verdi and carried 6-0-0.

Respectfully submitted,

Karen Padowicz
Recording Secretary