

Hermann and Candice Behrens
220 Nod Hill Rd
Wilton
CT
06897

Ms. Elizabeth Craig, Chair Wilton Inland Wetlands Commission
c/o Mr. Mike Conklin, Director of Environmental Affairs
Town of Wilton, Town Annex 23 8 Danbury Road Wilton, CT 06897

RE: Show Cause Hearing for 220 Nod Hill Road on July 9th 2020

Dear Chairwoman Craig, Mr. Conklin, and Members of the Commission:

This document is intended to share information ahead of the hearing at 7pm on Wednesday 9 July 2020.

Candice and I were shocked to receive the Cease and Desist Notice from the Inland Wetlands commission. We regret not gaining the necessary permissions required by the Wilton Inland Wetlands Commission, the requirement of which we were completely unaware.

We chose to buy our first home in the US in Wilton for the exact reasons the Wetlands and Environmental Commission exists, because we love the nature and community here. We respect nature and the environment and would never intentionally do anything to harm it. In fact, we have never used pesticides or herbicides on our property or sprayed for mosquitos out of concern for the water, instead resorting to the manual removal of weeds, albeit far more laborious.

As mentioned, we were unaware of the need to get permission to landscape our land. We had called the town when considering purchasing the property to enquire whether the land was a Wetland and were told that it had not been listed as such. We were not informed of restrictions over our property by the previous owners, either parties' realtor, or our contractor.

We moved into our new home in August 2018 and through the course of 2019 became increasingly concerned with the lack of a safe and visible play area on our property, especially for my then 8-year-old son who has Aspergers, is on the Autism spectrum and derives great benefit from playing outdoors.

Our property is surrounded by forest on all sides. At the time the back yard was unusable and almost impenetrable as it was densely covered with thorny invader plants such as Multiflora Rose, Japanese Barberry, Wineberry and prolific Poison Ivy and ticks (see image below)



In 2019, we witnessed a number of trees that had either rotted and/or fallen on our property (see image below), so we hired a tree expert who evaluated and marked the trees that he believed to pose a danger, in particular trees that were significantly leaning and others that were dead or compromised by insect invasion. We proceeded to commission him to fell the trees and while on the property, had him fell additional trees with a view to creating an open and safe play area for our 3 children. We took precautions to stay clear of what we understood the SNEW area to be (there are no boundaries marked). (Note: There are one or two very old stumps in that area dating back to the period prior to our owning the property).



Once the trees were cut, we employed a contractor to clean the area. We were advised that we should place a silting cloth across the area in case there was any erosion during the clearing work and in advance of us planting grass to secure the soil. We duly secured the silting cloth and have maintained it in place to date, as a precautionary measure and until such time as the lawn has become fully established.

We then immediately (same day) planted tall fescue grass (deep roots) combined with a fast-growing grass to ensure we secured the land and soil as quickly as possible. The silting cloth shows almost zero silt pressure despite substantial rainstorms in June. (See image below)





To ensure that we are compliant in the future with Inland Commission regulated area requirements we have located the Inland Wetlands and Watercourse Regulations, Section 2.1.z. clause aa. 3 “All slopes or portions thereof, with a grade in excess of 20% within 100 feet of a wetland or within 100 feet from a watercourse. This regulated area includes all land measuring from the toe of the slope to the point on the slope where the grade drops to 10% or less for a distance of at least fifty (50) feet,” but are unsure as to what constitutes the regulated area for our property, as we are unclear on the slope of the land as it varies significantly on the vertical and the horizontal lines.

We have approached Rapp Land Surveyors to get a quote to survey the land so that we have the information on its topography. This understanding will help us work with the commission and to ensure compliance going forward.

We apologize for any shortcomings on our part and look forward to working with you to ensure that the environment continues to thrive in Wilton.

Yours sincerely,
Hermann and Candice Behrens