

Inlands Wetlands Commission
Old Driftway/0 Mountain Rd
Checklist of Conditions Ordered by the IWC.
6 February 2024
Presented by
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2 Indian Hill Road
Wilton, CT 06897

Approval of Developer's application has been made conditional by Wilton's Inland Wetlands Commission.

If these conditions have not been met, shouldn't this application be considered defective? Shouldn't IWC deny with prejudice this application?

- 1) **Title Search:** How can this be an intelligent review without a title search? Why hasn't the Developer presented one from his original purchase? For this application? IWC's Staff Report of 12 September 2023: **"Failure to produce the written permission could result in the Commission denying a portion or all of the application."** The neighboring families assert that Old Driftway doesn't exist as a right of way for the developer. The families assert that the developer will have to pave his road across the families' properties.

Absent a clear declaration of property ownership, isn't developer's application defective?

- 2) **Town Engineer's** report of 12 September 2023:

- a) **"...the proposed construction of the driveway...is not feasible without obtaining temporary construction easements, as well as permanent grading easements for the neighboring properties."**
- b) **"With adjacent owners permission, locate trees adjacent to right of way and have a tree professional review proposed activity and its potential effects on the trees."**
- c) **"The stormwater runoff from the lower portion of the proposed driveway must be captured and attenuated. There shall be no increase in runoff to Mountain Road and/or other neighboring properties for the proposed condition."**
- d) **"Discharge pipe shall not drain to the surface and potentially flow into the roadway or onto neighboring properties. Engineer to evaluate this additional discharge flow and design infiltration units accordingly."**

Regarding permissions from the families who are near or abut Old Driftway, the developer has not contacted said families.

Absent said easements or permissions, isn't developer's application defective?

3) **Town Engineer:** 12 January 2024: “It is our opinion that the proposed construction of the driveway...is not feasible without obtaining temporary construction easements, as well as permanent grading easements from neighboring properties. **Engineer responded, however, this issue is not adequately addressed.**”

4) **Adjacent Landowners’ Approvals:** Have any approvals of any parts of this application been solicited? Agreed? “Failure to produce the written permission could result in the Commission denying a portion of or all of the application.” Staff Report 11 October 2023. Further, Developer’s application is defective, to wit:

a) The application dated 24 October 2023 leaves unchecked box G “**Names and addresses of adjoining property owners.**” IWC regulations 7.4: “**All applicants shall provide the following information.**” 7.4f: “**Names and addresses of adjacent property owners has shown in the records of the Tax Assessor, Town of Wilton.**”

Thus, isn’t the developer’s application defective given these absences?

b) Regarding IWC regulation 7.4f “**...these names (of adjoining property owners) shall also be shown on the site plan.**” We families find no identification as required in any of the developer’s paperwork.

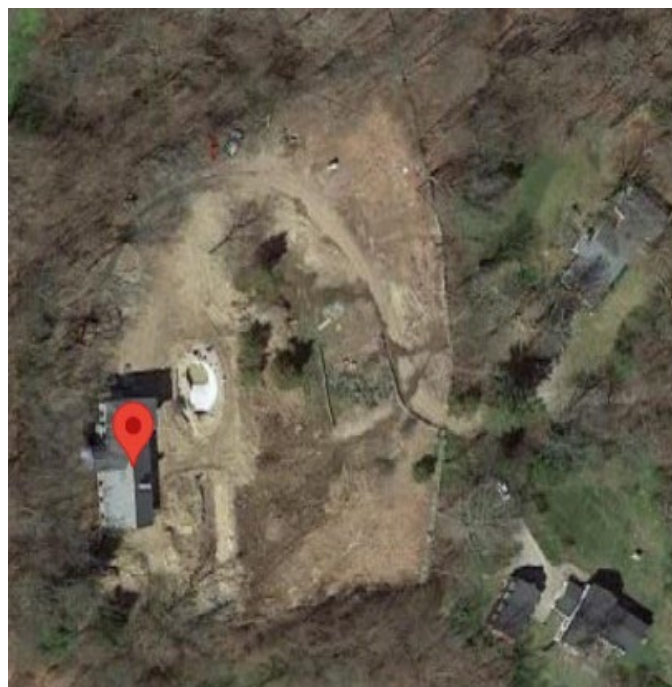
Thus, isn’t the developer’s application defective given these absences?

c) The application dated 24 October 2023 checks box M: “**Envelopes addressed to adjacent neighbors, the applicant, and/or agent with certified postage and no return address.**” None of the families have been so notified.

Thus, isn’t the developer’s application defective given these absences?

5) **Tree Warden:** Town Engineer: 12 January 2024: “All trees within the Town Right-of-Way shall be located on the site plans. Depict which trees are proposed for removal and obtain preliminary approval by the Town of Wilton Tree Warden. A tree inventory has been provided by applicant. **This is not resolved because the applicant needs to coordinate with the Tree Warden for preliminary approval prior to DPW approval.**”

Has a detailed plan been submitted for the road as well as the end property? Given Developers history at his property at 35 Signal Hill Rd, Wilton, CT, isn’t this critical?



Applicant's Property at 35 Signal Hill Rd. Wilton

- 6) **Bridge:** Staff has asked if this structure can work for this application. Has the Developer presented a detailed plan in response?
- 7) **Third Party:** IWC requested this 26 October 2023. Has this condition been met?
- 8) **2 Fire Departments:** Per the Town Engineer: Has the Developer given the Wilton Fire Department and the Georgetown Fire Department final plans for review regarding access by both departments' large, heavy equipment?
- 9) **Wilton Conservation Commission:** Has developer engaged this agency regarding their initial "strongly objects to any direct impacts to the vernal pool."
- 10) **Utilities:** Where is the response from Eversource and Cablevision regarding the running of cable on/under 1,200 feet of road to include the vernal pool?
- 11) **DEEP:** This agency's opinion is nine-months old (4/26/23) written at the beginning of this application process. This review was initiated by Applicant. If this DEEP review was appropriate at the start, shouldn't DEEP been given final plans for review of "access route through wetlands." "This determination applies only to the project as described in the submission and summarized at the end of this letter. *Please re-submit an updated Request for Review if the project's scope of work and/or timeframe changes.*" (emphasis added).
- 12) **Soil Testing:** IWC's permit granted 28 April 2023 specifies that Applicant submit:
- "...estimate for the cost of the temporary wetland crossing for approval by this commission or its staff for the purpose of determining a bond amount.
 - "...a bond in a form and an amount acceptable to this commission and town counsel.
 - "...photo documentation of the site.
 - "...retain the services of a herpetologist familiar with preferred habitats of the Eastern box turtle and Ground beetle. Prior to the commencement of any on-site permit related activity, the herpetologist shall develop a written plan, for approval by this commission or its staff, to ensure the best protection strategies are employed for the site and the scope of the work.
 - "The herpetologist shall be on site at all times the excavator is on site. The herpetologist shall walk ahead of the excavator to sweep the path for any turtles."



We see no paperwork regarding the 30 January 2024 destruction by Developer.

We do see destruction of wetlands in violation of this permit

- 13) **State Easement:** “Has the applicant tried to obtain an easement from the State of Connecticut to build a driveway across the State’s land and completely avoid using the land associated with the “old driftway” or “way”? This has been discussed. Where is the paperwork from the State?
- 14) **Road’s Width:** Numerous inspections determine that there is a choke point at 10 feet. How can Developer’s application be approved given this impossible width for construction and passage of vehicles?