

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



TOWN HALL  
238 Danbury Road  
Wilton, Connecticut 06897

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## MINUTES

February 28, 2019

**PRESENT:** Liz Craig (Chair), Scott Fischer, Karen Silverberg, Rick Stow, Kathie Mandel, Nick Lee

**ALSO PRESENT:** Mike Conklin, Director of Environmental Affairs; Zen Herter, Environmental Analyst; Liz Larkin, Recording Secretary; Aleksandra Moch, Green Roof Concepts, LLC; Tracey Owens, Property Owner; Sarah Curtis, Resident

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

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

### **IV. PUBLIC HEARINGS**

#### **A. WET#2552(S) BAKER – 108 Nod Hill Road – “emergency” septic replacement**

Mr. Conklin advised there was an emergency situation with effluent on the ground. A temporary permit was issued and the system has been installed.

Mr. Stow MOVED to APPROVE WET#2552, SECONDED by Ms. Mandel and CARRIED 6-0-0.

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

Ms. Moch advised that this applicant received a permit for a new home and showed where the location of the previous house was demolished. She showed where the wetlands are located off-site and where the owner would like to install a pool. Ms. Moch confirmed that unauthorized fill was spread on the site and when the Cease & Desist was issued, the owner promptly removed this additional fill and restored the area as lawn.

Ms. Moch showed where the mitigation is proposed on the site and confirmed she made some revisions to the plan based on staff and Conservation Commission comments. She indicated that the pool was pulled back away from the resources as far as they could with still meeting the health code for the required separation distance to the septic location. Ms. Moch confirmed that one tree they were attempting to save will need to be removed with this shift

in pool location.

Ms. Moch indicated where the buffer is being proposed to be restored and stated the owner does not wish to install a physical barrier such as boulder demarcation as there is a fence around the property. Mr. Lee stated he would encourage the boulders to avoid encroachment. Ms. Moch stated the boulders could be a safety issue but the Commissioners disagreed.

Ms. Moch confirmed the proposed terrace will be pervious and showed where the construction access is proposed. She noted two mitigation areas: one behind the fence on the wooded side to address the violation and one area with two rows of plantings for the pool which she stated may not be built.

Mr. Conklin confirmed the pool was pulled back 8 ft. from the resource from the original submission and that the septic is 25 ft. from the pool. Ms. Moch confirmed that this is accurate and they shrunk the size of the pool. Mr. Conklin advised the property is still under a Cease & Desist Order and the Town Engineer has comments and concerns about the drainage report that need to be addressed. Mr. Conklin also recommended significantly more native plants and shrubs be added. In addition, the contours of the land are different than what was there at the time the Cease & Desist was requested so an engineer or surveyor would need to provide plans of pre and post topography to have a clear understanding of the magnitude of the violation. Ms. Silverberg inquired about requesting the Cease & Desist be addressed and complete prior to granting an approval for the pool. Mr. Conklin advised the owner was told to put all items they plan to request for a complete view and not to “creep” items onto the property. Ms. Craig noted there is a large amount of disturbance on this property and all the trees have been removed.

Mr. Conklin confirmed the Town Engineer has requested the new driveway layout. Ms. Mandel noted there will be more impervious surface if the application is approved. Ms. Silverberg asked questions about the Certificate of Occupancy (CO) as she thinks someone is living in the home currently. Mr. Conklin explained the home has a CO, but the pool does not. Mr. Herter asked if a B100a would be required. Mr. Conklin responded the house is new and a B100a would not be required at this time. Ms. Lee suggested adding plantings in an “L-Shape” at the north and west of the pool area. Ms. Craig noted there is a tree that has its roots buried by 3 – 4 ft. which will kill the tree.

Ms. Silverberg inquired about the height of the berm near the driveway as she thinks it may be 6 or 7 ft. She was concerned that the driveway is noted as gravel on the plans but is partially paved. She stated a “true” map would need to be produced for any approval by the Commission. Mr. Conklin noted that he has been asking the owner to provide a topographic map for months and this directive has been ignored. Ms. Moch stated a new engineer was hired after the initial approval and they worked off the existing plans to add the pool. Mr. Lee reiterated that a more expansive mitigation plan is required. Mr. Conklin added that all shrubs should be multi-stem natives.

Ms. Owens, of 342 Westport Road, stated the owner removed most of the trees in the vicinity and killed the ones that were left. She confirmed she lost 14 trees during a storm along their shared property line. Ms. Owens noted she has never had water issues until the Applicant

started construction. She described the water rushing through her basement and causing monumental damage. She also stated the fill they have placed, in violation of the permit, has created a cliff. The content of the fill was questioned by Ms. Craig as she saw rubble within the fill. Ms. Owens confirmed there is debris in the fill and anyone on the Commission is welcome to her property to see the damage and fill material. Ms. Silverberg noted the plan submitted did not have Ms. Owens' property properly labeled in the correct spot.

With no further questions or comments, the Public Hearing was continued until the next meeting on March 14, 2019.

**V. APPLICATIONS READY TO BE REVIEWED - None**

**VI. APPLICATIONS TO BE ACCEPTED**

**A. WET#2539(I) DOSTAL – 200 Rivergate Drive – “corrective action” to address fill material in a wetland and a regulated area**

**B. WET##2559(S) SIKRI – 19 Cardinal Lane – proposed remodel of house from fire damage**

Mr. Lee MOVED to ACCEPT WET#2539, and WET#2559, SECONDED by Mr. Stow and CARRIED 6-0-0.

**VII. APPROVED MINOR ACTIVITIES**

**A. WET#2556(M) TOWN OF WILTON – 415 Danbury Road – propane tank installation for heating conversion approximately 25 ft. from wetlands**

**B. WET#2557(M) PACHETTI – 193 Old Huckleberry Road – proposed generator and LP tank within a regulated area**

Mr. Conklin provided a brief description of the Minor Permits that have been issued since the last meeting.

**VIII. CORRESPONDENCE**

**A. Permit Determination – Friends of Norwalk River Valley Trail – proposed installation of three 10” diameter plastic culverts for drainage relief of an adjacent pond**

Mr. Conklin explained the issue that the trail was built over the outlet to a pond which is washing out the trail. The NRVV is proposing to install culverts to permanently lower the pond. He described this will assist in regulating the level of the vernal pool. In hindsight, the area should have a boardwalk built over this area but Mr. Conklin confirmed the overflow is seasonal.

Ms. Lee MOVED to DEEM this Application as a Minor Regulated Activity, SECONDED by Mr. Fischer and CARRIED 6-0-0.

**B. WET#2558(M) MARTIN – 71 Graenest Ridge Road – proposed new house construction and associated activities**

Mr. Conklin advised that he was not certain what level permit this new home should receive. He described that a portion of the stormwater management system falls within the regulated area. The Commission looked at the septic location, drainage, removal of trees, and the way the water sheds on the property. Ms. Craig stated she would like a condition to maintain the drainage systems for all new owners.

Ms. Mandel MOVED to DEEM this Application as a Minor Regulated Activity, SECONDED by Mr. Stow and CARRIED 5-1-0 with Ms. Silverberg abstaining as she did not have a larger context of the project.

**C. BIVONA – 115 Pine Ridge Road – request for “corrective action” application deadline extension**

Mr. Conklin advised that the owner has resolved the immediate issues with the water coming on the property by installing a sump pit which is pumped to the drainage swale. The owner is working with surveyors to get the topography maps and the final plans will be drawn. Mr. Conklin stated they are working in good faith.

Mr. Lee MOVED to GRANT an extension for the “Corrective Action” application which will now be due no later than April 10, 2019 at 3pm for acceptance at the April 11<sup>th</sup> Meeting, SECONDED by Mr. Fischer and CARRIED 6-0-0.

**IX. OTHER APPROPRIATE BUSINESS**

**A. VIOLATIONS**

**i. Bivona – 115 Pine Ridge Road – unauthorized site work in a regulated area**

This item was discussed above.

Mr. Lee MOVED to ADD a Violation for O’Halloran at 262 Hyland Drive to the Agenda, SECONDED by Mr. Stow and CARRIED 6-0-0.

- ii. O’Halloran – 262 Hyland Drive –** Mr. Herter noted he met with an arborist at this site as there were several trees that were removed in a regulated area with debris scattered around the pond. Mr. Herter confirmed the owners will work to complete a restoration plan including more understory trees to create an edge habitat per Mr. Conklin’s advice.

**B. Approval of Minutes – January 24, 2019 Meeting Minutes**

Ms. Silverberg MOVED to APPROVE the January 24, 2019 Meeting Minutes as drafted, SECONDED by Ms. Fischer and CARRIED 5-0-1 with Ms. Mandel abstaining as she was not present.

**X. ADJOURN**

Mr. Fischer MOVED to ADJOURN at 8:55 pm, SECONDED by Ms. Mandel and CARRIED 6-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs