

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



TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

August 17, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hermann & Candice Behrens
220 Nod Hill Road
Wilton, CT 06897

Subject: Wetlands Permit Application #**2654 - BEHRENS**
220 Nod Hill Road, Wilton, CT, Map#78 Lot#11-4

Dear Mr. and Mrs. Behrens:

The Inland Wetlands Commission of the Town of Wilton has **GRANTED** your application to conduct significant "regulated activities" within the Town of Wilton. Your attention is directed to the enclosed Resolution #0721-57 WET. It contains a description of the permitted work and the terms and conditions attached. Please review it carefully. Your work must conform to your permit. This permit is valid for five years. Refer to General Condition #2 for additional information. The Director of Environmental Affairs must be notified 24 hours prior to commencing on-site work.

If you have not already done so, you should contact the State of Connecticut, Department of Energy and Environmental Protection, Bureau of Water Management, to determine the requirement, if any, for State authorization. If your project involves filling of, or discharge to, Federally regulated wetlands or watercourses, you should contact the U.S. Army Corps of Engineers in Waltham, Massachusetts.

For your records, a copy of the Legal Notice of the Commission's decision is enclosed. If you have any questions or comments regarding your permit, please contact this office. Thank you for your cooperation in protecting the valuable natural resources of the Town of Wilton.

Sincerely,

Nick Lee
Chairman

Encl. Resolution #0721-57 WET
General Conditions
Legal Notice of Publication

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Resolution#0721-57WET
Permit WET#2654
August 17, 2021

Upon Public Hearing, duly noticed and held and upon MOTION duly made, seconded, and carried, the following decision was made:

RESOLVED:

that Wetlands Application #2654 to conduct "Significant Regulated Activities," as defined by Section 2.1.x of the Wilton Wetlands and Watercourses Regulations be granted to Hermann and Candice Behrens for "corrective action" to address unpermitted clearing of trees within a regulated area at 220 Nod Hill Road, Wilton, CT (Assessor's Map #78, Lot #11-4) as described in documents entitled:

1. Cease & Desist Order, dated June 30, 2020
2. Legal Notice for Show Cause Hearing, dated June 30, 2020
3. Email from Alan Huth of SNEW, dated July 2, 2020
4. Letter from SNEW, dated July 2, 2020, signed by Alan Huth
5. Email correspondence between property owners and staff, dated July 6, 2020
6. Email from property owners to staff, dated July 8, 2020
7. Letter from Hermann & Candice Behrens, undated
8. Email to Commissioners, dated July 8, 2020
9. Email to SNEW, dated July 8, 2020
10. Survey Map, dated July 21, 1977, prepared by Ryan & Faulds, signed by Donald Badue, LS
11. Application for a Significant Regulated Activity with supporting documentation, dated September 10, 2020, signed by the property owner
12. Project Narrative, undated, unknown preparer
13. Site Soil Investigation, dated August 28, 2020, prepared by Pfizer-Jahnig, signed by Mary Jaehnig
14. Watershed Map, dated August 2020, prepared by Environmental Land Solutions, LLC
15. Wetland Buffer Planting Plan WP.1, dated September 4, 2020, prepared by Environmental Land Solutions, LLC, signed and sealed by Kate Throckmorton, LA, CT Lic#635
16. Email correspondence between Owner and Staff, dated September 14, 2020
17. Property Survey & Topographic Survey, dated August 27, 2020, prepared by Ryan & Faulds, signed by Douglas Faulds
18. Legal Notice for Public Hearing, dated October 29, 2020
19. Memo from Conservation Commission, dated November 5, 2020
20. Email to Commissioners from Staff, dated November 5, 2020
21. Email to Owners and Agent from Staff, dated November 5, 2020
22. Email to Staff from Owner, dated November 9, 2020

23. Memorandum to Commission, dated November 9, 2020, prepared by Hermann & Candice Behrens
24. Email from Staff to Commissioners, dated November 9, 2020
25. Email from SNEW, dated November 10, 2020
26. Letter from SNEW, dated November 10, 2020
27. Plot Plan, dated July 25, 2011, prepared by Riordin Land Surveying (WLR Map#5713)
28. Email from Staff to Owners, dated November 10, 2020
29. Email from Staff to Commissioners, dated November 10, 2020
30. Email from Owner to Staff, dated November 12, 2020
31. Letter from Owners, dated November 11, 2020
32. Email from Owners, dated November 12, 2020
33. Email to SNEW from Staff, dated November 12, 2020
34. Email from Staff to Commissioners, dated November 12, 2020
35. Email from Staff to Commissioners, dated November 12, 2020
36. Email from Owner to Staff, dated November 13, 2020
37. Email from Staff to Commissioners, dated November 12, 2020
38. Email from Staff to SNEW, dated November 12, 2020
39. Legal Notice for Public Hearing, dated November 25, 2020
40. Email correspondence from Owner's Attorney, dated December 8, 2020
41. Email from Staff to Owner's Attorney, dated January 11, 2021
42. Email correspondence between Owner's Attorney and Staff, dated January 13, 2021
43. Letter from Maslan Associates, P.C., dated January 12, 2021, signed by Robert Maslan
44. Email from Owner to Staff, dated January 13, 2021
45. Email correspondence between Property Owner and Staff, dated January 15, 2021
46. Email from Kate Throckmorton, dated February 8, 2021
47. Project Narrative, dated February 8, 2021, prepared by Environmental Land Solutions, signed by Kate Throckmorton
48. Wetland Buffer Planting Plan, dated September 4, 2020, last revised February 8, 2021, prepared by Environmental Land Solutions, unsigned
49. Tree Removal Exhibit 2016, dated February 8, 2021, prepared by Environmental Land Solutions
50. Email from Staff to Commissioners, dated February 8, 2021
51. Revised Application Form, dated February 5, 2021, signed by the Owner
52. Permit Fee Payment Letter, dated February 5, 2021, prepared by Hermann & Candice Behrens
53. Email from Staff to Owners, dated February 10, 2021
54. Transmittal, dated February 11, 2021, prepared by Environmental Land Solutions
55. Email correspondence between Agent, Owner and Staff, dated February 12, 2021
56. Email correspondence between Property Owner and Staff, dated February 17, 2021
57. Narrative Supplement, dated February 22, 2021, prepared by Environmental Land Solutions, signed by Kate Throckmorton
58. Email from Kara Murphy, Counsel for SNEW, dated February 25, 2021
59. Letter from SNEW, dated February 25, 2021, signed by Alan Huth
60. Email to Commissioners from Staff, dated February 26, 2021
61. Email correspondence between Owner and Staff, dated March 3, 2021
62. Letter from Thune Associates Consulting Engineers, dated March 2, 2021
63. Email from Staff to Commissioners, dated March 3, 2021

Resolution#0721-57WET
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August 17, 2021

64. Location Map, undated, unknown preparer
65. Referral memo to Dept. of Public Works, Health, and Conservation, dated March 4, 2021
66. Email from Agent to Staff, dated March 4, 2021
67. Transmittal, dated March 4, 2021, prepared by Environmental Land Solutions, LLC
68. Supplemental Letter, dated March 4, 2021, prepared by Environmental Land Solutions, LLC, signed by Kate Throckmorton
69. Email from Staff to Commissioners, dated March 8, 2021
70. Memo from Dept. of Public Works, dated March 9, 2021
71. Email from Staff to Commissioners, dated March 9, 2021
72. Email from Staff to Owner and Agent, dated March 9, 2021
73. Email from Owner to Staff, dated May 27, 2021
74. Email from SNEW Attorney, dated June 9, 2021
75. Letter from Tierney, Zullo, Flaherty and Murphy, P.C., dated June 9, 2021, signed by Kara Murphy
76. Email from Staff to Commissioners, dated June 9, 2021
77. Email from Kara Murphy, dated June 17, 2021
78. Letter from Tierney, Zullo, Flaherty and Murphy, dated June 17, 2021, signed by Kara Murphy
79. Letter from Conwood Foresters, Inc., undated
80. Email from Staff to Commissioners, dated June 21, 2021
81. Email from Agent, dated June 23, 2021
82. Letter from Environmental Land Solutions, dated June 23, 2021, signed by Kate Throckmorton
83. Photo, dated December 16, 2018, unknown preparer
84. Email from Staff to Commissioners, dated June 23, 2021
85. Email from Owner, dated June 23, 2021
86. Response to Timber Trespass Report, dated June 23, 2021, prepared by Hermann and Candice Behrens
87. Email from Staff to Commissioners, dated June 23, 2021
88. Email from Staff to Agent, dated June 23, 2021
89. Transmittal Sheet, dated June 23, 2021, prepared by Environmental Land Solutions
90. Referral Memo to Dept. of Public Works, Health and Conservation, dated June 24, 2021
91. Email from Agent to Staff, dated July 2, 2021
92. Wetland Buffer Planting Plan, dated September 4, 2020, last revised July 2, 2021, prepared by Environmental Land Solutions, signed and sealed by Kate Throckmorton, LA, CT Lic#635
93. Email from Staff to Commissioners, dated July 6, 2021
94. Transmittal Sheet, dated July 8, 2021, prepared by Environmental Land Solutions
95. Email correspondence between Staff and Owners, dated July 9, 2021
96. Email from Casey Cordes of SNEW, dated July 12, 2021
97. Letter from SNEW, dated July 12, 2021, signed by Casey Cordes

The permit is subject to the attached General Conditions with the following General and normal Special Conditions:

1. Prior to the commencement of any on-site permit related activity, the applicant shall submit an estimate for the cost of the planting plan and the erosion and sedimentation control plan for approval by this commission or its staff for the purpose of determining a bond amount.
2. Prior to the commencement of any on-site permit related activity, the applicant shall post a bond in a form and an amount acceptable to this commission and town counsel. The portion of the bond attributed to the planting plan shall be eligible for release at the end of the second full growing season after the planting plan is fully implemented. In the event the applicant fails to properly implement and maintain the planting plan or, the erosion and sedimentation control plan, the Town reserves the right to use the bonded funds to correct such deficiencies.
3. Prior to the commencement of any on-site permit related activity, the applicant shall submit photo documentation of the site. The photos shall be both wide angle and close up shots. They shall be labeled and cross referenced on a site plan.

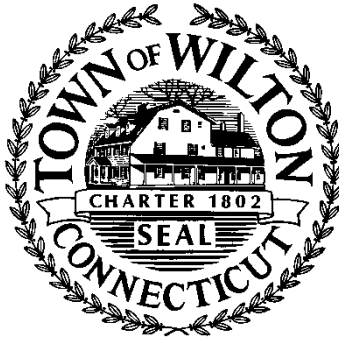
END

Res#0721-57 WET

GENERAL CONDITIONS**IN THE ISSUANCE OF ALL WILTON INLAND WETLANDS COMMISSION PERMITS**

1. The permittee shall notify the Director of Environmental Affairs 24 hours prior to the commencement of work and upon its completion.
2. If the authorized activity is not completed on or before 8/17/26 said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.
3. No equipment or material including fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
4. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.
5. Prior to commencement of any construction, including road, accessways, drainage systems, and lots, each and every general contractor and subcontractor employed by the applicant or subsequent purchaser shall execute a document in the form annexed indicating that the contractor or subcontractor has fully familiarized itself with and understands the Wilton Inland Wetlands and Water Courses Regulations as they apply to its project, and with the terms of the permitted activity, including the general and special conditions which may pertain.
6. The permittee shall employ best management practices, consistent with the terms and conditions of this permit, to control storm water discharges, to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Director of Environmental Affairs. The permittee shall immediately inform the Commission of any problems involving wetlands or watercourses which develop during the course of, or which are caused by, the authorized work.
7. In evaluating this application, the Commission has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.
8. Nothing in this permit shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Wilton, State of Connecticut and the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.
9. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Wilton, conveys no property rights in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state and local activity affected hereby.
10. This authorization is not transferable without the written consent of the Wilton Inland Wetlands Commission.
11. Where applicable, the oil tank shall be above ground or in the basement of the dwelling.

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CONTRACTOR AGREEMENT

RESOLUTION NUMBER: 0721-57WET

WETLANDS PERMIT NUMBER: #2654

As a contractor/subcontractor engaged by _____ to perform the regulated activities described in Wilton Inland Wetlands Commission Permit referenced above, I am familiar with the applicable State and Town of Wilton Inland Wetlands and Water Courses Regulations and the Permit, and will comply with all the conditions therein.

Work will commence on or about _____ and will be completed within _____ weeks.

Name: _____

Address: _____

Telephone: _____

Signature

Date Signed

MAIL TO: Wilton Inland Wetlands Commission
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LEGAL NOTICE - PUBLISH ONCE

The Wilton Inland Wetlands Commission took the following ACTION on July 15, 2021

GRANTED with conditions, Wetlands Application **WET#2654 - BEHRENS** – “corrective action” to address unpermitted clearing of trees within a regulated area at 220 Nod Hill Road, Wilton, CT (Assessor's Map #78, Lot #11-4).

The full record of the Commission's action is available for public review at its offices in the Town Hall Annex at 238 Danbury Road, Wilton, CT.

Dated this 17th day of August, 2021 at Wilton, CT

Publish in WILTON BULLETIN August 26, 2021

Claudia Avallone
Secretary