



TOWN HALL  
238 Danbury Road  
Wilton, Connecticut 06897  
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**TOWN OF WILTON**

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BY: *af*

## MINUTES

March 22, 2018

**PRESENT:** John Hall (Chair), Liz Craig, Kathie Mandel, Nick Lee, Tom Burgess, Mark Andrews

**ALSO PRESENT:** Mike Conklin, Director of Environmental Affairs; Liz Larkin, Recording Secretary; Mikalai Shutsikau, Property Owner; Rob Sanders, Rob Sanders Architects; Jackie Algon, Property Owner; Bill Kenny, William Kenny & Associates; Jeff Embree, Glen Gate; Todd Mitchell; Property Owner; Titapha & Greg Ruhnnow, Property Owners

**ABSENT:** Rick Stow (notified of intended absence)

### **I. CALL TO ORDER**

Mr. Hall called the meeting to order at 7:32 p.m.

### **II. PUBLIC HEARINGS - None**

### **III. APPLICATIONS READY TO BE REVIEWED**

#### **A. WET#2502(I) SHUTSIKAU – 285 Cheese Spring Road – excavate for foundation, patio and footings and driveway base for carport (cont.)**

Mr. Conklin reminded the Commission that the applicant explained his project at the last meeting and confirmed the request to remove 11 trees on the property was an issue for the board.

Mr. Shutsikau confirmed he has abandoned the request to remove the marked trees. Mr. Conklin confirmed that staff has taken pictures of the trees in question and that the applicant will need to submit a subsequent application if he changes his mind and wants to remove the trees.

Mr. Shutsikau explained the addition in the front of the building, the piers for the carport and extension of the stone patio to the inside corner of the house. He stated there is a total of 50 cubic yards of excavation he is requesting. Mr. Conklin confirmed the applicant is allowed to cut down trees outside the regulated areas and that the applicant is proposing a B100a septic plan as part of this application. He also noted a woody debris pile should be removed from the edge of the wetland.

Ms. Craig asked where the soil stockpile will be placed. Mr. Shutsikau confirmed the stockpile is more than 100 feet from the wetlands and showed the construction accessway. Ms. Craig asked if the soils will be placed on top of the tree roots and the owner responded it will. Ms. Mandel confirmed he would be removing two trees from outside the regulated area. Mr. Conklin confirmed these two trees are in a scrubby area and asked that the debris pile is removed prior to commencement. Ms. Craig confirmed that the silt fencing is noted on the plan to avoid erosion.

Mr. Burgess MOVED to APPROVE WET#2502 with the General and normal Special Conditions and the additional Special Conditions that the debris pile will be removed and trees within the regulated area will not be cut, SECONDED by Ms. Mandel and CARRIED 6-0-0.

**B. WET#2505(I) ANDERSEN/ALGON – 303 Linden Tree Road – proposed B100a for an additional bedroom within a regulated area**

Ms. Craig stated she is recusing herself from this application and left the meeting room.

Mr. Burgess, Mr. Lee, Ms. Mandel and Mr. Andrews confirmed they visited the site.

Mr. Sanders explained the property as being 3 acres in size with just over 2 acres consisting of wetlands. He is proposing an extension of the south side of the building within the regulated area which contains an indoor lap pool that they would like to convert to a garage. Mr. Sanders stated the size of this new garage would need to be extended to fit two cars inside which is why they require the proposed 9 feet bump out.

Mr. Sanders also stated the potting shed will need to be relocated. The shed was described as being 7' x 10' and 8 ft. above the driveway within an already disturbed area. Mr. Sanders confirmed there is 250 sq. ft. of new space and 210 sq. ft. is over existing paved asphalt.

Mr. Sanders confirmed the new building footprint requires a B100a from the Health Department. He described the existing septic as being installed in the 1960's but still functioning. The B100a is proposed in the same location as the current system. In order to accommodate a new system, they would mine out the existing system, replace the fill package with select fill and place the system between the house and Linden Tree Road which already has disturbed soils.

Mr. Sanders confirmed the stockpile area will be on the existing asphalt to not disturb the existing grades. He showed the proposed silt fencing and confirmed construction access will be by the upper portion of the property and under the tunnel of the house over existing pavement.

Mr. Sanders stated the potting shed is the only item that is being requested over soil. Mr. Conklin noted he was involved when this home was built and there was a wetland enhancement completed at that time. Mr. Sanders confirmed the new roof leaders will connect to the existing system. Mr. Hall asked if the property slants towards the wetland. Mr. Andrews stated the slant runs behind the house on Linden Tree and Mr. Conklin added that the house is on a giant rock outcrop.

Mr. Hall asked for the distance to the wetland from the activities. Mr. Sanders responded it is 25 feet with no curbing on the driveway so it's a sheet flow and not concentrated in one area. Mr. Hall asked if the existing plantings can capture this runoff. Ms. Algon provided the names and

numbers of plants she has installed. The commission agreed that there is enough ground cover and understory in the area.

Mr. Andrews MOVED to APPROVE WET#2505 with Normal General Conditions, SECONDED by Mr. Lee and CARRIED 6-0-0.

**C. WET#2506(I) MITCHELL – 137 Linden Tree Road – installation of in-ground pool and terrace within a regulated area**

Ms. Craig was re-seated.

Mr. Burgess, Ms. Mandel, and Mr. Andrews indicated they visited the site.

Mr. Kenny indicated the applicant is proposing to install an in-ground pool within a currently lawned area. He confirmed the pool is 93 ft. from the wetland utilizing porous patio for the patio. This request includes small retaining walls with the limit of disturbance 72 ft. from the wetland.

Mr. Kenny described the wetland as forested and gently sloping with 1,800 sq. ft. of native plantings within the current lawn area. He described a French drain will be installed with a gravel trench to assist with stormwater runoff. The commission confirmed that no backwashing will be required for the pool as it has a filter.

Mr. Conklin advised that most applications before the board require mitigation plantings and noted there is a row of trees close to the pool. He recommended they create an edge habitat with understory trees and upland plantings. Mr. Andrews requested that the pool equipment location be pulled up outside the regulated area. Mr. Lee requested that more native plantings are utilized. Mr. Conklin confirmed he would be comfortable approving the planting plan as staff with the addition of 3-4 ft. tall multi-stem shrubs and 6 ft. tall understory trees as typical for this Commission. Mr. Kenny confirmed he would add 12 – 15 shrubs and 3 – 4 understory trees at the sizes noted by Mr. Conklin.

Mr. Lee MOVED to APPROVE WET#2506 with the General and normal Special Conditions and the additional Special Conditions that a planting plan will be submitted for staff approval including 12 shrubs and 3 understory trees and the pool equipment will be relocated outside the regulated area, SECONDED by Ms. Mandel and CARRIED 6-0-0.

**IV. APPLICATIONS READY TO BE ACCEPTED**

**A. WET#2508(S) ASML USA, LLC – 77 Danbury Road – demolish existing accessory building, relocate existing driveway, construct building addition and associated stormwater management and utilities**

**B. WET#2509(S) SULLIVAN – 66 East Meadow Road – proposed pool and associated activities and driveway improvements**

Mr. Conklin advised that the ASML application includes a large amount of work on the river bank and within the flood plain so he recommended hiring a third party consultant.

Ms. Mandel MOVED to ACCEPT WET#2508 and WET#2509, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Mr. Burgess MOVED to HIRE Third Party Review, SECONDED by Ms. Mandel and CARRIED 6-0-0.

Mr. Lee MOVED to SCRAMBLE the Agenda and ADD Correspondence from the Ruhnow's to the Agenda, SECONDED by Ms. Mandel and CARRIED 6-0-0.

## **V. CORRESPONDENCE**

Mr. Conklin explained that a letter was received by the Ruhnow's asking for a waiver of some of the mapping requirements for the removal of bamboo and dead ash trees on their Sharp Hill Road property. Mr. Conklin stated that he would recommend not waiving the requirements of the application but we could handle this application as an emergency with a reduced application fee due to the destructive nature of the running bamboo. He added that the property owner should understand where their property lines are located so they are not removing state-owned trees in the right-of-way of this state highway. Mr. Lee suggested they contact the Department of Public Works to obtain their mapping of the right-of-way. Mr. Hall suggested getting his neighbors surveys to determine their property lines. He also noted if there was a lot-line adjustment, the map should have been filed with the Town Clerk. Alternatively, he recommended asking for a dependent re-survey.

## **VI. APPROVED MINOR ACTIVITIES**

**A. WET#2507(M) KONGETTIRA – 38 Ambler Lane** – install in-ground propane tank 10 ft. from wetlands

Mr. Conklin provided a brief overview of this Application that was approved by staff.

## **VII. OTHER APPROPRIATE BUSINESS**

### **A. Violations**

**i. WET#2449(I) – MCFARLAND – 14 Partrick Lane** – “corrective action” for tree clearing

Mr. Conklin advised the Commission that the department is moving forward with enforcement action once he gets advice from Town Counsel.

Mr. Conklin also provided an update on the lawsuits before the Commission on the Brubeck application.

**B. Approval of Minutes – February 22, 2018 Site Walk & February 22, 2018 Regular Meeting Minutes**

Ms. Craig requested the following revision to the March 22, 2018 Meeting Minutes:  
2<sup>nd</sup> Page 8<sup>th</sup> Paragraph - strike the following – “Ms. Craig stated that she does not think Mr. Shutsikau would enjoy the property as much with the lack of trees and the removal would negatively affect the site.” If needed please replace with the more useful comment...”Any trees determined hazardous by an arborist would have to be replanted with similar native canopy trees. As the trees you are asking to remove are growing right next to the pink wetland flags.

Mr. Lee MOVED to APPROVE the February 22, 2018 Meeting Minutes as amended, SECONDED by Ms. Mandel and CARRIED 6-0-0.

Mr. Burgess MOVED to APPROVE the February 22, 2018 Site Walk Minutes as drafted, SECONDED by Ms. Mandel and CARRIED 6-0-0.

## **VIII. ADJOURN**

Mr. Andrews MOVED to ADJOURN at 8:59 pm, SECONDED by Ms. Mandel and CARRIED 6-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs