

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

## WILTON INLAND WETLANDS COMMISSION

**DATE:** February 11, 2010  
**PLACE:** Town Hall Meeting Room A  
**TIME:** 7:30 P.M.

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

Also Present: Patricia Sesto, Director of Environmental Affairs; J. Casey Healy, Gregory & Adams; Kate Throckmorton, Environmental Land Solutions; Peter Gaboriault; Holt McChord, McChord Engineering; Krista Willet, Faesy Smith Architects; Martin Schmiedeck, Schmiedeck Construction; Jan and Ira Hirsch; Christopher Frankenhoff; Mr. and Mrs. Roginski

### 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 additional documents into the record.

Atty. J. Casey Healy had submitted a letter dated January 28, granting the Commission an extension to February 11, 2010 in which to conclude the public hearing for this application. Mr. Verdi MOTIONED to extend the public hearing, seconded by Mr. Hall, carried 6-0-0.

Atty. Healy reviewed the applicant's presentation from the commission meeting of January 14, and then summarized the changes subsequently submitted to the commission. In a letter dated January 22, 2010, changes were noted in response to the commissioners' comments:

changes to the patio on Lot 4, the rain gardens were moved, outlet swales were incorporated, and the legend is consistent on all sheets of engineering plans. Changes on the ELS plan included a boulder demarcation of the limit of lawn, and alternate plans dealing with the treatment of the slope off the end of the driveway for lot 4. Changes in response to the Planning & Zoning Commission were submitted in a letter dated February 4, 2010 include: redirection of outlet swales from the rain gardens, trees to be removed are depicted on plan, and a portion of the stone wall at the proposed common driveway entrance is shown to be removed. A note has been added that in the event Lot 1 is redeveloped, a tree protection plan that seeks to protect the streetscape will be submitted to Planning and Zoning staff, and vehicles will be prohibited near tree line of the street trees on Lot 2.

Kate Throckmorton summarized changes to the tree protection and planting plans.

There was discussion of the proposed work on Lot 4. In particular the commissioners asked for clarification on the location of the septic field and the limit of lawn, as well as the replanting plan. Ms. Throckmorton agreed to use a warm season grass mix to repair the meadow on lot 4 following the septic installation.

Mr. Hall noted that at the previous meeting, the neighbors to the southeast of the property had expressed concern about the effect of runoff and septic percolation on their well. Ms. Throckmorton reiterated that the septic feasibility plan has been approved by the Wilton Health Department, and the large conservation area on the east side of the property serves as a buffer.

There was additional discussion about the tree line and pool on Lot 2. Ms. Throckmorton clarified that the drawing shows the line of the tree canopy, and the placement of the pool is just one option for that lot. Ms. Sesto clarified that the trees in question on that lot are outside of the regulated area.

Chairman Wong invited questions or comments from the public. There were none.

Atty. Healy noted that the Planning and Zoning Commission has closed the associated application, and requested that the commission render a decision or consensus of a intended decision tonight, and then have staff report the decision to the Planning Commission.

Chairman Wong closed the public hearing on WET#1927.

The Commission later discussed this application. Ms. Sesto reviewed the planting plan for Lot 4. Commissioner Hall MOTIONED to direct staff to draft an approval incorporating the elements discussed; Commissioner Verdi seconded; carried 6-0-0.

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

Ms. Sesto read the documents into the record.

Peter Gaborieault, builder, summarized the proposed work. The proposed tennis court will mostly fit into area that was determined to be lawn in association with the subdivision application. The applicant is asking to have a swap of lawn area for meadow area to allow the court to fit. The tennis court will have a pervious, Har-Tru surface. The walls that were to be built to delineate the limit of lawn as part of the subdivision approval are still not in place and but Mr. Gaborieault requested that they be allowed to delay the installation until after the other work is complete.

Ms. Sesto noted that the shed and playscape appear to have been installed beyond the approved limit of lawn and without a subsequent wetlands permit. Further, a permit must be sought from the Planning and Zoning Commission for the shed.

Holt McChord reviewed the engineering plans, noting the roof leader will discharge to a dry well and there is an infiltration system to accommodate drainage from the tennis court. He explained the "trade off" of lawn vs. meadow areas, their proximity to the wetland wetland, and pointed out the construction accessway and the placement of the silt fence.

There was discussion of the infiltrators and drywell. Mr. McChord explained that the detention system is a 25 year design, and is based on a paved court, rather than a pervious court. In addition, the tennis court has a separate outlet from the drywell associated with the house.

Mr. Gaborieault noted that the bond for the demarcation walls associated with the subdivision approval is held by the Planning and Zoning Department on behalf of the IWC. He wondered if it were possible to have Planning release the bond, and replace it with a Wetlands bond for an equal amount. The Commission raised several issues. Ms. Sesto noted that it would be possible for the Commission to authorize a bond release from P&Z, and then supersede it with a Wetlands bond associated with this application.

Mr. Gaborieault requested a delay on the deadline for building the walls, at least through the summer.

Chairman Wong requested that they stake the placement of the walls and mark it on the plans, to clarify their location in relation to the house.

Ms. Sesto summarized that the issues that need resolution are the shed, the bond, the placement of the walls, and staking the limit of lawn for the growing season.

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

Chairman Wong invited questions or comments from the public. There were none.

Chairman Wong closed the public hearing on WET#1932.

The Commission later discussed this application. Ms. Sesto noted that the shed must shown on the plans and relocated within the previously approved limit of lawn. She noted that the bond may be swapped from the subdivision approval to this application, that the lawn be

delineated lawn by a date particular. She also noted that the applicant should be required to install temporary markings at the limit of lawn for the growing season.

Commissioner Verdi MOTIONED to approve the application WET#1932 with the Commissions General and standard Special Conditions and the additional Special Conditions as outlined by Ms. Sesto; Commissioner Alibrandi SECONDED; carried 6-0-0.

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

Cheryl Russ of Glen Gate Company submitted a letter dated February 9, 2010, requesting a 65-day extension of the public hearing to present additional materials. Mr. Hall MOTIONED to grant the extension, Ms. Alibrandi seconded, passed 6-0-0.

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 February 25.

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

Ms. Sesto noted that she had been in contact with the applicant's agent, who is conducting further septic testing and indicated that they would be requesting an extension. A written request was not yet received at the time of the Commission meeting.

Mr. Hall MOTIONED to extend the public hearing to February 25, and Mr. Gordon SECONDED, carried 6-0-0.

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

**5. WET#1940(S) – EVANSON** – demolish existing structures and construct tennis court, putting green, and related structures at 22 Branch Brook Road, AND **WET#1941(S) – EVANSON** – demolish existing structures, regrade, and restore existing pond 320 & 322 Nod Hill Road.

Chairman Wong noted that WET#1940 and WET#1941 are connected and for the purposes of presentation and questions could be treated as one application. The Commission sought the approval of the applicant's agent, Krista Willet, who was present, and she did not object.

Ms. Sesto read the List of Documents into the record for both applications.

Mr. McChord reviewed the proposed work included in each application.

Chairman Wong asked for clarification on the treatment of the 3 separate lots. Mr. McChord stated that the plans have been designed as though they are three separate lots, although they will be utilized as though they are merged. The future status of the lots is to be determined.

Kate Throckmorton presented the mitigation planting plans as submitted with the applications. She also submitted a revision to the 22 Branchbrook Road plan, involving the removal of one additional tree to increase sun exposure by the swimming pool on 322 Nod Hill Road, and the installation of a narrow stream to the water feature pools parallel to the footpath.

There was discussion of the pond dredging at 320 and 322 Nod Hill Road, including the maintenance of healthy trees and plants and plans for invasive species removal. Ms. Sesto noted the Commission's concerns about the trees with roots below the waterline on the eastern side of the pond and the loss of some button. Ms. Throckmorton responded that there may be some disturbance to the trees, but the intent is to preserve the trees and remove the Phragmites, utilizing handwork if necessary. She noted that in ELS's recent work on ponds, they have held pre-work and post-commencement meetings to monitor the progression of the dredging.

The dredging access point on the central peninsular-area of the pond was questioned. Ms. Sesto noted that that location was the best option, and would create the least disturbance.

Mr. Hall asked how the limit of the dredging, to recreate the "pre-existing" pond, could be determined. Ms. Throckmorton explained that there is a distinct edge to the pond, and the plant transition is clear.

Mr. Wong asked about the timeline of the dredging. Ms. Throckmorton stated that the work would take approximately 3 to 4 weeks, depending on the time of year and the weather.

Mr. Hall asked about the equipment to be used. Ms. Throckmorton explained that an excavator would be used within the pond itself, and then a landscaper would be employed to finish the work and do any handwork necessary.

There was a discussion of the landscaping and mitigation planting proposed for the lot on Nod Hill Road. Ms. Throckmorton explained that the plan is to reseed the lawn, and maintain the retaining wall at the wetland edge. The retaining wall would filter runoff before it reaches the pond; no additional plantings are planned. Mr. Fiteni expressed his concern that the lot is being regraded, and it seems that runoff would be flowing straight from the road into the pond. Mr. McChord pointed out that there is a rise in the lot parallel to the road, so the runoff would be coming from the lot itself. Ms. Sesto suggested that they consider putting additional plantings on the knoll as an additional buffer.

The changes to the driveway were discussed next. The proposed driveway configuration was questioned. Mr. McChord explained that the current driveway exiting onto Nod Hill Road has very

poor sightlines. Additionally, the applicant's desire is to have a separate "identity" for their address. The curb cut will be moved in association with the reconfigured driveway, which they understand must be approved by the Board of Selectman since Nod Hill Road is a designated Scenic Road. It is also proposed to move the stone wall back from the road, which would also assist in improving the sightlines. The driveway loop would be composed of oil and stone, the common driveway is gravel, and the end of the neighboring driveway to the road is paved. Ms. Sesto asked if there was an alternate pervious material possible for the proposed paved section.

There was additional discussion about the drainage from the driveway. Mr. McChord noted that the drainage would be a straight flow over the lawn area. Chairman Wong expressed his concern about the flow from the driveway. Ms. Sesto asked if it would be feasible to move the driveway loop further away from the wetland. Mr. McChord noted that the current proposed driveway would join the common driveway at the point where the parking area for the existing house is located. Ms. Sesto responded that we should strive not to repeat the mistakes of the past.

Ms. Sesto read the memo from Town Engineer Mike Ahearn into the record.

Chairman Wong invited questions or comments from the commissioners.

Mr. Fiteni expressed his concern about the lack of protection for the west end of the pond.

Mr. Hall commented that the proposed work seems to be a general improvement to the natural aspects of the properties, although it does seem strange to leave the lot on Nod Hill Road as a lawn.

There was a discussion about the reserve septic field on 22 Branch Brook Road; the septic line must traverse the wetland to connect the viewing cottage with the leaching field. Mr. McChord explained that the proposed placement is the best option, according to the septic testing. He noted that the reserve system may not be necessary in the long run, as the current system is much larger than what would be needed to serve the cottage. He explained that at this time, all that is planned is to install a septic sleeve, a 4-inch pipe, capped at both ends, leading from the current septic toward the proposed reserve location.

It was discussed whether a septic system would be feasible under the tennis court. Mr. McChord explained that the best condition is previously undisturbed soil and since the court is proposed over the old house location, the soil is not suitable. In general terms, he noted it may be feasible to place a septic system under an impervious, paved court.

Chairman Wong invited questions or comments from the public.

Ms. Jan Hirsch and Mr. Ira Hirsch of 20 Branch Brook Road asked about the work to be done on the pond, and whether there were setbacks which would limit the amount of disturbance to their

neighboring property. They were also concerned about the proximity of their well to the work. Mr. McChord clarified that the only work to be done on the pond would be on the eastern side of the pond, not within close proximity of their property.

Mr. Chris Frankenhoff of 314 Nod Hill Road summarized the recent history of the property at 320 Nod Hill Road. He bought his lot in 1984. When the Wilton Post Office was built, the fill was brought to the lot at 320 Nod Hill Road, and at that time it overflowed the silt fence at the wetland. He also noted that the culvert off Nod Hill Road has since filled with sand and has not been cleaned or maintained by the Town. He wished to know what would be done to re-grade the property to its original grade; how the proposed work would affect his well and septic system; and how will the pond be maintained.

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

Chairman Wong continued WET1940 and WET1941.

### III. APPLICATIONS READY TO BE REVIEWED

#### A. **WET#1935(I) – ROGINSKI** – “corrective” action to remove debris, restore clearing and grading adjacent to a wetland at 73 Vista Road.

Ms. Sesto presented photos of the property that were taken recently. Mr. and Mrs. Roginski explained the work that they had done on the property and that they were unaware that a permit was needed to reconfigure their driveway. Ms. Sesto noted that aerial photos show that the limit of lawn has been extended behind the rebuild barn and the expansion of lawn was the primary concern.

There was conflicting views as to what conditions were observed by staff and what work the property owners claim to have done on the site.

Ms. Sesto recommended that Mr. and Mrs. Roginski come into the office to meet with staff to clarify what has already occurred and what is required in a regulated area.

Chairman Wong requested a site visit be scheduled for the commission.

#### B. **WET#1939(I) – AMADEO** – “corrective” action to implement a sedimentation and erosion control plan at 101 Silver Spring Road.

Ms. Throckmorton reviewed the site monitoring that she has been doing at the property. She explained that although there is a wetland adjacent to the property, the original proposed work did not require a permit because all work was more than 100 feet away. When erosion was not controlled and sediment was discharged to a watercourse, the activities became regulated. Currently, there is sediment flowing off the site during every rain event. The

Notice of Violation issued requires a comprehensive, proactive plan for erosion control. Ms. Throckmorton described the engineering drawing. She has visited the site every other week since December for monitoring. She noted that the erosion control plan has not been entirely successful, although she has seen some progress.

Ms. Throckmorton submitted an updated construction sequence and reviewed the updated erosion control plan including additional silt fencing, mulch, sedimentation basin, and storm galleries. She noted that substantial improvement has been seen in controlling runoff off the driveway, and some improvement to control the runoff of the clay soil in the upland portion of the site.

Mr. Fiteni asked for clarification of the use of straw wattles on the driveway, questioning how this could be practical on an active site. Mr. Schmiedeck confirmed that they will be put in place before each rain event.

Chairman Wong noted that at the last rain event, he observed that cloudy water was entering the regulated area, and it seemed that all of the erosion control systems were overwhelmed. Ms. Throckmorton replied that she would re-evaluate the system. She noted that the primary concern of the plan is to control the clay material, and progressively create a filtering system building up from the road to the western property boundary.

Ms. Sesto asked if there was a way to direct the water out around the construction area. Ms. Throckmorton replied that most of the runoff is coming from the area directly behind the house within the construction area.

Ms. Sesto asked how the septic and infiltration system were being impacted by construction traffic. Ms. Throckmorton replied that the system has been approved by Jennifer Zbell of Wilton Health Department, but said that she would request Ms. Zbell review it again.

Ms. Throckmorton noted that the response to the site conditions is dynamic and cannot be definitively represented on a plan, however she can revise the plan as the Commission wishes.

Ms. Sesto and Chairman Wong discussed that the site monitoring and how erosion management will continue and evolve. Ms. Sesto noted that the permit should be structured to allow for evolution and continue to meet the conditions on the site, and to expect the applicant to continue to respond to site conditions.

Chairman Wong invited comments or questions from the public.

Mr. Fiteni noted that the permit should be drafted with language to the effect of "to be updated as conditions warrant."



Chairman Wong MOTIONED to have Commission staff draft an approval for WET#1939 with the General and normal Special Conditions and additional Special Conditions as discussed; Mr. Fiteni seconded; carried 6-0-0.

IV. APPLICATIONS TO BE ACCEPTED –

Commissioner Verdi made a MOTION to accept WET#1944, seconded by Commissioner Hall and carried 6-0-0.

V. MINOR ACTIVITIES –

A. **WET#1938(M) – LETHBRIDGE** - installation of an aboveground propane tank and installation of a generator at 255 Katydid Lane.

B. **WET#1943(M) – KAINE** – installation of an in-ground swimming pool and proposed site grading 65 feet from a wetland at 121 Linden Tree Road.

Ms. Sesto reviewed the applications.

VI. CORRESPONDENCE –

Ms. Sesto circulated several flyers about upcoming conferences.

VII. OTHER APPROPRIATE BUSINESS –

a. Violations:

1. **KELLY** – 11 Blue Ridge Lane

Ms. Sesto described the violation and indicated that she has met with Mr. Kelly, and he will be submitting a permit application.

2. **WISDOM** – 19 Blue Ridge Lane

Ms. Sesto explained that a new septic system was installed at the time of purchase; the owners have since pushed the associated grade out into the wetland. A permit application was required in the Notice of Violation.

3. **PAPAKOSMAS** - 105 Twin Oaks Lane

Ms. Sesto noted that no response has yet been received from the property owner.

4. **BOCCAROSSA** - 107 Twin Oaks Lane

Ms. Sesto noted that no response has yet been received from the property owner.

**b.** Bonds:

1. **WET#1301 – ANSPACH** – 33 Middlebrook Farm Road

The Commission discussed the application. The bond is not entirely eligible for release, as the plantings have not survived. The portion of the bond related to the stone wall is eligible for release.

Chairman Wong MOTIONED to release the portion of the bond relating to the stone wall; Commissioner Verdi seconded; passed 6-0-0.

2. **WET#1374 – DUBOIS** – 14 Bittersweet Trail

The Commission discussed the history of the application. Ms. Sesto noted that the house has sold twice since the original application and the associated bond were submitted. The bond is not eligible for release because the plantings have not survived. Ms. Sesto explained that the new homeowners are also responsible for the permit and its conditions upon taking ownership of the property. She will draft a letter to the Dubois and the new owners for Chairman Wong's review and signature.

3. **WET#1719 – PELLATON** – 114 Thunder Lake Road

Mr. Pellaton sent a letter to the Commission requesting the release of the bond for WET#1719. Ms. Sesto noted that she and Chairman Wong discussed this application in the interim from the last commission meeting. A hardship was created for Mr. Pellaton when the last meeting was cancelled and Chairman Wong, noting that 80 percent of the plantings have survived, authorized the bond's release.

To formalize this authorization, Chairman Wong MOTIONED to release the bond; Commissioner Verdi seconded and the Motion carried 6-0-0.

VIII. APPROVAL OF MINUTES – January 14, 2010.

Commissioner Alibrandi MOTIONED to approve the minutes of January 14, 2010, seconded by Chairman Wong and carried 5-0-1; Commissioner Verdi abstained.

IX. ADJOURN

Chairman Franklin Wong MOTIONED to adjourn at 10:00 p.m., SECONDED by Commissioner Hall and carried 6-0-0.

Respectfully submitted,

Allison McConnell for Karen Padowicz  
Recording Secretary

DRAFT