

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

WILTON INLAND WETLANDS COMMISSION

DATE: January 14, 2010
PLACE: Town Hall Meeting Room A
TIME: 7:30 P.M.

Present: Franklin Wong; Joe Fiteni; Jill Alibrandi; John Hall; Sydney Gordon

Also Present: Patricia Sesto, Director of Environmental Affairs; Attorney Clarissa Cannavino, Gregory & Adams, PC; Kate Throckmorton, Environmental Land Solutions; Cheryl Russ, Glen Gate Company; Andrew Grossman, Landscape Designer; Matthew Maki, Construction Manager; Richard Berghaus; Bruce and Karen Legan

Not Present: Phil Verdi (Noticed of intended absence)

A. CALL TO ORDER

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

B. PUBLIC HEARINGS

- 1. WET#1927(S) – KEENE & WILLIAMS** – four lot conservation subdivision in an upland review area at 388 Sturges Ridge Road – continued.

Patricia Sesto read documents into the record.

Attorney Cannavino submitted and reviewed the revised subdivision plan dated December 10, 2009, showing revisions requested at previous meeting: open space parcel widened; alternate development plan for Lot 4 by Steve Trinkaus of Trinkaus Engineering shows house footprint relocated; planting plan, wetland buffer plan, and rain gardens plan prepared by Environmental Land Solutions. In response to Patricia Sesto's memo of January 13, 2010, Atty. Cannavino stated that the applicant is awaiting engineering calculations and spot

elevations from the engineer and will be submitted at the next meeting; a patio area has been added to the alternate site plan for lot 4; a legend will be added to the plan before the next meeting.

Kate Throckmorton then submitted and reviewed a "Tree Protection and Lawn Limit Plan" which addresses staff comments on the property. The plan depicts the proposed boulder row that defines the limit of lawn, the large trees to be in the protected area, clarifies tree protection measures, and shows that the only trees to be removed are near the common driveway. Regarding Lot 4, the meadow and boulder row are at the silt fence line, and the planting plan is the same due to grade change between the driveway and lawn; the boulder row has been pulled back in the northeast corner.

In regard to the rain gardens, Ms. Throckmorton stated that two detailed planting plans were submitted to show alternatives. The gardens may use any soil that will hold and retain water; the two alternatives allow plant material to be chosen based on personal preference, the existence of sun or shade, etc. The most important factor is the existence of depressions and amended soil that will allow water to pond. The plant materials to be chosen would be specific to the conditions present at the site.

Chairman Wong asked the Commission if there were any questions on these plans. It was agreed that the Commission would need more time to review the new plans.

Commissioner Hall asked Ms. Throckmorton which items in the memo from Ms. Sesto were addressed by her plans and presentation. She reiterated that she touched on items 2, 3, 4, 5, and 6.

Ms. Sesto asked for an explanation of the rationale for the configuration of the yard on Lot 4. Ms. Throckmorton explained that it has to do with the significant grade change on that specific portion of the property.

Ms. Sesto asked why the boulders couldn't be placed to ultimately retain more of the 100-foot buffer in the area of the septic system, and why must the lawn remain as lawn rather than meadow. In other words, why not construct the septic system and allow the meadow to grow back on the sloped portions. This portion of the property does not lend itself for residential uses and lawn within the wetland buffer is undesirable.

Ms. Throckmorton responded that there is an open recreation area off the driveway that provides a good buffer, it has been moved up to 60 feet, which she felt was more substantial and adequate.

Ms. Sesto stated the concern is that lawns come with pollutants. A better buffer would protect the wetland by filtering out the pollutants. She stated that she understood the applicant's desire for balance if usable yard, but didn't understand the logic of including the slope below the leaching field in meeting this desire.

Chairman Wong asked if the grading east of the back-around was pushed out due to the

placement of the parking area.

Ms. Throckmorton responded she would look for a more substantial alternative, but at the current 2-to-1 slope, it would not be feasible to maintain that area off the driveway as lawn. Additionally, a retaining wall to limit the footprint of grading would not be feasible due to the location of the septic system.

Questions regarding the back around placement and configuration ensued. Ms. Throckmorton responded that the engineer, Mr. Trinkaus, could best answer that question.

Commissioner Hall stated that while balance is nice, the fact that Lot 4 is "squeezed" into the subdivision, balance for aesthetic reasons is not as important to the Commission as preserving the buffer.

Chairman Wong requested comments or questions from the public.

Richard Berghaus of 20 Langner Lane is a part owner of the conservation area to the south. He was asked to clarify the location of his property. He addressed the landscape and maintenance agreement for Lot 4, and asked if the agreement is required for all four lots or just Lot #4; is the conservation easement for all the deeds or only for Lot 4; and whether there has been any evaluation of the impact on ground water and neighboring wells.

Atty. Cannavino noted that Mr. Berghaus was present at the last Planning & Zoning meeting addressing this property, and he was invited to review the easements at the Planning and Zoning office. She stated that they are waiting for comments from Assistant Town Counsel on the maintenance agreements, and eventually the agreements would be permanently recorded. She then stated while the engineer was not present, at the last public hearing he did address groundwater issues, and he stated that there would be no impact on groundwater given the upland surface area the water would run over, and then into the wetland, before reaching neighboring properties.

Ms. Sesto invited Mr. Berghaus to come to the Wetlands office to review the site plans, and stated that the Health Department would be a better resource for the question of groundwater. It was also suggested that he might hire an engineer to specifically address that question.

Mr. Berghaus reiterated that he and the other surrounding property owners were concerned about the impact on area feeder streams, as the neighboring properties are downhill from the applicant's property.

With no further questions, Chairman Wong carried WET#1927 to the next scheduled meeting on January 28.

2. WET#1932(S) – HATTENBACH – construct tennis court and pool in a regulated area at 16 Middlebrook Road.

Pat Sesto notified the Commission that the applicant has requested the application be carried over to the next scheduled meeting on January 28, 2010. It was agreed that Ms. Sesto should read the elements of the application into the record.

Ms. Sesto read the documents into the record.

Chairman Wong opened the floor to comments from the public.

Bruce Legan of 21 School Road resides at the property directly behind the applicant's house. He wished to understand the placement of the pool and tennis court, the effect on his view, especially the presence of lights.

Ms. Sesto invited him to visit Town Hall during the week to review the site plans. She also referred Mr. Legan to the Zoning Enforcement Officer for the question of lights.

Site Visit Attendees: Franklin Wong, John Hall, Jill Alibrandi, Syd Gordon.

Chairman Wong carried WET#1932 to the next scheduled meeting on January 28.

3. WET#1933(S) – WOOD – install in-ground swimming pool, cabana and landscaping in a regulated area at 104 Olmstead Hill Road.

Patricia Sesto read the List of Documents into the record.

Site Visit Attendees: Franklin Wong, John Hall, Jill Alibrandi, Syd Gordon.

Cheryl Russ of Glen Gate Company was present to represent the applicant. She introduced Andrew Grossman, the landscape designer, and Matthew Maki, the construction manager.

Ms. Russ submitted a revised drawing showing an expanded grading plan including the retaining wall at the bottom of the property, and discharge pipes.

Ms. Sesto asked Ms. Russ whether the Health Department had yet seen the plans that include the stormtech infiltrators.

Ms. Russ answered that they had not yet, as the number of infiltrators will be determined by the engineer based on the surface runoff calculations.

Ms. Sesto asked Ms. Russ to respond to the comments in her memo of January 14, 2010 and the comments from South Norwalk Electric and Water. She stated the Commission is concerned that there is a large watershed area coming in to the project area, the property has highly erodible soils, and the water volume is more than the design standards of the silt fence, and even a double silt fence can be overwhelmed. She referenced erosion and sedimentation problems experienced with a neighboring property.

Ms. Russ responded that, per Ms. Sesto's recommendation, they have included wing on the

sides of the silt fence and he asked about the feasibility of constructing a trench in front of the silt fences to capture run off sedimentation.

Ms. Sesto pointed out that an effort must be made to divert the runoff from the driveway out and around the project area so that the bottom doesn't get overloaded with all the runoff volume.

Mr. Grossman pointed out that there are a number of dry wells all over the property, an artesian well system, so the runoff will enter the drain, flow under the driveway and out.

Ms. Sesto asked if they were curtain drains, and whether the Health Department was aware of them.

Mr. Grossman responded that they were curtain drains, and the Health Department was aware of them given that Health Department staff was on-site the day the test holes were dug. The Health Department subsequently approved a leach field. He asked for clarification of whether the swimming pool was a Wetland issue and not a Health issue.

Ms. Sesto responded that the swimming pool is a Wetlands issue, but if there are drains in proximity to the leaching field that is something the Health Department needs to know.

Ms. Sesto advised that since the drains are not shown on the plan, it would be risky to assume that the Health Department knew they existed. She stated that the Commission would need both plans revised to show the curtain drains.

The Commission asked what was known about the soils in the area in regard to the infiltrators. No data relating to soil conditions was provided with the application and this information is needed. The applicant was also asked to provide a more definitive plan regarding the number and size of infiltrators.

Mr. Fiteni asked what are the sources of water feeding the infiltrators. He noted that the current drains are not indicated on the plan.

Ms. Russ responded that the drain connections are delineated on the plan and demonstrated the connections to the commissioners. Water would be coming from the roof, the house, the lawn drains, and the pool.

Commissioner Fiteni asked how much fill would be brought in behind the retaining wall.

Ms. Russ responded that they would only be using soils from onsite.

Commissioner Alibrandi asked about the nature of the gazebo/cabana structure.

Mr. Grossman responded that it would be considered a seasonal structure. He explained that the septic pump will pump from the cabana into the main system, and that has been approved by the Health Department. He pointed out that the septic system is demonstrated on the plan

and the leachfield is moving further from the reservoir.

Chairman Wong asked if swales would be put in place to divert flows around the pool.

Ms. Sesto confirmed that they designed as permanent features.

The Commission advised that it would be helpful to have the information more clearly delineated on the plans. He recommended using more consistent, standard lines to distinguish pipes from contour lines, and the plan should show the entire regulated area.

Mr. Grossman asked if there were examples of plans on file showing such standard lines and plan presentation.

The applicant noted that the presentation was their best representation of what was understood to be the regulated area, from the house back, and the septic system was added as part of that approval process. He stated that initially it was not an issue to involve the entire property.

Commissioner Hall stated that at the time of the site visit, the placement of the pool did not seem to alter the property, but it would be helpful to the Commission to know how it will change, what is the flow rate, and runoff absorption. He stated that the most significant issue is the construction phase. The Commission will need a clear understanding of runoff controls, since the entire property is regulated, and suggested that it might be a good idea to mitigate for runoff by creating a vegetated buffer at the reservoir, even if it is not significantly altered.

Mr. Grossman asserted that the applicant would comply with anything the Commission requires. He also stated that he and the builders would like more specific instructions as to runoff mitigation.

The applicant was instructed to follow up with Ms. Sesto's suggestions and review other plans from previous permits at neighboring properties.

Mr. Grossman stated that what he and Ms. Russ presented was above and beyond what was suggested by Mike Conklin of the Environmental Affairs Department.

Ms. Sesto responded that Mr. Conklin's role is to give guidance on an application, not to design a project for the applicant. It is also not the Commission's role to design the applicant's project. The Commission will provide their input once they receive the application. She encouraged Mr. Grossman and the applicant to consult with a certified erosion-sedimentation specialist or an engineer.

Chairman Wong asked the elevation of the pool.

Ms. Russ responded that it is between 76 and 80 feet.

Chairman Wong responded that a revised drawing would help show how the construction [??] will get from the current elevation to the spot elevation.

The Commission asked that a revised drawing show the existing contours, proposed contours, and also drawing identify surface materials and coverage calculations. The Commission also encouraged the applicant's agents to consider the owner's lawn area between the property line and the wetlands setback as a place suitable for buffer enhancement. This land is owned by SNEW, and as indicated in their letter, SNEW would like to see this area improved for the benefit of water quality.

Mr. Grossman stated that he has encouraged the owner to maintain that area as meadow.

The applicant's agents were asked to mark and designate on the plans the area as a "no-mow zone", and to show the vegetation to be present.

Ms. Sesto pointed out that the area between the property line and the reservoir is wooded in places. She suggested the owner work with SNEW to help make their (Tax District's) land healthier and more natural. Since the violations identified by SNEW are not on the applicant's property, the commission cannot require the applicant to do work there. The only recourse the commission has is to issue a Notice of Violation to SNEW and the Woods requiring them to clean up the wooded area. It is up to SNEW to pursue the Woods if SNEW believes they have damaged their property.

Mr. Grossman asked if the next commission meeting would address only the swimming pool.

Ms. Sesto and the commissioners stated that the Commission would address the staff report, the engineer's report, the issue of the curtain drains, the delineation of the watershed draining to the project area and its management, the detail of the plantings, and the practicality of a "no-mow" zone. She said that the Commission needs to understand the intent of the planting plan, and advised that the leeching fields be shown on the erosion and sedimentation control plan. She recommended they submit an integrated plan, rather than separate plans showing different elements of the project.

Chairman Wong asked if there were any questions or comments from the public. There were none.

Chairman Wong carried WET#1933 to the next scheduled meeting on January 28.

4. WET#1934(S) – DRISCOLL – construct addition to existing house and install new septic system in regulated area at 149 Wolf Pit Road.

Site Visit Attendees: Franklin Wong, John Hall, Jill Alibrandi, Syd Gordon.

Pat Sesto read the list of documents into the record.

Kate Throckmorton presented for the applicant. She acknowledged that they had received Ms.

Sesto's memo, and she would have to defer to the engineer for many of the issues raised in the memo. The engineer was not available for the meeting.

Ms. Throckmorton reviewed the mitigation plan. She acknowledged that the information she based her plan on was that the septic system had been approved. The plan consists of moving the driveway, abandoning the existing drain that empties into the pond, replanting, installing the new driveway off Wolfpit Lane, thereby increasing the distance between the pond and driveway and reducing the potential vehicular pollutants. They will replant the old driveway and reduce the lawn area. The new driveway is smaller and roof drains will be redirected into the planting area as opposed to directly discharging to the pond. The septic system is proposed to be moved over 100 feet away from the pond which will help the wetland. The wetland line is not marked on the plan, which she stated the Commission staff agreed was not necessary.

Ms. Throckmorton confirmed that the lawn will drain to the pond. She stated there is a need to coordinate the engineering plan, clarify the bedrooms, and follow-up on the septic system.

Ms. Sesto and commissioners asked that 1. the setbacks be confirmed, 2. if the tank will be located on a hill, and 3. was it sound to place the septic pump chamber under the driveway.

Ms. Throckmorton noted that the setbacks may be due to the fact that the property is in a 1 acre zone, but she will verify compliance. To her knowledge the tank is on a hill, and lastly, she stated that in her experience, it would be fine to have the chamber under the driveway, but the engineer would be best to address that issue.

Ms. Sesto noted that at the site visit there was evidence of the leaching field distribution box being disturbed and effluent was overflowing into the pond. She did speak to the Assistant Town Sanitarian who will visit the site.

Commissioner Wong asked to verify that questions about the septic system should be referred to the engineer.

Ms. Throckmorton affirmed this.

Commissioner Hall asked whether a buffer had been considered vis a vis the lawn area to the pond.

Ms. Throckmorton clarified that there are ferns at the edge of the pond, but she would reconsider the plan with a buffer in mind.

Ms. Sesto mentioned that earlier Wetlands Application #245 did include a planting plan with the proposed addition at that time.

Ms. Throckmorton noted that there was relatively new planting on the site.

Commissioner Wong asked whether the soil will be amended to support a fertile lawn.

Ms. Throckmorton responded that that was the case in regard to the driveway, but the majority of the lawn would probably not change.

Chairman Wong opened the floor for public comment. There was none.

C. APPLICATIONS READY TO BE REVIEWED

None.

D. APPLICATIONS TO BE ACCEPTED –

- 1. WET#1935(I) – ROGINSKI** – “corrective” action to remove debris, restore clearing and grading adjacent to a wetland at 73 Vista Road.
- 2. WET#1940(S) – EVANSON** – demolish existing structures and construct tennis court, putting green, and related structures at 22 Branch Brook Road.
- 3. WET#1941(S) – EVANSON** – demolish existing structures, regrade, and restore existing pond at 320 and 322 Nod Hill Road.

Chairman Wong made a MOTION to add WET#1942 to the agenda for acceptance, SECONDED by Commissioner Alibrandi, and carried 5-0-0.

Chairman Wong MOTIONED to accept WET#1935, WET#1940, WET#1941, and WET#1942, SECONDED by Commissioner Gordon and carried 5-0-0.

E. MINOR ACTIVITIES –

None approved.

Ms. Sesto noted an unusual application submitted to the Commission on January 14, 2010, WET#1942(M) regarding a small proposed addition and relocation of septic tank at 31 Deepwood Road. She reviewed the submitted plans with the Commission, noting that the tank needs to be moved to meet the setbacks of the building as dictated by the Health Code. The proposed tank would be further from the wetland than the existing one. She noted that Town regulations require that the application must be an Intermediate application rather than Minor, since it involves a septic system – however the Commission may waive that requirement. She explained that the leaching fields would not be changed only the location of the tank.

Commissioner Fiteni MOTIONED to allow the relocation of the septic tank at 31 Deepwood Road as a Minor, not an Intermediate, application, SECONDED by Commissioner Hall and

carried 5-0-0.

F. CORRESPONDENCE –

Flyer advertising “Speak Up, Wilton” event to be held January 23, 2010. All were invited to attend

G. OTHER APPROPRIATE BUSINESS –

1. Violations:

Amadeo [73 Vista Road – Notice of Violation]

Papakosmas

Boccarossa

Ms. Sesto stated that the “corrective” action application is in process for 73 Vista Road.

Ms. Sesto reported that two new violations will be cited on Twin Oak Lane.

H. APPROVAL OF MINUTES – December 10.

Commissioner Hall MOTIONED to approve the minutes of December 10, 2009, SECONDED by Commissioner Gordon and carried 5-0-0.

I. ADJOURN

Franklin Wong MOTIONED, to adjourn at 9:23 p.m., SECONDED by Commissioner Gordon and carried 5-0-0.

Respectfully submitted,

Allison McConnell for Karen Padowicz
Recording Secretary