

May 14, 2003

Members Present: Dorothy Hill, Helen Gray, Charles LaMuniere, Marguerite Purnell and Robert Weber.

Alternates Present: Candace Korzenko and Mark Picton.

Alternates Absent: Anthony Bedini.

Staff Present: Michael Ajello and Katherine Moquin.

Also Present: Roger Pratt, Sigrid and Anton Hildmann, Brian Neff, David Wilson, Robert Parker, Paula and Richard Getnick, Jamie Lintner, Dirk Sabin, Brian Baker and Curtis Smith.

Dorothy Hill called the Regular Meeting to order at 7:55 p.m., Wednesday, May 14, 2003. Members seated were Dorothy Hill, Helen Gray, Marguerite Purnell, Charles LaMuniere and Robert Weber.

Pre-Application Advice

Beckett, Loomarwick Road, Construct Dwelling.

Roger Pratt, Architect, was present and he answered the member's questions and explained the following: 1. The septic system plan, "Site Plan, Adams-Beckett, New Home, Loomarwick Road by Roger Sherman Pratt, Architect, dated 2-6-03," which shows the existing house, built in the 1920s, at 24" from the wetlands; the existing house has electric and septic pipe going into a stone grotto and needs to be demolished. The site plan, "Preliminary Site Development Plan, Mark D. & Christine Adams Beckett, Single Family Residence, Loomarwick Road by John M. Farnsworth & Associates and J.F.M. Engineering, Inc., dated 5-1-03 and revised 5-12-03," which shows the house site on the other side of this non-conforming lot, because septic system test holes did not qualify. The proposed house site sits as far away as possible from the wetlands at 24' to 30' and the opposite side of the house sits right at the setback line. The existing house is one story and the proposed house is two stories on a smaller footprint. 2. This site was flagged by a soil scientist recently. The proposed septic is 18' from the wetlands. 3. This site is 35,000 sq.ft., almost of an acre.

Members pointed out the Health Code requires 75' distance to the septic system and obtaining a Health permit comes first and they requested the following: 1. If possible, obtain a different septic design that is farther away from the wetlands. 2. Submit the soil science report. 3. Sedimentation and erosion controls. 4. A construction sequence. 5. The location of the soil stockpiles. 6. Grading for the yard and garage. 7. The amount of fill around the garage. 8. An application form with a live signature by the owner. 9. A letter of authorization. 10. Return with a regular application after receiving a Health permit.

Mr. Pratt submitted the two maps cited above.

Pending Applications

Hildmann, IW-03-14 ATF, 34 Popple Swamp Road, Drainage System.

Sigrid and Anton Hildmann and Brian Neff, Civil Engineer, were present. Mr. Neff submitted revised plans, "Drainage Plan, Anton & Sigrid Hildmann Barn, 34 Popple Swamp Road by Brian E. Neff, L.E., dated 4-5-03 and revised 5-8-03," which shows the following revisions: 1. The **modified riprap** silt basin outlet for catch basin # 6 is pulled back to 25' from the wetlands. 2. Barn roof downspouts on the northwest side of the barn **into** catch basin # 7. 3. An additional catch basin # 8 on the north side of the barn. 4. A note regarding the yearly maintenance of the catch basins.

Ms. Purnell questioned the wetlands line on the above cited map. Mr. Neff said that the wetlands had been re-flagged and delineated farther from the barn.

Mr. Picton noted that the revisions reflect what the Commission requested.

Mr. LaMuniere noted that there are now three outlets for the barn drainage.

MOTION: To APPROVE the application Hildmann, IW-03-14 ATF, 34 Popple Swamp Road, Drainage System per the revised plan, "Drainage Plan, Anton & Sigrid Hildmann Barn, 34 Popple Swamp Road by Brian E. Neff, L.E., dated 4-5-03 and revised 5-8-03" and with the following condition: Drainage system catch basins and the silt basin are to be cleaned out at least once per year in June or July and a letter submitted to the Commission stating this was done. By Mr. LaMuniere, seconded by Mr. Weber and passed 4-0-1. Mrs. Gray abstained, as she did not visit the site.

Ms. Purnell noted that all the issues have been addressed for this after the fact application.

Hildmann, IW-03-15 ATF, 34 Popple Swamp Road, Construct Gravel Driveway and Horse Riding Ring.

Sigrid and Anton Hildmann and Brian Neff, Civil Engineer, were present. Mr. Neff submitted revised plans, "Horse Riding Ring & Pasture Access Plan, Anton & Sigrid Hildmann, 34 Popple Swamp Road by Brian E. Neff, L.E., dated 4-7-03 and revised 5-14-03," and he explained the following: 1. The layout is altered to propose a gravel driveway for equipment, coming off Popple Swamp Road at a point north of the barn; this gravel drive crosses a shorter (from 285' to 145') span of wetlands and goes through one pasture located northwest of the barn. 2. The proposed horse riding ring is 60' x 180', with a 12" sand base.

Ms. Purnell asked if the horses are to use the gravel drive as well. Mr. Hildmann said that Popple Swamp Road is truly too dangerous for the young untrained horses.

Mr. Picton noted that when the work started to clear land for the pastures, some areas were found to be unsuitable and asked what part of the property was recently flagged for wetlands. Mr. Neff said the northeast quadrant; the rest of the property had been flagged for wetlands during the subdivision planning stage. Mrs. Hildmann said that when they planned the pasture area, they couldn't see that the northwest corner of the property was too wet. Ms. Purnell said the westernmost pasture closest to the barn is too wet to be cleared but the riding ring is located in a pasture already approved as an agricultural exemption. Mr. LaMuniere asked if the originally proposed gravel drive would make a difference, when a portion of this gravel drive is already constructed and the pastures already cleared. The members agreed the better plan would be to allow the northwest pasture to grow back and use the drive originally proposed. Mr. Ajello said that the pastures will turn into seasonal pastures, because valuable horses will not be left to stand in wet muddy ground.

Mrs. Hill asked about the hydrology regarding the channeling of water out of pipe # 15 and pointed out that on the map it is marked # 18. Mr. Neff said this is a low gradient channel and does not require riprap because there is a low velocity; the channel leading into the pipes is open with sloped sides.

Mr. Picton asked about the need for a 40' pipe for the driveway and requested the new pasture limits be indicated on the plan. Mr. Neff said that he would shorten the pipe for the driveway as much as possible, maybe take out a 15' section and he will revise the plan to reflect the decisions made tonight.

Feldman/Frater, IW-03-16, 123 West Shore Road, Install Floating Dock, Repair Stone Wall, Renovate Boat House.

David Wilson, Contractor, was present and submitted photos; he answered the members questions and explained the following: 1. Just the stone wall cap is proposed for replacing; there is to be additional stone wall structural work; no concrete exists within the wall. The plan is to have the excavator (from the road) remove the piers and the cap is to be removed by hand. 2. All of the existing building is to be removed and the building is to be extended over the existing concrete pad and cantilevered for the portion needed to store the length of the scull; the building volume will increase but not the footprint.

Ms. Purnell said that the A 2 survey map does not definitively show the lake shoreline as the property boundary; if this is not their property then filling in behind the retaining wall is filling in the lake. Mr. Wilson said the shoreline is eroding. Mrs. Hill said that the fill proposed would replace what had been there and a uniform cap on the stone wall is a positive outcome; the stones also serve as an anchor for the docks. Mr. LaMuniere said the existing wall is tilting toward the lake. Mr. Weber said that it is clear the stone wall work will repair an existing break.

Ms. Purnell said the only instance of multiple docks allowed on Lake Waramaug is for public use, such as an Inn and the regulations state a dock as of right' and there is the potential here for setting up a precedent. Mr. Picton said that extending the bulk head pertains to the regulated part of this application and the dock portion is not regulated. Mr. Weber said that allowing two docks begs the question of six docks.

MOTION: To APPROVE the application Feldman/Frater, IW-03-16, 123 West Shore Road, Install Floating Dock, Repair Stone Wall, Renovate Boat House per the plans, "Waterfront Improvements, Feldman/Frater, 123 West Shore Road by David R. Wilson, P.E., dated April 17, 2003 and with the following conditions: 1. A statement is to be obtained from T. Michael Alex, L.L.S. regarding the property line relative to the shoreline and submitted to the file. 2. The height of the stone wall is to remain the same. By Mrs. Hill, seconded by Mr. LaMuniere and passed 3-1-1. Ms. Purnell voted nay as she is uncomfortable about the property line relative to the shoreline and she does not agree with permitting two docks. Mrs. Gray abstained, as she did not visit the site.

Fish, IW-03-18, 201 Wykeham Road, Construct Driveway.

Brian Neff, Civil Engineer, was present and submitted revised plans, "Proposed Driveway Plan, Robert Fish Residence, 201 Wykeham Road by Brian E. Neff, L.E., dated 4-15-03 and revised 5-13-03;" he answered the members questions and explained the following: 1. The revision includes a missing depiction of a few stone walls, a new house site farther from the wetlands, a stockpile area, footing drains, the septic system, the well and more room for a turn-a-round area. 2. A way to construct a driveway out of the U.R.A. does not present itself and so in this proposal, the driveway skirts the wetlands and no trees need to be cut; seemed a logical approach, as the majority of tree cutting had already been done; the house site is located in a field, so again there will be no tree cutting. 3. The electrical service conduit is to be installed concurrent with the driveway and is shown on the plan.

Mrs. Hill seated Candace Korzenko for Helen Gray and Mark Picton for Marguerite Purnell, as Mrs. Gray and Ms. Purnell abstained.

Mr. LaMuniere requested that care be taken and a stipulation issued to insure that no trees would be cut within the regulated, mature and beautiful forest on the east side of

the driveway and stone wall; the members debated and then agreed it is not necessary at this point to have this stipulation placed on the Land Records.

MOTION: To APPROVE the application Fish, IW-03-18, 201 Wykeham Road, Construct Driveway per the plans, "Proposed Driveway Plan, Robert Fish Residence, 201 Wykeham Road by Brian E. Neff, L. E., dated 4-15-03 and revised 5-13-03 and with the following conditions: 1. The stone walls existing as a buffer between the driveway and the wetlands are not to be disturbed. 2. No cutting is to be done in the forest on the east side of the driveway and stone walls. By Mr. LaMuniere, seconded by Mr. Weber and passed 5-0.

Daudelin/Arciola, IW-03-19, 9 Dark Entry Road, Construct Dwelling.

Robert Parker, Contractor, was present. Mr. Picton requested a silt trap(an unlined hollow basin) be dug at the end of the swale and he requested the area along the silt fence remain wooded / be the limit

of disturbance. Mr. Parker drew, initialed and dated a silt trap at the end of the swale on the plan, "Subsurface Sewage Disposal System, (3) Bedroom Single Family Dwelling, 9 Dark Entry Road by Brian E. Neff, L.E., dated 10-28-00 and revised 2-21-01." Mr. Ajello said that the swale will act as a silt trap, because the existing grades are so gradual.

MOTION: To APPROVE the application Daudelin/Arciola, IW-03-19, 9 Dark Entry Road, Construct Dwelling per the plans, "Subsurface Sewage Disposal System, (3) Bedroom Single Family Dwelling, 9 Dark Entry Road by Brian E. Neff, L.E., dated 10-28-00 and revised 2-21-01 and revised 5-14-03 by Robert Parker, Contractor" and with the following conditions: 1. A silt trap is to be added at the end of the swale. 2. The silt fence line on the west side of the lot is to be the limit of disturbance. By Mr. Picton, seconded by Mrs. Korzenko and passed 5-0.

Mrs. Hill reseated Helen Gray and Marguerite Purnell.

New Applications

Getnick, IW-03-20, 237 West Shore Road, Extend Retaining Wall & Stairs, Remove Soil.

Paula and Richard Getnick were present and they answered the members questions and explained the following: 1. The drawing, "Getnick Residence, Pine Meadow Gardens, dated 4-9-03" shows front and side views. 2. The proposal is to extend a railroad tie retaining wall 20' along the road with a return 4' length of wall perpendicular to the lake.

3. The 6' wide stairs are to be constructed in a section of removed wall. 4. Approximately 8 yards of soil is planned to be removed in order to create a level picnic area, which is to be graded and seeded. A silt fence is to be placed along the lake.

Mr. Ajello visited the site and observed a tree, which leans toward the water; he asked if the excavation would expose the roots of the tree, as roots extend to the **width** of the crown. Mr. Getnick said that the tree is not on his property and he will report on the extent of the excavation at the next meeting.

The Commission will make Individual **Site Visits** before the next meeting and they all agreed that this application is straight forward. Mr. Getnick will stake out the area of excavation.

Solley Bros., IW-03-21, 51 Carmel Hill Road, Stream Crossing.

Jamie Lintner, Contractor, was present and he submitted photos; he answered the members questions and explained the following: 1. The map, "2001 DeLorme Topo USA 3.0, Solley Brothers, Proposed Intermittent Crossing, Carmel Hill Rd. by Jamie Lintner, dated April 22, 2003," shows the 32 acre parcel in question; need to cross two intermittent streams (40' apart) in order to access the area planned for logging (tree thinning;:) there is an existing old farm road and the streams **cross the wood** road and hit a small outwash area. 2. A temporary bridge called a pulled corduroy, which consists of a 6-7" pipe 13' long with poles placed on top; no digging will be done; he uses a **forwarder** for the logs, so no skidder will be used and a tractor can be driven as of right.' 3. This is planned to be done in late June or early July. 4. He will know the amount of logging when all the permits are obtained and the trees are tagged but it is slated for 40,000 **board feet** and the larger mature oaks will remain and he will target yellow birch, ash and hard maple of medium size (16-18".) 5. He has applied to the Town for a Timber Harvest and he will submit an estimate.

Ms. Purnell explained the logging regulations: To date the Inland Wetlands interest has been in the wetlands crossings and if there was a perception of a potential impact from the upland review area, the Commission made recommendations.

Mr. Ajello noted that he can sign off on this type of application after visiting the site and determining there are no potential problems.

Mrs. Korzenko requested a narrative describing the project and including the estimated board feet to be harvested.

The Commission will make Individual **Site Visits** before the next meeting. Mr. Lintner will stake out the entrance to the site on Carmel Hill Road.

Lloyd, IW-03-23, 149 Whittlesey Road, Selective Tree Thinning / Lawn Expansion.

Dirk Sabin, Landscape Architect, was present and he answered the members questions and explained the following: 1.This property sits within the confluence of the Shepaug and Bantam Rivers. This whole site has a flat grade and sits 6-8' above river level. 2.The applicant wants to take advantage of the view over the field to the east of the house and create a broad berm of rock garden and plant spruce trees to the south east of the house. 3.A small amount of selective tree thinning is proposed for the area along the Bantam River on the south side of the house and a plan to create both a play area southeast side and privacy from the road on the north side (100' runs halfway between the Bantam River and Whittlesey Road;) the Hemlock hedgerow will remain and the Sweet Birch is planned for removal. 4.Work to be done this Spring time.

Lloyd, IW-03-22, 149 Whittlesey Road, River Protection/Armoring.

Dirk Sabin, Landscape Architect, was present and he answered the members questions and explained the following: 1.Thorn Rosenthal obtained approval to do shore protection along the Bantam River in the deck area. There is ongoing erosion; propose to refurbish the bank along the existing lawn area on the south and west side of the house, using a **minimum** one cubic yard sized boulders; the plan is to have the excavator in the river bed during low water level; slab steps are to be installed down to Bantam River and low bush blueberry planted along the boulders.

The Commission will make a **Site Visit** on Tuesday, May 27, 2003, at 9:00 a.m.

Shepaug Realty, IW-03-24, 252 Bee Brook Road, Construct Bridge.

Brian Neff, Civil Engineer, was present and he submitted plans, "Proposed Site Development Plan, Shepaug Realty, L.L.C., 252 Bee Brook Road by Brian E. Neff, L.E., dated 5-3-03 and revised 5-8-03;" he answered the members questions and explained the following: 1.The temporary bridge will provide access to both sides of the channel during construction of the permanent bridge downstream. The arched bridge is designed for a 100 year flood and made with a pre-cast concrete unit 26' high with 8' short wing walls; 4' sections are to be put in with a crane (this is a quick installation procedure;) the channel bottom is to be left undisturbed and sandbags along with temporary piping put in place during construction; some material will be removed where the bridge form leads to the wing walls; riprap will be installed upstream where the temporary bridge sits. 2.Work to be done in the middle of Summer. 3.Included in the above cited site plan are plans for one house for this 40.6 acre property. An underground electrical conduit can run through the bridge arch.

The Commission will make Individual **Site Visits** before the next meeting.

Jepsen/Dore, IW-03-25, 144 East Shore Road, Re-build Boat House.

Brian Neff, Civil Engineer, was present and he submitted two copies of the plans, "Site Analysis Plan, Keith J. Jepsen, Kathleen A. Dore, 144 East Shore Road by T. Michael Alex, L.L.S., dated January 2002;" he answered the members questions and explained the following: 1.The existing lakeside boat house is in poor shape. Propose to re-build this 8' x 20' building, which is canti-levered out over the lake; plan to use steel frames to support the canti-lever; the new building will have the same footprint; the work will be done by hand, as there is no existing access to the site. 2. The house sits on the other side of the road.

The Commission will make Individual **Site Visits** before the next meeting.

O'Brien/J.M. Scott Assoc., IW-03-26, 95 Nichols Hill Road, Construct Dwelling / Wetland Crossing.

Brian Baker, Curtis Jones & Assoc., was present and he answered the members questions and explained the following: 1.A permit for a driveway was obtained in 1993 and it expired in 1998. 2.The house and septic locations are now flipped, which takes the septic primary and septic reserve out of the regulated area and puts the house on the other side of the lot for more privacy. 3.Most of the wetlands lie in the northeast corner of the property. 4.The crossing is planned to be placed where the stream narrows; a 30" culvert pipe, adequate for a 25 year storm, is to be used with the depth buried.

Mrs. Hill said the previous Commission hoped the wetland crossing would be shared. Mr. Baker said that an easement is not in place.

Mr. Ajello requested the electrical service conduit be shown on the plans, so that excavation is not repeated.

The Commission will make a **Site Visit** on Tuesday, May 27, at 10:00 a.m.Mr. Baker will stake out the house site and crossing area.

Pending Applications

Brown, IW-03-09, 96 Romford Road, Permanent Dam Repair.

Mrs. Hill noted that an Engineer is working on Land Tech's recommendations; an extension for the application is in place and she will call Dr. Brown for an update.

Steep Rock Assoc., IW-03-17, Macricostas Preserve (Meeker Swamp) RT. 202, Trail Boardwalk.

Mrs. Hill noted that this motion is being repeated for a technical reason.

MOTION: To APPROVE the application Steep Rock Assoc., IW-03-17, Macricostas Preserve (Meeker Swamp) RT. 202, Trail Boardwalk subject to the Commission's approval of the bridge design. By Ms. Purnell, seconded by Mrs. Hill and passed 5-0.

Enforcement

Beck, IW-02-V1, 132 Calhoun Street, Cutting & Clearing in Wetlands.

Mrs. Hill noted that a Biologist is due to check for invasives this month and she will call Mr. Beck for an update.

Ross, IW-02-V4, 10 Sunny Ridge Road, Wetlands Restoration.

Curtis Smith, Bradford E. Smith & Son, was present and he submitted a letter of authorization and plans, "Site Plan - Wetlands Restoration, Ross Residence, 10 Sunny Ridge Road by Bradford E. Smith & Son, dated 5-2-03;" he answered the members questions and explained the following: 1.Before Mr. Ross purchased this property, all the wetlands were flagged (Survey 1991) by Bruce Laskey, Northeast Soils. 2.He didn't have the topography but he thinks the removal of the overburden can be done without borings, if the excavation is done carefully to observe a change and then immediately stop. 3.He has the horizontal location of all the wetland flags and proposes a 3-1 slope. 4.Noted on the plan is a directive for the restoration to follow Kathy Johnson's recommendations. 5.An estimated 3-4' of fill on average is to be removed (1000 cubic yards;) he will refine these calculations. There is a trickle of water running through the site at this time. A silt fence will be kept in place.

Mr. Picton recommended **excavating to an original grade to 10'** away from the wetland at the toe of the slope. Mr. Smith said this is a good idea and the shelf could be tapered to give a more natural look

and he will come to the next meeting with more ideas and photos.

Ms. Purnell hopes the original seed bank will have a chance to come to life after the overburden is gone and she recommended planting to augment what grows back after 3-4 years and she asked who is going to supervise the work. Mr. Picton said someone, such as Curtis Smith, could be paid to supervise on behalf of the Commission. Ms. Korzenko requested a supervision plan be submitted.

S.M.R. Partners, IW-03-V5, 103 Baldwin Hill Road, Permit Violation, Deposition of Materials.

Brian Neff submitted a driveway restoration plan, "Driveway Restoration and Maintenance Plan, SMR Partners, 103 Baldwin Hill Road by Brian E. Neff, P.E., dated 5-7-03," and the members will study the plan for the next meeting. Mrs. Hill will call Scott Peterson, the co-owner of the portion of driveway in question.

Fairbairn, IW-02-54, 206 Wykeham Road, Permit Violation, Construct Wetland Crossing.

Mrs. Hill will call Attorney William Fairbairn again.

Stiteler, West Shore Road.

Janet Hill asked Mr. Ajello to see about signing off the completed planting plan, which was part of a previous permit. Mr. Ajello said that he reviewed the file and he did not see a problem. Ms. Purnell said that Dirk Sabin's plan to plant a 5-6' swath of native

meadow grasses and other native species had not been followed; the entire area has been cleared and plants that are not on the plan have been planted.

Ms. Purnell and Mr. Ajello will make a **Site Visit** and sort things out.

Old Business

Garrity, 60 Scofield Hill Road.

Mr. Ajello did not make a site visit.

Sheinfeld, IW-02-61 ATF, 112 Lower Church Hill Road, Modify Deed Restrictions, In-ground Pool.

Mrs. Hill will call Mr. Sheinfeld for an update.

Manson, 248 West Shore Road, Septic System Replacement.

Mr. Ajello reported: 1.He spoke to Mr. Manson in December about an upcoming addition. 2.The septic system had been installed without the Health Dept. notifying Zoning or Inland Wetlands; Zoning regulations stipulates a 100' distance between septic fields and lake; Janet Hill spoke to Suzanne Von Holt regarding notification to other departments; this job is the contractor's first independent job. 3.The nearest point to the lake shore is 70'; the silt fence in place is excellent. 4.An ATF application will be submitted for the next meeting.

Goutiere, 33 Wheaton Road.

Mr. Ajello submitted photos and reported: 1.Trimming along the stream is being done a little at a time. 2. The photos show work being done behind the barn in the stream, some of this work was done **approximately during** the application process. 3. Mr. Danion, adjacent neighbor, reported that a trail had been cleared by two young boys (Goutiere and **Brodie**) for riding bikes back and forth through the stream. 4.The Black Cherry tree remains.

Rudin, IW-02-49, 328 Nettleton Hollow Road, Construction of EPDM lined (60' diameter) Reflecting Pond.

Mr. Ajello reported that he discovered an un-permitted pipe installed beneath the lining of the pond and the purpose is to prevent up-heaving during the winter.

DiBennetto, IW-03-04, 214 Calhoun Street, Brush Removal Near Wetlands.

Mr. Ajello reported that Mr. DiBenedetto calls him prior to each activity. Ms. Purnell requested photos to document any continuing work.

MOTION: To ADJOURN by Mrs. Gray. All agreed at 12:12 a.m.

Katherine Moquin, Land Use Secretary May 23, 2003