



MINUTES

May 9, 2019

PRESENT: Elizabeth Craig (Chair), Rick Stow, Karen Silverberg, Nick Lee, Claudia Avallone (7:34pm), Kathie Mandel

ALSO PRESENT: Mike Conklin, Director Environmental Affairs; Zen Herter, Environmental Analyst; Aleksandra Moch, Green Roof Concepts, LLC; T.J. Bivona, Home Owner; Steve Trinkaus, Trinkaus Engineering, LLC; and, Deandra Musial, Robert A. Cardello Architects

ABSENT: Scott Fischer (notified of intended absence)

I. CALL TO ORDER

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

IV. PUBLIC HEARINGS

A. WET#2567 (S) BIVONA – 115 Pine Ridge Road – “corrective action” to install an exterior subsurface pump and associated boulder riprap swale discharging to a road side ditch on Pine Ridge Road; to clean an existing culvert under the driveway to remove the pavement on the driveway, to widen on both sides and to cover with gravel; to install a free form pool on an existing deck; to relocate a shed; and, to replace septic tank & pump chamber further away from wetland.

Mrs. Craig, Mr. Lee, Mrs. Mandel, Ms. Avallone, Ms. Silverberg, Mr. Conklin, and Mr. Herter noted that they had visited the site.

Mr. Conklin noted that the original payment for the permit application had not cleared. The applicant had re-submitted a check as payment, and the Town was still waiting for confirmation the funds were available to cover the corresponding application fee. Mr. Conklin advised the commission that they had the choice to postpone the public hearing until the application fee has cleared or choose to proceed with the public hearing. Mrs. Craig asked if the payment did not clear a second time, what actions the commission would be allowed to take. Mr. Conklin advised that the commission could choose to continue the public hearing at a later Wetlands meeting if they were concerned about an issue with the fee.

Mr. Bivona, the applicant, gave a brief overview of the project noting that the original issue

on the property was related to a poorly functioning drainage system. Mr. Conklin stated that a cease and desist order had been issued during the winter and a temporary emergency permit was granted in order to repair the drainage system. He added that the drainage was completed and has reduced the flooding issue for the property. Mr. Conklin reviewed the proposed work for the application. Mr. Conklin advised the commission that he had spoken with the applicant's engineer who had informed him that the septic tank and pump chamber, which are currently located within a wetland, are proposed to be relocated away from the wetland area. Mr. Bivona stated that he was not aware of changes to the septic system and that he would not be completing that portion of the work. Mr. Conklin stated that the Conservation Commission had submitted comments on the proposed project. He noted that the Conservation Commission had requested a planting plan for the proposed swale in the front yard area, as well as, recommending the pool be moved away from the wetland area.

Mrs. Craig asked the applicant if he was willing to consider another location for the pool. Mr. Bivona stated that there was no other location for the pool as the majority of the property was covered with wetlands. Ms. Avallone asked if the entire yard area fell within the regulated area. Mr. Conklin stated that it did. Ms. Avallone noted that the applicant couldn't move the pool out of the regulated area. Mrs. Craig explained that the pool could be moved farther from the resource though. Mr. Bivona stated there were no other real locations for the pool. Mr. Conklin asked if there was a planting plan created. Mr. Bivona replied he believed there was planting plan created. No planting plan was presented. Mr. Lee identified that the septic tank and pump chamber appears to be moving in an effort to create the required twenty-five (25) foot setback for the pool.

Mr. Conklin requested that the applicant's engineer attend the next public hearing in an effort to have elements of the plan explained, and a grading and planting plan for the property presented. He added that if the applicant was still proposing the pool he would need to submit a detailed plan showing the all the pool features and equipment, as well as, construction details. Mrs. Craig identified that the proposed pool would be located approximately ten (10) feet from the wetland border and noted that it would be difficult to perform the construction of the pool without disturbing the wetland. Mr. Bivona advised the commission that he had lost interest in the project and would be restoring the property to the condition it was before the violation and doing no other work.

Ms. Silverberg asked if the wetlands had been flagged. Mr. Conklin noted that the wetland boundary was taken from a previous application. Mrs. Craig asked if the wetlands had shifted because of the wet winter. Mr. Conklin stated no. He also identified an area of wetlands which is currently being utilized as lawn. Mrs. Craig asked if that area was good for plantings. Mr. Conklin advised that the area in question was the only access to the rear yard area and that it should be left clear. Mr. Bivona stated that he was removing the pool from the application and would be creating a new plan to be reviewed. Mr. Conklin advised the applicant that if he would like to revise the plan he would need to include a grading and planting plan.

Mr. Kishore Ramchandani, a neighbor of the applicant at 104 Pine Ridge Road, asked if the project would cause an increase in water runoff on his property. Mrs. Craig asked if they are currently having water issues. Mr. Ramchandani stated his property was not. Mr. Ramchandani asked if the new drainage system would create more water runoff. Mr. Conklin

advised that his question would need to be answered by the applicant's engineer. Mr. Conklin advised the applicant that his engineer would be the individual needed to provide professional confirmation by the engineer that the proposed changes to the property will not cause erosion or flooding issues to neighboring properties. Mrs. Craig agreed that the applicant's engineer should be present at the next meeting. Mr. Reed Overby, son of neighboring property owner at 105 Pine Ridge Road, noted that there were concerns over the placement of the proposed septic system and its effect on neighboring properties. Mrs. Craig asked if there were currently water related issues on their property. Mr. Overby stated no, there were not. Mr. Brian Carstens, a neighbor of the applicant at 121 Pine Ridge Road, noted his concerns for stormwater runoff from the applicant's property. Mr. Conklin reviewed the current set of proposed plans. Mrs. Del Overby, neighbor of the applicant, asked if there would be seepage from the leach field. Mr. Conklin stated he was not sure. Mrs. Ramchandani, neighbor of applicant, asked for clarification on an item on the plans. Mr. Conklin explained that the item in question was a ditch for transport of stormwater. Mrs. Ramchandani asked where the ditch was sending the water. Mr. Conklin explained the path of flow for the ditch. Mr. Carstens asked if anything is changing along his property line. Mr. Conklin advised that there was not. Mrs. Overby asked what changes were proposed to the septic system. Mr. Conklin advised that the applicant has stated that he has proposed no changes to the septic system. Mrs. Overby asked if the proposed work would affect her well. Mr. Conklin stated that would be a question for the applicant's engineer.

Mrs. Craig stated that the application would be heard at the next meeting. Mr. Bivona advised that he would not be prepared for the next meeting. Mr. Conklin stated the applicant could wait until June 13, 2019. Mrs. Craig stated the public hearing would be continued on June 13, 2019. Mr. Conklin advised the public as to the next steps in the application process. Mr. Carstens asked if the next public hearing would be the same. Mr. Conklin noted the applicant's engineer may be present to answer questions and the applicant may be changing his plans. Mr. Carstens asked if the Town Engineer would be required to review the plans before the public hearing. Mr. Conklin explained that in the event the plans arrive in time, the Town Engineer would review the proposed changes. Mrs. Overby asked if a Town Official would review the project after it was completed. Mr. Conklin explained that if a permit is issued, a staff member from the Department of Environmental Affairs would inspect the property once the work had been completed.

V. APPLICATIONS READY TO BE REVIEWED

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 stated that the public hearing had been closed and no new information can be presented by the applicant. He added that a draft resolution had been created for review by the Inland Wetland Commission. Mrs. Craig stated she had concerns over an application related to a violation having additional work, such as the proposed pool, attached to it. Mrs. Craig asked the Commission what concerns, if any, they may have about the proposed pool. Mr. Stow noted he was not opposed to the pool as long as the plan was complete and followed. Mrs. Craig asked Mr. Stow if he had visited the site. He answered no, he had not. Mrs. Craig noted her concern that there would be more fill moving around the property if the pool is approved and built. She asked if the soil on site was stabilized. Mr. Conklin advised

that the majority of the site is stabilized. Ms. Silverberg asked if a B100A, replacement septic system, application would be required if a pool were proposed on its own. Mr. Conklin explained that a reserve septic area is set aside for a new construction making a B100A unnecessary for this project. Mrs. Craig stated she was not adverse to the proposed pool but noted her concern that the site was built out so much that the only area for the proposed pool was close to the resource on the site. She added that she would be more comfortable with the installation of the pool if all the violation mitigations had been completed. She noted that there have been some issues with cooperation from the applicant. Mr. Conklin identified language in the draft resolution that states the pool cannot be built until, and unless, the mitigation plantings had been completed. Mr. Herter advised that the applicant would still be required to pursue a variance for the proposed pool. Mrs. Craig noted that the issue of a variance is related to the amount of impervious surface on the site which may be confounded by the approval of the pool. Mr. Conklin identified language in the draft resolution that would require the applicant to have a portion of the driveway removed by July 1st, 2019. Mr. Lee stated he was not concerned with the pool as its proposed location is in the same area as the previous house, meaning that area is less likely to have native soils anyway. Mrs. Craig asked what the original violation was. Mr. Conklin explained the applicant had filled and expanded the yard area into the one hundred (100) foot regulated buffer area, which was a permit violation, and a cease and desist order was issued. Mrs. Craig noted her concern that the last tree on the property is proposed to be removed for the construction of the pool and that the site has undergone an intense change. Mr. Conklin noted that all the Commission's concerns are managed by requiring specific completion dates for the mitigations, subject to review and approval by Town Staff, and regardless of the construction of the proposed pool.

Mr. Lee MOVED to APPROVE the draft resolution of WET#2553, SECONDED by Mr. Stow and CARRIED 5-0-1. Mrs. Avallone ABSTAINED from voting.

B. WET#2566 (I) DANYLYUK - 81 Kensett Drive – “corrective action” to address unauthorized tree clearing in regulated areas.

Mrs. Aleksandra Moch, the applicant's representative, gave a brief overview of the project noting discussions from the previous meeting on April 25, 2019. She stated the Commission had requested doubling the planting plan. Mrs. Moch reviewed the updated planting plan identifying the placement and types of vegetation. Mr. Lee identified a typo related to the type of trees proposed on the planting plan. Mrs. Moch identified the areas of boulder demarcation. Mr. Conklin noted the applicant was proposing to remove three (3) other trees. Mrs. Moch identified and explained the request to remove three (3) trees from the regulated buffer area. She noted that one (1) of the trees was damaged and the other two (2) were in a dangerous area. Mrs. Craig asked if an arborist had identified the trees for removal. Mrs. Moch stated that the one (1) damaged tree was and the other two (2) were not. Mr. Lee stated that, as an arborist, he would remove the damaged tree. Mr. Conklin asked about the other two (2) trees proposed to be removed. Mr. Lee stated the other two (2) trees may be much more vulnerable to wind damage as the trees around it were cleared. Ms. Avallone asked the applicant why they want the additional trees removed. Mrs. Moch explained that the one (1) tree is damaged and that the other two (2) trees are large and in an area that could potentially cause harm to the applicant's children. Mrs. Avallone asked if the applicant had come in with a proposal to cut all the trees that they have cut down, as well as, the three (3) newly proposed trees, would the Commission have approved it. Mr. Lee stated that the commission

would probably not approved clearing trees within the wetland, though based on the new site conditions the three (3) proposed trees may be more vulnerable than before and should be considered for removal. Mrs. Craig suggested one-to-one replacement of the three (3) trees requested for removal. The applicant asked if the trees could be planted closer to the wetland. Mrs. Craig stated that they could. The applicant agreed to replace the trees, planting them closer to the wetland area. Mrs. Moch requested the planting completion date be in the fall as the applicant will be completing construction on the existing home. Mr. Conklin suggested a planting installation date of September 1st so that the plants have time to take root before the winter, and in the event another violation occurs there would still be time to plant before the winter.

Mrs. Avallone MOVED to APPROVE WET#2566 with the normal special conditions, a revised planting plan to be submitted to Mr. Conklin for review by June 1, 2019, and the mitigation plantings installed by September 1, 2019, SECONDED by Mrs. Mandel and CARRIED 6-0-0.

C. WET#2571 (I) WALLON – 94 Middlebrook Farm Road – attached two-car garage with mudroom and bedroom above modified driveway curb cut.

Mrs. Craig, Mr. Lee, Mrs. Mandel, Ms. Avallone, Ms. Silverberg, Mr. Conklin, and Mr. Herter noted that they had visited the site.

Ms. Deandra Musial, the applicant's representative, gave a brief overview of the proposed project noting some evergreens will be removed during construction. Mr. Conklin asked the applicant to explain the revisions to the septic system. Mr. Steve Trinkaus, the applicant's engineer, described the pre-existing conditions of the septic system, the proposed plans, and the revisions made to the septic system plans at the request of Mr. Barry Bogle, Director of the Town of Wilton Health Department. Mr. Conklin asked if the applicant would be amenable to removing a debris pile located adjacent to the wetland. Ms. Musial stated the applicant would remove the debris pile from the property. Mrs. Craig noted the applicant's request to remove some evergreen trees and asked if there was a location on the site where comparable trees could be planted. Ms. Musial noted that there was not an area for trees of equal size but did locate areas on the plans that the applicant would be open to new plantings. Mrs. Mandel asked for clarification on the location of the evergreens proposed for removal. Ms. Musial identified the trees on the plan. Ms. Silverberg asked if the applicant had created a planting plan. Ms. Musial stated that there was no planting plan. Mr. Conklin advised new planting's adjacent to the wetland, in the area that the debris pile is being removed from. Mr. Conklin noted that understory vegetation would do well in the proposed area. Ms. Avallone asked for clarification on the proposed retaining wall and the subsequent flow of stormwater in the area. Mr. Trinkaus explained the construction of the wall and how it will affect the flow of stormwater. Ms. Silverberg asked if the applicant had considered alternatives that would have less impact on the wetland. Ms. Musial advised that the current plan was the less invasive option. Mr. Lee asked if Mr. Conklin could approve the planting plan on his own. Mr. Conklin said that would be fine as long as the commission identifies how many trees should be planted. The Commission requested three (3) understory trees be planted in the area adjacent to the wetland where the debris pile is to be removed.

Mrs. Mandel MOVED to APPROVED WET#2571 with the normal special conditions and a revised planting plan, to include three (3) understory trees, and the removal of a debris pile adjacent to the subject wetland prior to the issuance of a Certificate of Occupancy, SECONDED by Mrs. Avallone and CARRIED 6-0-0.

VI. APPLICATIONS TO BE ACCEPTED

- A. WET#2573 (I) VASALE- 1 & 25 Pimpewaug Road** – “corrective action” to address unauthorized filling in a regulated area.
- B. WET#2574 (I) KLANCKO – 53 Pimpewaug Road** – “corrective action” to address unauthorized filling in a regulated area.

Mr. Lee MOVED to ACCEPT WET#2573 and WET#2574 and schedule them for the next available meeting, SECONDED by Mr. Stow and CARRIED 6-0-0.

VII. APPROVED MINOR ACTIVITIES - None

II. CORRESPONDENCE - None

III. OTHER APPROPRIATE BUSINESS

A. VIOLATIONS - None

B. Approval of Minutes

1. Mrs. Mandel MOVED to APPROVE the Minutes of April 25, 2019 as written, SECONDED by Mrs. Avallone and CARRIED 5-0-1. Mr. Lee ABSTAINED from voting.
2. Mrs. Avallone MOVED to APPROVE the Minutes of April 11, 2019 as written, SECONDED by Mrs. Silverberg and CARRIED 5-0-1. Mrs. Mandel ABSTAINED from voting.

IV. ADJOURN

Mr. Lee MOVED to ADJOURN at 9:10 pm, SECONDED by Mr. Stow and CARRIED 6-0-0.

Respectfully Submitted,
Zen Herter
Environmental Analyst, Environmental Affairs