

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



TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

APPLICATION FOR AN INTERMEDIATE REGULATED ACTIVITY

For Office Use Only:

Filing Fee \$ _____	WET# _____
Date of Submission _____	Wilton Land Record Map# _____
Date of Acceptance _____	Volume # _____ Page # _____
	Assessor's Map # _____ Lot# _____

APPLICANT INFORMATION:

Applicant <u>Daniel O'Neill</u>	Agent (if applicable) <u>Dagny Eason</u>
Address <u>27 East 124th Street 5E</u>	Address <u>20 Windy Ridge Place</u>
<u>New York, NY 10035</u>	<u>Wilton, CT 06897</u>
Telephone <u>(203) 278 -9757</u>	Telephone <u>(203) 858 - 4853</u>
Email <u>daniel@dvoneill.com</u>	Email <u>dagnyeason@gmail.com</u>

PROJECT INFORMATION:

Property Address <u>48 Sharp Hill Rd</u>	Site Acreage <u>.91 acres</u>
Acres of altered Wetlands On-Site <u>None</u>	Cu. Yds. of Material Excavated <u>None</u>
Linear Feet of Watercourse <u>130 feet</u>	Cu. Yds. of Material to be Deposited <u>None</u>
Linear Feet of Open Water <u>130 feet</u>	Acres of altered upland buffer <u>None</u>
Sq. Ft. of proposed and/or altered impervious coverage <u>None</u>	Sq. Ft. of disturbed land in regulated area <u>None</u>

APPLICATION REQUIREMENTS:

Is The Site Within a Public Water Supply
Watershed Boundary? NO ☒ YES* _____

Is The Site Within 500 Feet of a Town Boundary?
NO ☒ YES* _____

* If the answer is yes, then the applicant is responsible for notifying the appropriate water authority and/or adjoining community's Wetlands Department. Instructions for notification are available at the office of the commission.

Project Description and Purpose: _____

This home was purchased for my mother to live in. 8 trees were removed that were dead and/or a direct danger to the house. We didn't think about the watercourse at the time as it was dry, and we are very sorry for not getting permission to do the work first. The only goal is a safe home for my mom to live.

In addition, the applicant shall provide nine (9) collated copies of the following information as well as an electronic submission via email to mike.conklin@wiltonct.org & elizabeth.larkin@wiltonct.org **

- ☐ A. Written consent from the owner authorizing the agent to act on his/her behalf
- ☐ B. A Location Map at a scale of 1" = 800'
- ☐ C. **A Site Plan showing existing and proposed features at a scale not to exceed 1" = 40'**
- ☐ D. Sketch Plans depicting the alternatives considered
- ☐ E. Names and addresses of adjoining property owners
- ☐ F. A narrative describing, in detail
 - a. the proposed activity
 - b. the alternatives considered
 - c. impacts
 - d. proposed mitigation measures
- ☐ G. Soils Report prepared by a Certified Soil Scientist and Wetlands Map prepared by a Registered Land Surveyor
- ☐ H. Description of the chemical and physical characteristics of fill material to be used in the Regulated Area
- ☐ I. Description and maps detailing the watershed of the Regulated Area
- ☐ J. One original application form and eight (8) copies

****Application materials shall be collated and copies of documents more than two pages in length shall be double sided.**

See Section 7 of the Wetlands and Watercourses Regulations of the Town of Wilton for a more detailed description of applications requirements.

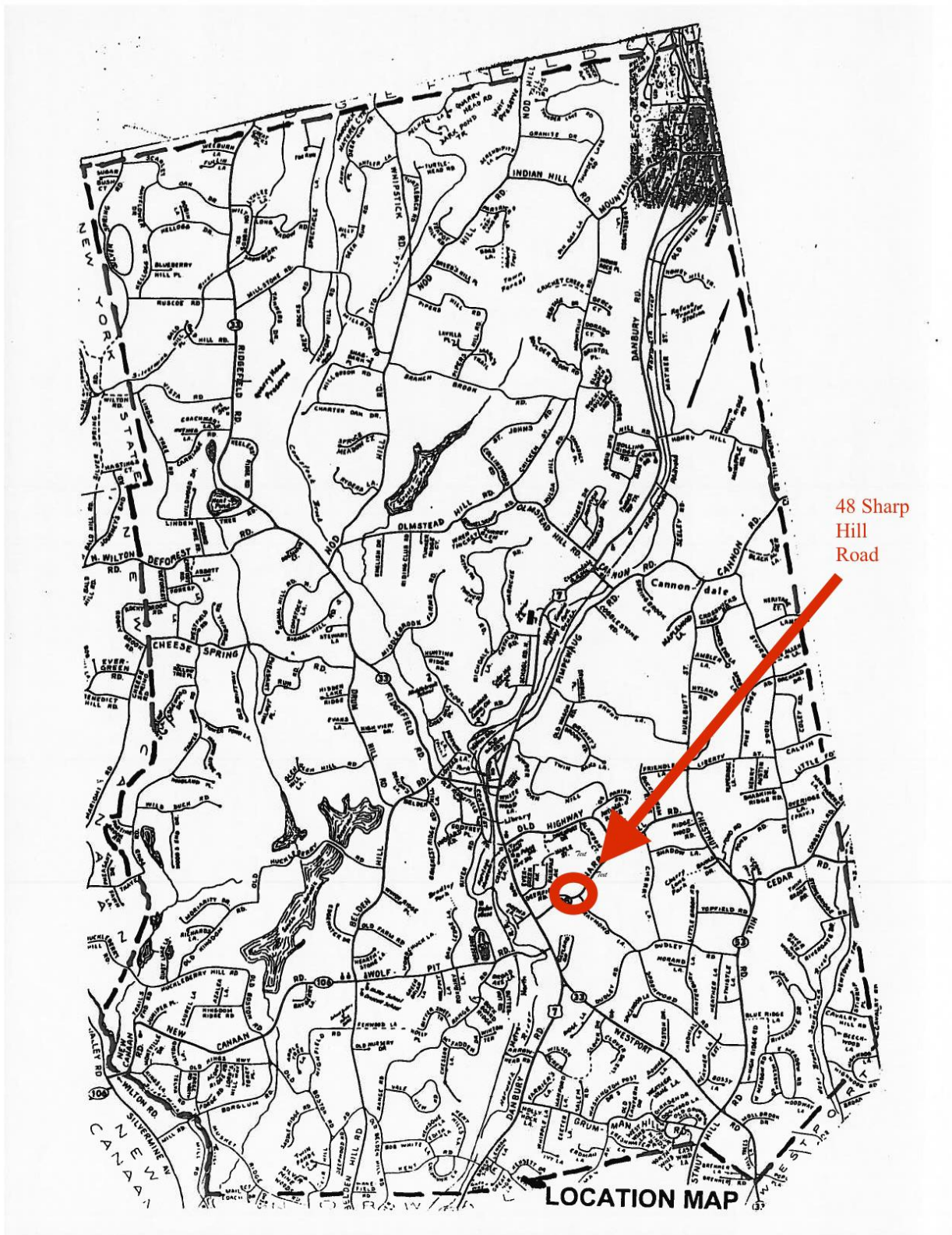
The Applicant or his/her agent certifies that he is familiar with the information provided in this application and is aware of the penalties for obtaining a permit through deception, inaccurate or misleading information.

By signing this application, permission is hereby given to necessary and proper inspections of the subject property by the Commissioners and designated agents of the Commission or consultants to the Commission, at reasonable times, both before and after a final decision has been rendered.

Applicant's Signature: Daniel O'Neill Date: 3/30/21

Agent's Signature (if applicable) _____ Date: _____

Location Map:



4426

444
445
446

卷之五

MICHAEL A. CLEARY
LENN N. CLEARY

[illegible]

SECRET
REF ID: A66888

MAP OF
BRYANTS BROOK CONDOMINIUM

WILTON
CONNECTICUT

4426 JANUARY 2, 1960

PRIN AND PAULUS	LAND SOUTH POOL
10/1/1900	10/1/1900

WILSON CONNECTICUT

- BIRTH TO MARY "MA" A. HARRINGTON LAST KNOWN
 - PROPERTY LOCATED IN W-24 TOWNSHIP
 - TOTAL AREA 6,044 AC.
 - BIRTH DATE AND BIRTH LOCATION UNKNOWN AT PRESENT
 - ADDITIONAL DETAILS NEEDED TO SET 1, 1944

These rules are neither a substitute nor a remedy
for the lack of a good business plan. A business
plan is a document that describes the business
and its goals, and serves as a guide for the
owner. It is a living document that should be
updated as the business grows and changes.

the word "entity" is understood to be an aggregation of predefinitional notions by the laws of logic which are based on the basic knowledge, information and belief in each. It constitutes neither a guarantee nor necessity.

1. Periodically, that set of average data with respect to the actual measurements, both survey and plot, was prepared in accordance with the methods of a Class 9-2 survey as defined in the code of existing standards of measuring of survey and maps, adopted pursuant to 1917 as amended by the Connecticut Association of Land Surveyors, Inc., and that data survey correlation and the information required of a survey under Section 9-72a of the General Statutes, Chapter 541a, be

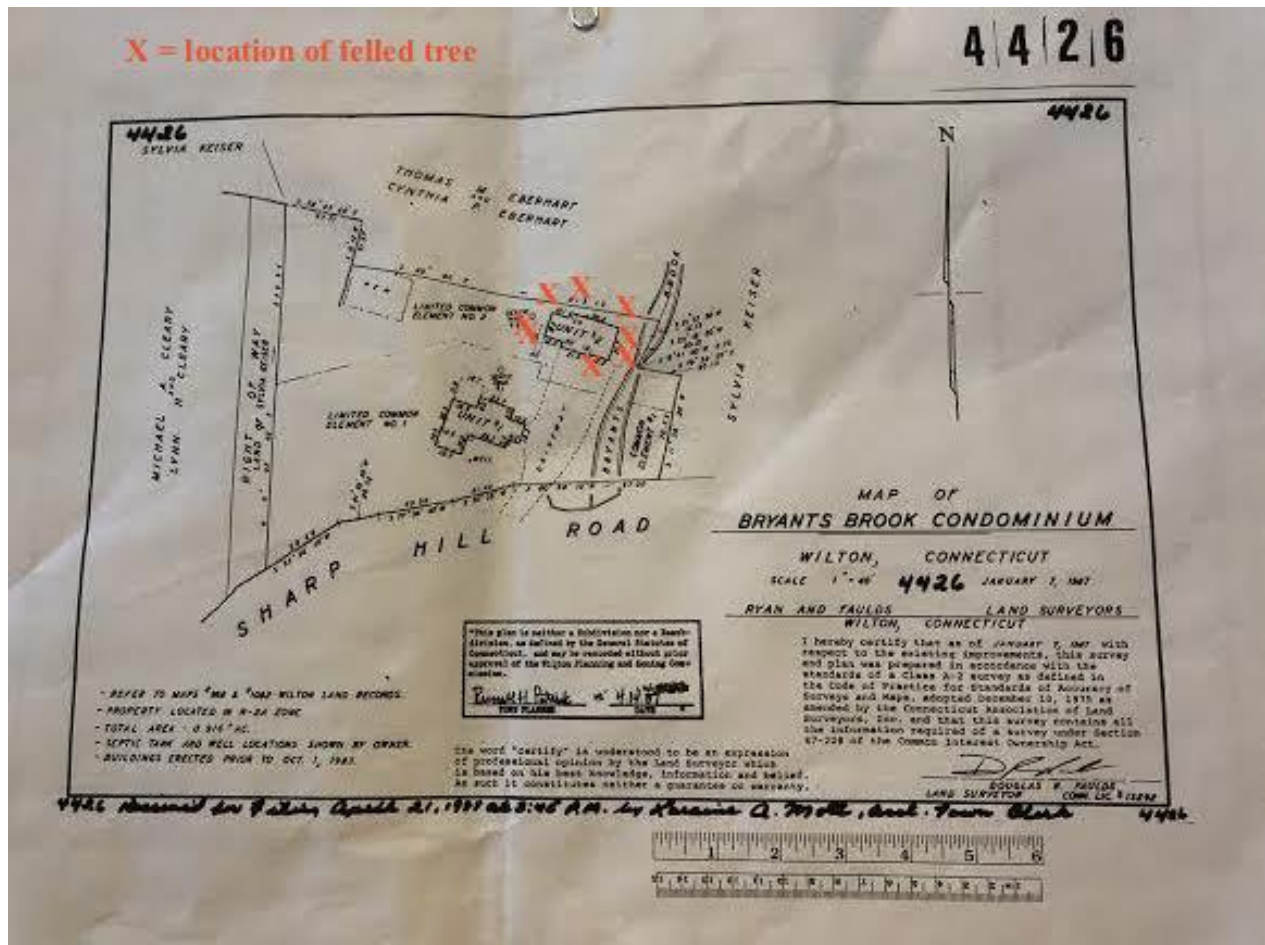
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1946 returned to duty April 21, 1946 at 5:45 P.M. by train D. 7906, and from 1946

11



Site Map:



Watershed Map:

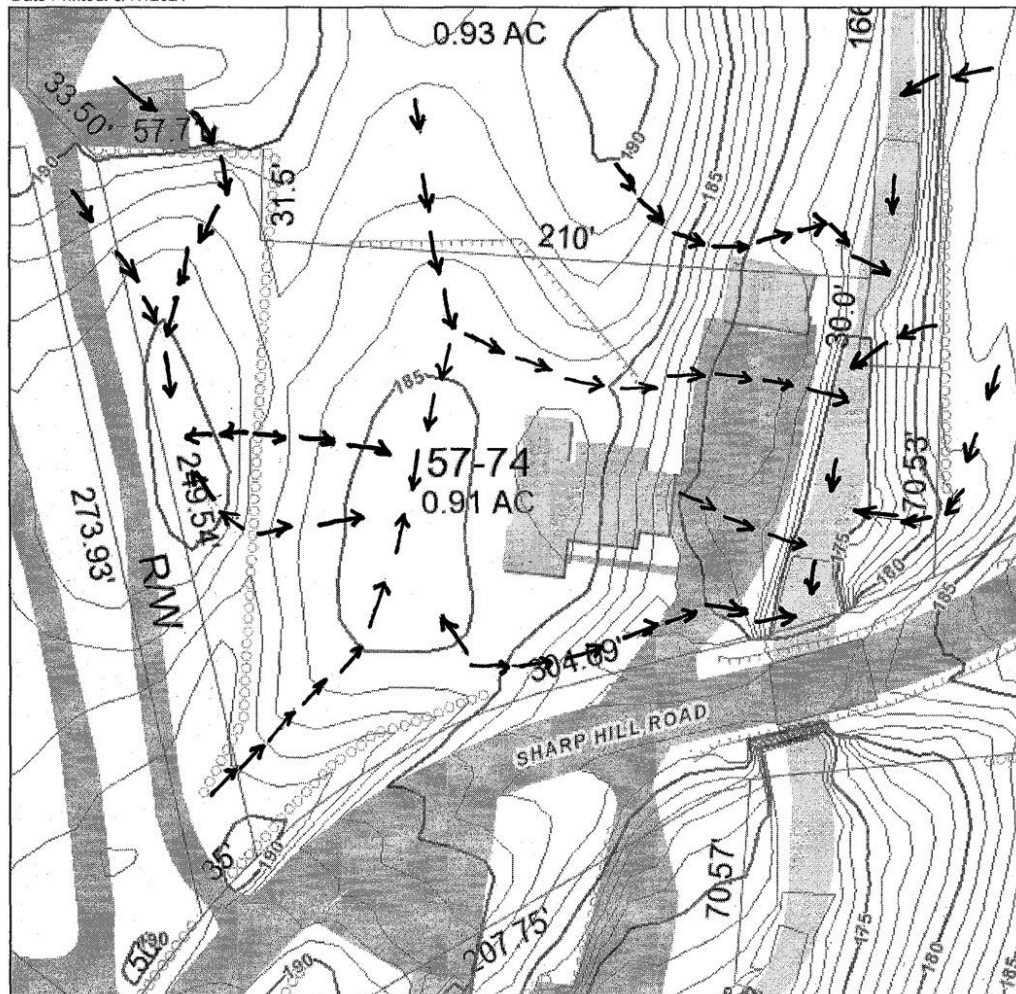
Town of Wilton

Geographic Information System (GIS)

WATERSHED MAP
48-2 SHARP HILL ROAD
WILTON, CONNECTICUT
SOIL & WETLAND SCIENCE, LLC
OTTO R. THEALL
PROFESSIONAL SOIL SCIENTIST
MARCH 17, 2021



Date Printed: 3/17/2021



MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Wilton and its mapping contractors assume no legal responsibility for the information contained herein.

Zoning Effective: July 28, 2017

Planimetrics Updated: 2014

Approximate Scale: 1 inch = 50 feet

0 50
Feet



List of Neighbors:

57-73
MUSSEY BRUCE &
36 SHARP HILL RD
WILTON CT 06897

57-74-2
POUNDSTONE SALLY H
217 N MIDLAND AVE
NYACK NY 10960

57-77
WILTON TOWN OF
238 DANBURY RD
WILTON CT 06897

57-73-1
NADEL WENDY & MAC
40 SHARP HILL RD
WILTON CT 06897

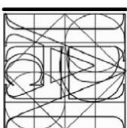
57-75
BACCO PAUL L
42 SHARP HILL RD
WILTON CT 06897

57-78
SCHAEFER ERIC A & SUZANNE I
43 SHARP HILL RD
WILTON CT 06897

57-74-1
HOFFMANN MICHAEL & JANE
48 SHARP HILL RD
WILTON CT 06897

57-76
WILTON TOWN OF
SHARP HILL RD
WILTON CT 06897

57-74



Daniel & Ellen O'Neill

Proposed Landscape Plan

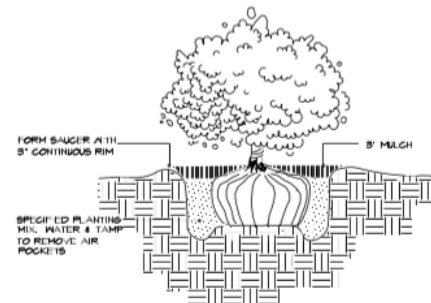
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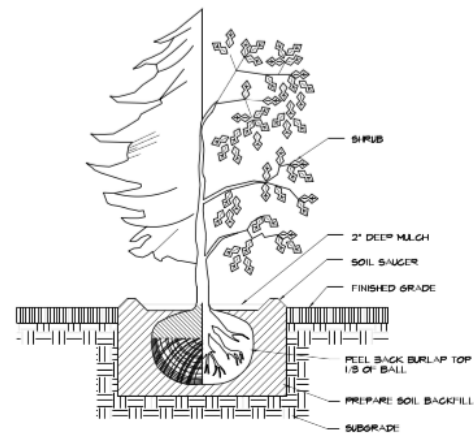
A schematic diagram of a coastal dune system. On the left, a cross-section of a dune is shown with a wavy pattern representing vegetation. Labels point to "PITTED PLANTS IN SAND" and "WIND-ALTERED PLANT PROFILES". To the right, a cluster of trees is shown. Labels point to "PITTED PLANTS IN SAND" and "PITTED PLANTS IN SAND". A line connects the dune cross-section to the tree cluster, labeled "PITTED PLANTS IN SAND".

PLANTING NOTES:

1. BOTANICAL NAMES SHALL PREVAIL OVER COMMON NAMES.
2. NO PLANT SUBSTITUTIONS SHALL BE MADE WITHOUT PRIOR WRITTEN APPROVAL OF THE ARCHITECT.
3. ALL PLANT MATERIAL SHALL BE NURSERY GROWN, NO COLLECTED MATERIALS SHALL BE ACCEPTED, UNLESS SPECIFICALLY INDICATED.
4. PLANTS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS IN ALL WAYS INCLUDING DIMENSIONS.
5. THE ARCHITECT HAS THE RIGHT TO REJECT ANY PLANT MATERIALS UPON DELIVERY TO THE PROJECT.
6. ALL REPLACEMENTS SHALL BE PLANTS OF THE SAME KIND AND SIZE AS SPECIFIED IN THE PLANT LIST, OR AS NECESSARY TO MATCH SURVIVING PLANTS OF THE SAME PLANTING GROUP. ALL COSTS SHALL BE BORNE BY THE LANDSCAPE CONTRACTOR EXCEPT FOR REPLACEMENTS RESULTING FROM LOSS OR DAMAGE DUE TO VANDALISM, ACTS OF NEGLIGENCE ON THE PART OF OTHERS, PHYSICAL DAMAGE BY ANIMALS, VEHICLES, FIRE, ETC., OR OTHER AS MAY BE DETERMINED BY THE ARCHITECT.
7. QUANTITIES SHOWN ON THE CONTRACT DRAWINGS TAKE PRECEDENCE OVER PLANT MATERIALS LIST.
8. ALL PLANT MATERIAL SHALL BE PLACED, OR LOCATION STAKED, ON THE SITE AS SHOWN ON THE PLANTING PLAN PRIOR TO COMMENCEMENT OF PLANT EXCAVATION FOR THE ARCHITECT'S APPROVAL. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ALL PLANTING OPERATIONS A MINIMUM OF 48 HOURS IN ADVANCE OF SUCH.
9. ALL PLANT MATERIALS SHALL BE BALLED AND BURLAPPED OR CONTAINER GROWN OR AS OTHERWISE SPECIFIED. NO CONSTRUCTED BALLS SHALL BE ACCEPTED. REMOVE SYNTHETIC BURLAP AND SYNTHETIC TYNES AND ROPES. REMOVE TOP 1/3 OF METAL BASKETS FROM ROOT BALLS WHEN THE ROOT BALL HAS BEEN POSITIONED IN THE PLANTING PIT. PROVIDE SUPPORT AS NECESSARY TO PROTECT THE ROOT BALL FROM DAMAGE.
10. ALL PLANT MATERIALS SHALL BE SET WITH THE TOP OF ROOT BALL EVEN WITH THE ADJACENT FINISHED GRADE.
11. PLANTING SOIL SHALL CONSIST OF 5 PARTS TOPSOIL (OR EXCAVATED SOIL IF APPROVED BY THE ARCHITECT), ONE PART SPHAGNUM MOSS AND ONE PART DEHYDRATED COW MANURE.
12. ALL PLANT BEDS EXCEPT AS SPECIFICALLY NOTED, SHALL BE TOPPED WITH A 3" LAYER OF MULCH. MULCH SAMPLE TO BE SUBMITTED TO AND APPROVED BY ARCHITECT.
13. ANY TREES THAT ARE DESIGNATED "TO BE SAVED" ON THE PLAN AND DO NOT SURVIVE CONSTRUCTION MUST BE REPLACED WITH A 3.5" C. TREE OF LIKE GENUS.



SHRUB PLANTING DETAIL
N.T.S.



TREE PLANTING DETAIL
N.T.S.

Narrative for 48 Sharp Hill Road:

The site, 48 Sharp Hill Road, is located on the north side of CT-106 behind 50 Sharp Hill road. It is a 1,439 SqFt, 2 bedroom, 2 bathroom house. The house is served by a private well and an on site sewage disposal system. The parcel contains a shared, gravel driveway. The land is partially wooded and partially covered with pachysandra. The site generally slopes from west to east. A stream, the Bryant Brook, runs through the property to the east of the house.

This proposal is to describe the mistaken removal of trees done without proper permits and to describe the measures which will be taken to rectify this mistake.

I purchased 48 Sharp Hill Road in October. The water level in Bryant Brook varies significantly with the seasons. When I bought the house, the brook was completely dry. Because the brook was dry and because of bad information I received from my real estate agent, I did not know when I purchased the house that a watercourse ran through the property. Because I did not know that a watercourse ran through the property, I did not know that I needed to apply for permits from the wetlands department to remove trees.

In total, eight trees of varying size were identified as being a danger to the house and were cut down. These trees consist of one White Ash (*Fraxinus americana*) in the front of the house, two White Ash on the eastern side of the house, three White Ash in the rear of the house, one Eastern Red Cedar (*Juniperus virginiana*) on the western side of the house, and one Eastern hemlock (*Tsuga canadensis*) on the western side of the house.

The house was purchased with multiple conditions attributable to the now-removed trees which made it unsafe, unsanitary, and unlivable. Large tree branches shed from infected White Ash trees abutting the house had fallen through the roof (see attached pictures). Even larger branches from the same infected trees loomed over the house and posed further damage risk. The damaged roof resulted in rain water pouring into the house, contributing to a mold infestation making the house uninhabitable (see attached images). Larger branches threatened to do major structural damage to the house when they fell. We discussed the possibility of cabling large branches on the ash trees instead of removing them, but as the trees were already dying, it was unlikely the main trunk would provide the necessary support in the long-term to prevent the branches from falling.

The removed White Ash trees were infested with Emerald Ash Borer (*Agrilus planipennis*), an invasive species of beetle which threatens the entire ash genus across North America. The Emerald Ash Borer kills a mature ash in 3 to 4 years or less. Removing infected trees slows the spread of the EAB and protects against property damage caused by dying trees. Our trees were already dying and dropping branches. They had to be removed.

The Eastern Hemlock and the Eastern Red Cedar on the western side of the house were undesirably close to the building. On the western side of the house, the first floor is built into the hillside such that the second floor becomes nearly flush with ground level. This puts the kitchen

underground at its western wall. The root systems of the Eastern Hemlock and the Eastern Red Cedar pressed up against this wall, holding water against the side of the house and threatening structural damage. These types of tree have fibrous root systems with shallow, laterally growing roots that can cause foundation and structural damage. The tall, densely branched trees also blocked all light from getting into the kitchen. The combination of moisture held against the house, a compromised structure, and a lack of light created a perfect breeding ground for black mold. This mold infestation made the house unlivable (see attached images). Again, had I known about the watercourse and known permits were required for this work, I would have applied beforehand.

Regarding alternatives considered, we originally considered leaving all the trees exactly as they were. It became obvious though that the trees were in such close proximity and in such bad condition that they posed immediate further danger to the house. There was literally a large dead branch hanging over the roof of the house. We did also consider cabling the trees, but because they were mostly dead, this didn't seem like a sustainable solution in the long term.

To rectify the unpermitted removal of trees described above, I have created a plan outlining where and how new trees will be planted in place of the removed trees to help mitigate potential damage to the Bryant Brook water course (see attached plan). If left unremedied, the removal of trees near a watercourse has the potential to decrease ground capacity for storm run-off and lead to erosion. To avoid these unwanted consequences, we propose planting the following eleven plants in place of the removed trees: One Flowering Dogwood (*Calif. Cornus Florida*) and two Mt. Laurel (*Kalmia Latifolia*) on the western side of the house, one Flowering Dogwood on the back eastern side of the house, and a row of seven Fetterbush (*Leucothoe racemosa*) along the eastern side of the house. Ultimately these new species stand to be longer lasting than the infected White Ash trees and will pose a significantly reduced threat to the house than the White Ash, Eastern Red Cedar, and Eastern Hemlock.

I apologize for removing these trees without the necessary permits. I am a first time home owner and did not know the house was next to a watercourse when I purchased it. In October when the work was done, the brook was completely dry. I received bad advice from my real estate agent who assured me that Bryant Brook rarely contained water at all. I understand that it was my responsibility to inform myself about my own property and not my real estate agent's responsibility to tell me. In retrospect, I wish I had done this research myself so I knew to apply for the necessary permits beforehand. I would also like to apologize for the delay in getting you our application. We were working with our real estate agent to get this resolved, but she had to back out of the process due to family issues. I was ill equipped to handle this on my own and it has taken me this long to teach myself about the process and find the right people to help me get everything resolved correctly. Thank you for your patience and understanding.

Respectfully submitted,

Daniel O'Neill

SOIL & WETLAND SCIENCE, LLC
OTTO R. THEALL
PROFESSIONAL SOIL SCIENTIST / WETLAND SCIENTIST
2 LLOYD ROAD
NORWALK, CONNECTICUT 06850
OFFICE (203) 845-0278
CELL (203) 247-0650
EMAIL: soilwetlandsci@aol.com

SOIL INVESTIGATION REPORT
48 SHARP HILL ROAD
WILTON, CONNECTICUT
MARCH 3, 2021

I conducted an on-site investigation of the soils on the residential property that is located at 48 Sharp Hill Road in Wilton, Connecticut on March 3, 2021. The examination for wetland soils was conducted in the field by inspection of soil samples taken with spade and auger.

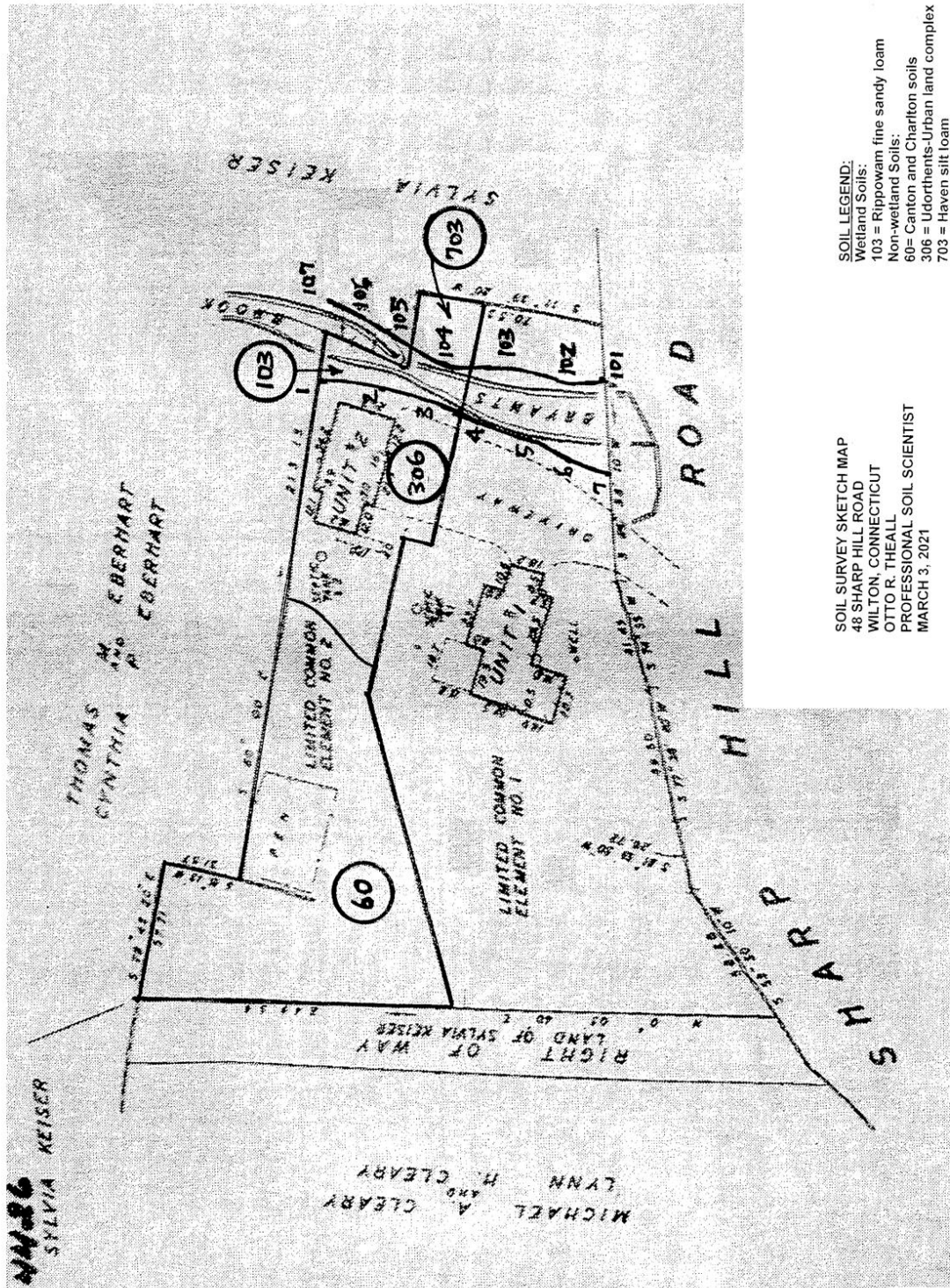
Inland wetlands in Connecticut, according to the Connecticut General Statutes, are lands, including submerged lands, which consist of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey of the NRCS. Watercourses include rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent. Intermittent watercourses are to be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation.

The wetland boundary was demarcated with pink flags numbered 1 through 7 and 101 through 107. The wetland contains a watercourse. The wetland soils consist of Rippowam fine sandy loam (103). The non-wetland soils consist of Canton and Charlton soils (60), Udorthents-Urban land complex (306) and Haven silt loam (703). The soil map units contain inclusions of other soil types. The results of this investigation are subject to change until accepted by the Inland Wetland Commission of the Town of Wilton.

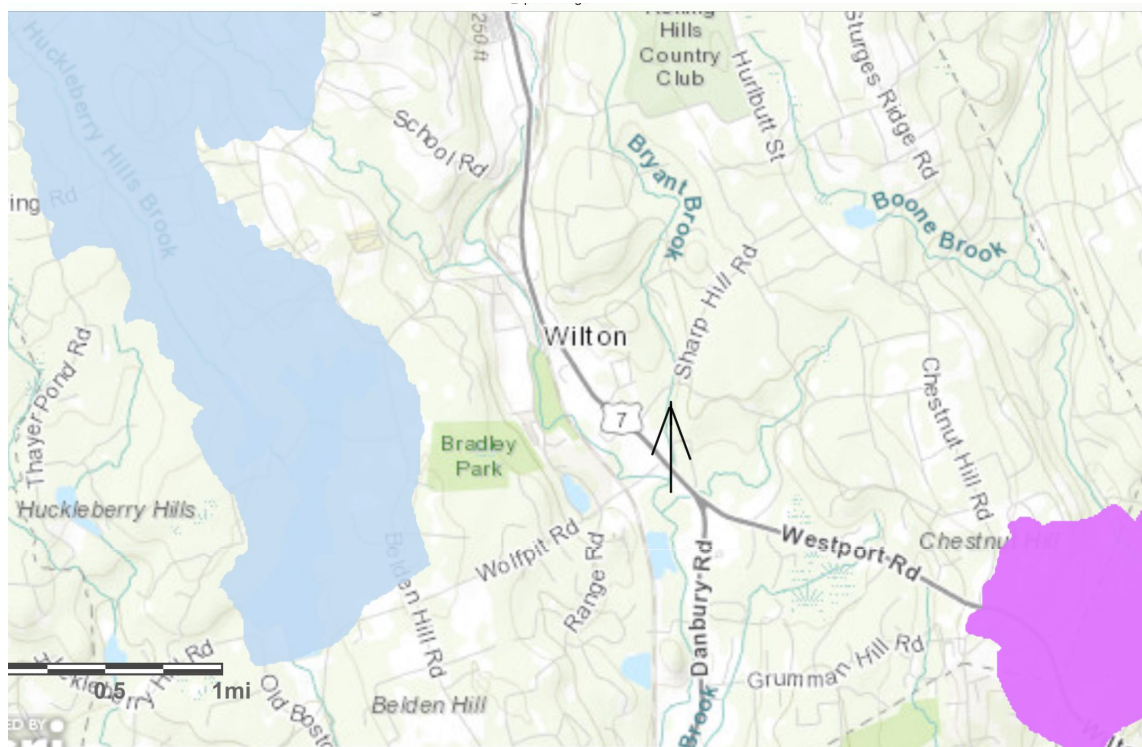
Respectfully submitted:



Otto R. Theall
Professional Soil Scientist



Pictures & Supporting Material:





Roof Damage due to Fallen Branches in the Sun Room on the East Side of the House:



Mold Damage in the Kitchen on the West Side of the House:







Evidence of Ash Borer Infestation in the Felled White Ash Trees on our property:



