

Hermann and Candice Behrens
220 Nod Hill Rd
Wilton
CT
06897

11 November 2020

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: Response to the SNEW Comments for Public Hearing dated 10 November 2020

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

We have read the document provided by SNEW and would like to provide our response to a number of points and inaccuracies that have been listed.

1. As late as 11/9/20, the applicants continue to amend the application.

We have not made any amendments to the application as late as 11/9/20 or following its posting on the Commission website.

2a. Historic boundary evidence was further confirmed in a SNEW phone call with Doug Faulds, the surveyor of record for this application, who can recall his firm setting the monuments and confirming their presence during re-surveys as recently as a year or two before the Behrens' purchased this property.

I contacted Doug Faulds regarding the above claim. His response by email (dated 11 November 2020, a copy of which has been forward to Mike Conklin) is as follows -

"We did not perform any survey on this property in 2016/2017. Our earlier survey was conducted in 1977 for the builder when the house was constructed.

Prior survey conducted for the Kauffelds in 2011 by Michael Riordan."

2b. "No Trespassing" signs still hanging from trees along the property line.

There are no **No Trespassing** signs between our property and that of SNEW. We have subsequently located a sign on our neighbors' property that is not visible from ours.

2c. We further highlight the false allegation made by SNEW in their Summons dated 11 August 2020 which reads, "He and/or his agents and/or employees, operating under his direction and control, negligently damaged a chain link fence owned by the plaintiff in order to gain access to the Plaintiff's protected lands."

No such link fence exists between our property. This claim is false and not valid.

Point 2 summary:

We respectfully reaffirm that the property line between the SNEW property and ours was not physically demarcated during the time of our occupation. There was no evidence of monuments or any other form of demarcation on the property. Any boundary markers now on the property are as a result of the recent survey we have conducted as a result of these proceedings.

3.a The Behrens' unauthorized site work occurred primarily on a hillside with slopes over 40%.

I have asked Environment Land Solutions (ELS) to review the Topographic Survey delivered by Ryan and Faulds and to provide feedback on the slope. They have responded as follows: "We averaged several areas, which are in the 28-32% range".

3b. Judging from the full silt fence at the bottom of the slope, soil has eroded from the Behrens' property, and moved onto SNEW property.

I have enclosed 2 pictures taken of the silt fence for your reference, one taken on July 6 for our original response and the other taken on 11 November 2020.

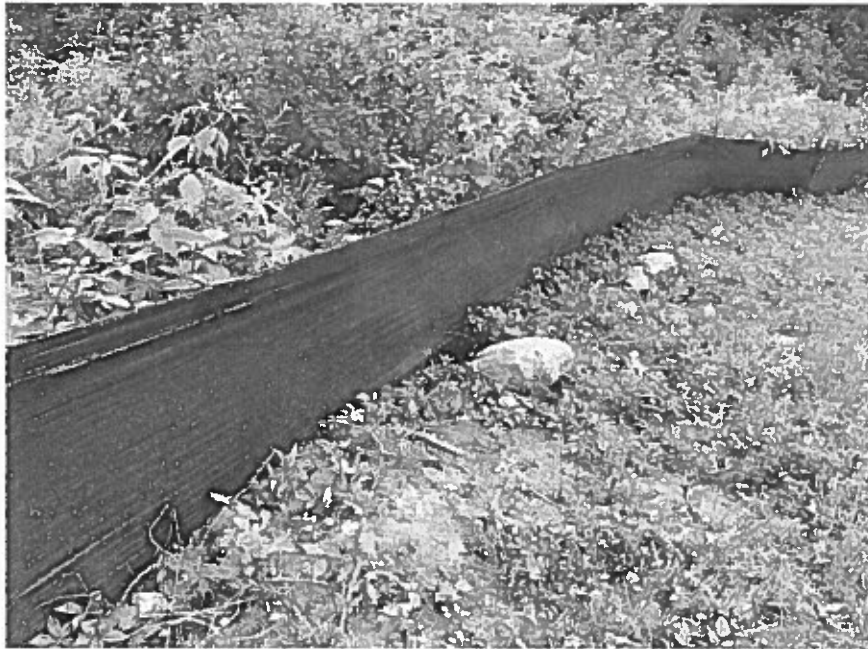


Photo taken on 6 July 2020



Photo taken on 11 November 2020

The silt fence has been in place for 7 months, and there is very limited silting. There is however expected wear and tear caused by extended use and exposure to the weather including Hurricane Isaias in August.

We appreciate your reviewing this response document and we commit to work in an open and collaborative way with the commission. We request that other parties do the same, ensuring statements are accurate and productive to optimize the proceedings and allow the parties to come to a mutually acceptable solution.

Yours Sincerely,
Hermann & Candice Behrens