



MINUTES

April 25, 2019

PRESENT: Elizabeth Craig (Chair), Rick Stow, Karen Silverberg, Scott Fischer, Claudia Avallone, Kathie Mandel

ALSO PRESENT: Mike Conklin, Director Environmental Affairs; Zen Herter, Environmental Analyst; Aleksandra Moch, Green Roof Concepts, LLC; Kate Throckmorton, Environmental Land Solutions, LLC

ABSENT: Nick Lee (notified of intended absence)

I. CALL TO ORDER

. Craig called the meeting to order at 7:30 pm.

IV. PUBLIC HEARINGS

A. WET#2553(S) BEMA GROUP, LLC – 338 Westport Road – “corrective action” to address encroachment past approved limit of disturbance and to install a pool (cont.)

Mr. Conklin noted that the applicant’s representative, Aleksandra Moch, submitted a letter, dated April 15, 2019, and an updated set of plans, revised April 20, 2019. Ms. Moch stated that the letter was prepared to address the Commission’s comments from the April 11, 2019 Inland Wetland meeting. Ms. Moch identified the location of the proposed stormwater management piping that would run from the existing home to the proposed stormwater detention system, on the revised plans. She explained that the applicant’s engineer was not present, as requested by the commission, as he was out of the country. Mr. Conklin stated that he had read the letter submitted by Ms. Moch and that it had been reviewed by the Towns Council, Mr. Pete Gelderman. Mr. Conklin explained that Mr. Gelderman opined that the commission has jurisdiction over the one hundred (100) foot buffer area related to a wetland, as well as, any action outside of the regulated area, that may negatively affect a wetland or watercourse. Mr. Conklin noted that he agreed with Mr. Gelderman. Mr. Fischer asked if there were any erosion or sedimentation issues on the property that are affecting a wetland or watercourse. Mr. Conklin stated that it was the purview of the commission to determine whether that was the case.

Ms. Craig asked if the applicant’s representative planned to address the issue of fill around

the outer portion of the fence along Poplar Plains Road. Ms. Moch stated that the letter she had submitted addressed the fill issue. She opined that the commission had established the one hundred (100) foot buffer area early on in the original application process, inspected and approved a change to the septic system for the property, and that the area in question contains material that will limit erosion. Ms. Craig noted that the area contains rubble and construction debris. Ms. Moch described the conditions of the area in question, noting that there was still silt fencing in the area, and that the related wetland is far away from the fill material.

Ms. Craig made a statement identifying that the requests made by the commission for additional information, as well as the appearance of the applicant's engineer, were ignored. She added that the current site conditions did not match the originally approved site plan, the permit application was originally connected to a violation on the property, and the application now see to revolve around a proposed pool. Ms. Craig reiterated her concern that the applicant's engineer was not present to discuss the drainage issues. Ms. Moch stated that the Town's Engineer had approved the current plans for the project. Ms. Silverberg asked if the proposed plantings to the rear of the property were sufficient. Mr. Conklin advised that all the plantings should be included as mitigation plantings instead of breaking them into mitigation and post-pool plantings. Ms. Craig agreed that all the plantings to the rear of the property should be included as mitigation plantings.

Mr. Conklin noted that the timeframe to close the public hearing was nearing and explained possible procedures for closing the public hearing for the project. He added that, in the event a draft resolution is created, the following items should be included as special conditions: 1. the mitigation planting plan should be installed by June 30; 2. fill material located between the stockade-type fence and the property line be removed and the grade be restored to a two-to-one (2-1) slope by June 30; 3. the paved driveway be returned to a gravel driveway by June 30; 4. the stormwater management system be installed and a letter of completion be submitted by the engineer of record certifying the proper installation of the system by June 30; 5. The engineer of record coordinate with the State DOT related to any potential concerns; and, 6. an as-built drawing be submitted with a letter certifying the completion of site work before the issuance of the Certificate of Occupancy. Mr. Conklin suggested adding completion dates to the special conditions to tighten up the process. Ms. Craig suggested adding a condition that the pool could not be built until the requested work had been completed. Ms. Moch noted that the applicant still required a variance for the construction of the pool. Mr. Conklin advised that the variance for the pool would take longer than six (6) weeks to obtain, making a June 30th completion date for the special condition mitigations would be sufficient to having the work completed before the installation of the pool. He added that there should be no concern over whether the applicant attempts to build the pool without completing the special condition mitigations as the Town has the ability to issue another cease and desist order. Ms. Moch noted there are timeframe requirements related to the removal of a cease and desist order which may limit the amount of time the applicant would have to complete the required mitigations.

Ms. Craig opined that it was a bad precedent adding a pool to a corrective action permit application. Ms. Silverberg, Ms. Mandel, and Ms. Avallone agreed. Mr. Conklin noted that it is the applicants right to apply for any action they like. He added that it is the Commissions right to add any special conditions necessary to guarantee the proper completion of work. Mr.

Stow voiced concerns over the timeframe for the completion of the proposed pool. Mr. Conklin noted that the issuance of a variance, and permit, does not require the applicant to build the pool; adding that the current homeowner may sell the house and the new owner may then install the pool.

Ms. Silverberg MOVED to CLOSE THE PUBLIC HEARING for WET#2553, SECONDED by Ms. Mandel and CARRIED 5-0-1. Ms. Avallone ABSTAINED from voting.

Ms. Silverberg MOVED to ADD a discussion on WET#2553 to the agenda, SECONDED by Mr. Fischer and CARRIED 6-0-0.

Ms. Mandel MOVED to direct staff to draft a resolution of approval for WET#2553, SECONDED by Mr. Stow and CARRIED 6-0-0.

B. WET#2563(S) Sikri-19 Cardinal Lane- “corrective action” to address unauthorized tree clearing.

Ms. Throckmorton presented a brief overview of the proposed project, noting that a fire occurred at the existing residence, to which, when the cleanup process was taking place a number of trees were cut and removed from a regulated area. She added that the original submission was broken into three (3) separate applications: one for the proposed addition, a second for the corrective action related to tree clearing on the subject property, and a third for tree clearing on a neighboring property (57 Spoonwood Road, WET#2564) related to the corrective action. Ms. Throckmorton reviewed the areas which were cleared and the proposed plantings for each area.

Mr. Conklin asked what time frame would be adequate to install the mitigation plantings. Ms. Throckmorton noted that the mitigation plantings were originally scheduled to be installed after completion of the addition in the fall of 2019. She added that if necessary the plantings could be broken into two (2), with some of the plantings being done now, and those being affected by the construction of the addition, installed in the fall. Ms. Craig asked if separating the plantings was because of access issues during construction of the proposed addition. Ms. Throckmorton noted that there would be a considerable amount of activity in one particular area of the site that may cause conflict with the proposed plantings. Ms. Craig asked how that area would be stabilized. Ms. Throckmorton noted soil and erosion control measures for the area. She opined that it would be more practical to do the plantings later. Mr. Conklin noted that if the plantings were done in the fall, a growing season would be lost. Ms. Craig noted that the area in question was a wetland and that no equipment should be in that area anyway. She added that she would like to see the area closed up as soon as possible. Ms. Mandel asked how long the construction would take. Ms. Throckmorton noted construction would last until approximately August. Ms. Mandel stated she would like to see the plantings done earlier, as well. Ms. Silverberg agreed. Mr. Conklin suggested having the plantings in by June 30, 2019 with gator bags. Ms. Throckmorton agreed.

Ms. Mandel MOVED to CLOSE THE PUBLIC HEARING for WET#2563, SECONDED by Mr. Fischer and CARRIED 6-0-0.

Ms. Silverberg MOVED to APPROVE WET#2563 with the normal special conditions and

the mitigation plantings shall be installed with tree gator bags by June 30, 2019, SECONDED by Ms. Mandel and CARRIED 6-0-0.

C. WET#2564(S) Sikri- 57 Spoonwood Road – “corrective action” to address unauthorized tree clearing.

Mr. Conklin, Mr. Herter, Ms. Craig, Ms. Avallone, Ms. Silverberg, Ms. Mandel, and Mr. Fischer noted they visited the site.

Ms. Throckmorton presented a brief overview of the proposed project, noting the location of the site, the correlation to the corrective action for WET#2563, Sikri, and the areas of interest on the site. She reviewed the areas which were cleared and the proposed plantings for each area. Mr. Herter asked when the plantings were being proposed for installation. Ms. Throckmorton noted that the plan intended to have the plantings for 57 Spoonwood Road and 19 Cardinal Lane completed at the same time. Ms. Craig asked how many trees were removed. Ms. Throckmorton stated seven (7) trees were removed and fourteen (14) are proposed for planting. Ms. Craig asked how many of the proposed trees would be canopy trees. Ms. Throckmorton noted there would be four (4) canopy trees planted. Ms. Throckmorton added that in five (5) to ten (10) years the area should have filled out again. Ms. Craig asked if the area would be demarcated. Ms. Throckmorton stated it would and identified an area where boulders would be placed as a demarcation line.

Mr. Fischer MOVED to CLOSE THE PUBLIC HEARING for WET#2564, SECONDED by Ms. Avallone and CARRIED 6-0-0.

Ms. Mandel MOVED to APPROVE WET#2564 with the normal special conditions and the mitigation plantings shall be installed with tree gator bags by June 30, 2019, SECONDED by Ms. Avallone and CARRIED 6-0-0.

V. APPLICATIONS READY TO BE REVIEWED

A. WET#2566(S) DANYLYUK – 81 Kensett Drive – “corrective action” to address unauthorized tree removal.

Mr. Conklin, Mr. Herter, Ms. Craig, Ms. Avallone, Ms. Silverberg, Ms. Mandel, and Mr. Fischer noted they visited the site.

Mr. Conklin gave a brief overview of the unauthorized tree removal, noting the affected areas. Ms. Avallone stated that some of the trees were rather large and inquired as to their health and why they were removed. Ms. Moch, the applicant’s representative, stated that the applicant wanted a safer, more usable yard area. Ms. Craig noted that the trees were more than likely healthy. Ms. Moch noted the applicants are from another country and are not aware of the regulations within Wilton.

Ms. Moch identified the areas of note and distributed photos of the surrounding site conditions. She identified the size and location of the removed trees. Ms. Moch reviewed the proposed planting plan. Ms. Craig asked if there were plantings proposed for the area adjacent to the driveway. Ms. Moch stated she did not propose trees in that area as the trees

would not add value to the corresponding wetland. Ms. Craig suggested adding trees to the area adjacent to the driveway. She also noted that only three (3) large trees were proposed for the entire site. Mr. Conklin noted that a two (2) to one (1) planting plan is considered a suitable replacement plan. He added that he disagreed that planting trees in the area adjacent to the driveway was unnecessary as several large trees were removed from that area. Mr. Conklin explained that the site ecology was significantly changed. He noted that an entire wetland area had been cleared. Ms. Silverberg noted that most of the proposed planting plan was for smaller plantings like shrubs and suggesting adding larger, canopy type trees. Ms. Moch identified that three (3) trees were removed from the area adjacent to the driveway and seven (7) removed from the rear yard area. Mr. Conklin suggested adding twenty (20) shade trees to compensate for the ten (10) removed. Ms. Moch identified areas where more plantings could be placed and what type of plantings. Mr. Conklin suggested adding a demarcation line along the edge of the plantings. Ms. Craig asked if the applicant would be mowing the subject area. Ms. Moch noted the terrain did not suit mowing in that area. Ms. Craig asked if there was enough room on the site for the suggested plantings. Ms. Moch noted heavy equipment may need to be brought in to compensate. Ms. Craig reiterated that the commission requested fourteen (14) canopy trees to the rear of the property and six (6) adjacent to the existing driveway, with understory plantings to fill the area out. She noted that the understory plantings should also be doubled from the proposed planting plan in the rear of the yard and not adjacent to the existing driveway. Ms. Craig noted that all the trees should have gators attached. Ms. Silverberg asked that the septic system be added to the proposed plans.

Mr. Fischer MOVED to CONTINUE the review of WET#2566 at the next regularly scheduled meeting of the Inland Wetland Commission on May 9, 2019, SECONDED by Ms. Mandel and CARRIED 6-0-0.

VI. APPLICATIONS TO BE ACCEPTED

- A. WET#2569 (S) YE- 101 Glen Hill Road -** Emergency Septic system replacement in a regulated area.
- B. WET#2570 (S) GALLO - 50 Liberty Street-** Emergency Septic system replacement in a regulated area.
- C. WET#2571 (I) WALLON – 94 Middlebrook Farm Road –** attached two-car garage with mudroom and bedroom above modified driveway curb cut.

Ms. Avallone MOVED to ACCEPT WET#2569, WET#2570, and WET#2571 and schedule them for the next available meeting, SECONDED by Mr. Fischer and CARRIED 6-0-0.

VII. APPROVED MINOR ACTIVITIES

- A. WET#2568(M) RODIGER – 8 Spicewood Road –** installing a generator and propane tank in a regulated area.

II. CORRESPONDENCE - None

III. OTHER APPROPRIATE BUSINESS - None

A. VIOLATIONS

- i. 1 & 25 Pimpewaug** – filling in a regulated area without a permit.
- ii. 53 Pimpewaug** – filling in a regulated area without a permit.

B. Approval of Minutes – None

IV. ADJOURN

Mr. Fischer MOVED to ADJOURN at 9:15 pm, SECONDED by Ms. Silverberg and CARRIED 6-0-0.

Respectfully Submitted,
Zen Herter
Environmental Analyst, Environmental Affairs