



**MINUTES**

**February 8, 2018**

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

**ALSO PRESENT:** Mike Conklin, Director of Environmental Affairs; Jennifer Fanzutti, Environmental Analyst; Liz Larkin, Recording Secretary; Kate Throckmorton, Environmental Land Solutions; Tom Quinn, Peak Engineers; Vijay Kumar, Property Owner

**ABSENT:** Mark Andrews (notified of intended absence)

RECEIVED FOR RECORD  
TOWN OF WILTON  
2018 FEB 14 A 11:44  
BY: AF

**I. CALL TO ORDER**

Mr. Hall called the meeting to order at 7:31 p.m.

**II. PUBLIC HEARINGS - None**

**III. APPLICATIONS READY TO BE REVIEWED**

**A. WET#2498(I) YATES – 15 Olmstead Hill Road – proposed new home construction and associated activities within a regulated area (cont.)**

Ms. Throckmorton handed out a highlighted plan that shows how the Barretts Brook flows to the Norwalk River and noted that there is a flood zone on the corner of the site. Mr. Hall confirmed that the applicant received the letter that was submitted by South Norwalk Electric & Water (SNEW) prior to the meeting.

Ms. Throckmorton showed the meadow area and the wetlands that run along the east side of the meadow. She explained this area is proposed to be maintained as a meadow and wooded shrub area that is protecting the offsite pond. Ms. Throckmorton described this application as an Intermediate level activity as most of the disturbance is outside the regulated area. The area that is regulated includes both sides of the driveway which she described as being developed and overused historically. Ms. Throckmorton stated the soils in the regulated area are sandy loam and free draining.

Ms. Throckmorton stated the wetlands do not have a lot of function, the catch basins are being removed and the existing wetland will be replanted with large and small trees to delineate the proposed lawn. In addition, there is a proposed rain garden which will infiltrate any driveway

runoff. Ms. Throckmorton again confirmed the house and the septic are outside the regulated area.

Ms. Craig asked the distance between the house and the 100-year flood line. Ms. Throckmorton responded that there is 30 – 40 feet per the FEMA Maps and explained that these FEMA lines are not exact but approximated. She added that the brook is two driveways and a house over from the subject property and noted there is a 10-foot elevation difference between the driveway and the flood line.

Ms. Throckmorton responded to a concern about compaction of soils near the stockpile area by stating that most compaction occurs in the construction access locations. She noted the meadow area has been expanded and trees were added to provide habitat. With the proposed improvements, the wetland function will be improved from current conditions along with the inclusion of an invasive mitigation plan for a three-year timeframe. She also reiterated the impervious coverage has been reduced with the removal of some pervious pavers originally proposed.

Mr. Quinn stated that he has added a definition of the buried boulders to his plan. He stated they are reducing the size of the lawn, and reducing the pavers that were originally proposed per the comments from the last meeting. He noted the calculation in the SNEW letter had an error as it stated 9% coverage when in reality it is 8.6%, but still under the 10% maximum allowed.

Mr. Hall noted the request from SNEW to add that the erosion controls will be maintained, not just erected, should be revised on the plan. Ms. Craig asked where a pool would be allowed on this site. Ms. Throckmorton stated there is no request for a pool at this time.

Mr. Conklin asked if the extension of the berm makes sense due to the additional disturbance that it will create. Mr. Burgess stated that Mr. Andrews had requested this at the last meeting. Mr. Conklin suggested the meadow may be better left alone. Ms. Craig stated the homeowner would likely extend the lawn further. Mr. Conklin stated that would go off the property and would not be allowed. Mr. Hall asked if the area needs to be seeded and Ms. Throckmorton responded they will seed all disturbed areas.

Mr. Stow MOVED to APPROVE WET#2498 with the General and Normal Special Conditions and the Regular Special Conditions and the addition Special Condition that the note regarding Soil and Erosion Measures will be “maintained” during construction activities, SECONDED by Ms. Mandel and CARRIED 6-0-0.

**B. WET#2499(I) KUMAR – 45 Branch Brook Road – proposed in-ground pool and associated activities within a regulated area**

Mr. Quinn confirmed the wetland area is off-site with a stone wall, some depressions and then the wetland area. He confirmed there are steep 25% slopes on this lot which leads to a flat area with a 10% grade where the house is on the top of the slope. The pool is being proposed in a current lawned area.

Mr. Conklin, Ms. Fanzutti, Ms. Craig, Mr. Burgess, Mr. Lee and Ms. Mandel visited the site.

Mr. Quinn reiterated that the pool location is currently a small lawn and noted the pool will not be deep. He stated any yardage removed for the construction will be placed behind the stone wall in a non-regulated area for a permanent stockpile to raise the grade. Mr. Quinn confirmed that SNEW has requested a dry well to draw down the pool for closing in the winter.

Mr. Quinn showed where he added roof drains in lieu of the drywells by red-lining the plan and confirmed there is less than 1,000 sq. ft. of disturbance for this purpose. Mr. Hall asked staff if this home came before the commission when it was built. Ms. Fanzutti confirmed there was no previous file. It was determined that the house was built when the regulation included a 50-foot regulated area which would not require a permit in this case. Mr. Hall asked that the area of septic that sags be filled in. Mr. Lee suggested the owner temporarily remove the fence for access.

Ms. Mandel MOVED to APPROVE WET#2499 with the General and Normal Special Conditions and the Regular Special Conditions and the Additional Special Condition that the depressed areas by the septic be filled and roof drains will be installed, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Mr. Burgess MOVED to AMEND the Agenda to ADD Acceptance of WET#2503, and discuss the Plan of Conservation & Development, SECONDED by Mr. Stow and CARRIED 6-0-0.

#### **IV. APPLICATIONS READY TO BE ACCEPTED**

- A. WET#2501(I) SILVER HILL HOSPITAL – 208 Valley Road** – install new septic system and drainage improvement features
- B. WET#2502(I) SHUTSIKAU – 285 Cheese Spring Road** – excavate for foundation, patio and footings and driveway base for carport
- C. WET#2503(I) CAREY – 217 Olmstead Hill Road** – “corrective action” to address unauthorized clearing within a regulated area, and expand driveway and parking area with tiered retaining walls to improve safety and function

Mr. Lee MOVED to ACCEPT WET#2501, WET#2502 and WET#2503, SECONDED by Ms. Mandel and CARRIED 6-0-0.

#### **V. APPROVED MINOR ACTIVITIES**

- A. WET#2500(M) TH REAL ESTATE – 10 Westport Road** – install temporary concrete footing for shoring of south bridge in order to repair abutment

Mr. Conklin provided a brief overview of the TH Real Estate Application that was approved by staff.

#### **VI. CORRESPONDENCE - None**

#### **VII. OTHER APPROPRIATE BUSINESS**

## **A. Violations**

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

Mr. Conklin advised that the case was dismissed in court. He asked the Commission if they would like to proceed with enforcement action at this time. Mr. Hall recommended looking at the appeal period for this prior to moving forward. Mr. Conklin reminded the Commission the typical mitigation for this type of violation is 2 to 1 replacement of trees. He confirmed the McFarlands were provided with sample planting plans for assistance prior to the lawsuit.

- ii. **CAREY – 217 Olmstead Hill Road** – unauthorized clearing of land within regulated areas

Mr. Conklin confirmed this application was just accepted and that the applicant has changed project professionals due to the inactivity of the past agent.

## **B. Approval of Minutes – January 11, 2018 Regular Meeting**

Ms. Craig MOVED to APPROVE the January 11, 2018 Meeting Minutes as drafted, SECONDED by Mr. Burgess and CARRIED 6-0-0.

- C. **POCD Discussion** - Mr. Hall brought up the current meetings that are being held to facilitate the upcoming POCD. He stated he was asked to attend a meeting to discuss the input from the Inland Wetlands Commission which he feels is not fair to the rest of the members as they may have different priorities. He asked that anyone that is interested in the POCD to attend the meetings.

The Commission discussed ways to avoid having unknowing residents get into violation situations specifically with Michael Lato. The Commission wants to provide a list of violators to steer people away from hiring him with his multiple violations created on Wilton properties due to his lack of wetlands knowledge. The Commissioners also noted all businesses along Route 7 should have proper infiltration.

## **VIII. ADJOURN**

Ms. Mandel MOVED to ADJOURN at 8:47 pm, SECONDED by Ms. CRAIG and CARRIED 6-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs