

## January 23, 2008

MEMBERS PRESENT: Mr. Bedini, Mrs. D. Hill, Mr. LaMuniere, Mr. Picton, Mr. Thomson

ALTERNATE PRESENT: Mr. Bohan

ALTERNATE ABSENT: Mr. Wadelton

STAFF PRESENT: Mr. Ajello and Mrs. Hill

ALSO PRESENT: Mr./Mrs. Klein, Mr. Neff, Mr. Lyon, Mr. Smith, Mr. Hurlburt, Mr. Stafford, Mr. Papsin,

Mr. Riefenhauser, Mr. Farmen, Ms. Habib,

Mr. Charles, Press

### REGULAR MEETING

Mr. Picton called the Regular Meeting to order at 7:04 p.m. and seated Members Bedini, Hill, LaMuniere, Picton, and Thomson.

MOTION: To add the following subsequent business to the agenda: Miscellaneous Administrative Issues and Executive Session to Discuss Pending Litigation and Personnel. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

### Consideration of the Minutes

The 1/9/08 Regular Meeting minutes were accepted as corrected.

P. 1: Include under Also Present: Mr. Stafford, Atty. Malley, Mr. and Mrs. Swanson, Atty. Olson, Mr. Nadeau, and Mr. Klein.

P. 2: 4 lines from bottom: Change: "change" to "charge."

P. 2: 3 lines from bottom: Insert: "if needed" after "fees."

P. 3: Line 1: Change: "Restill" to "Restin."

P. 5: Line 19 under Kessler: Delete: "would be removed."

P. 6: Line 11 under Bradley: Change: "stream" to "streambank."

Line 16 under Bradley: After "cut" insert: "and that it was contiguous to an active hayfield."

P. 8: Line 19 under Mello: Change: "prematurely" to "improperly."

P. 9: Add to the end of the last sentence on the page: "...but that it would not be practical for Mr. Jontos to stay there."

p. 11: 3rd line from bottom of page: After "Zizka's" insert: "...explanation of this issue and also to review the..." and after "language" insert: "...for Ordinance #720, Citations,..."

MOTION: To accept the 1/9/08 Regular Meeting minutes as corrected. By Mr. Bedini, seconded by Mr. LaMuniere, and passed 5-0.

The 1/16/08 Klein-Cannizzaro site inspection minutes were corrected. The correct spelling of Stewart Klein's name was noted.

MOTION: To accept the 1/16/08 Klein-Cannizzaro site inspection minutes as corrected. By Mr. Picton, seconded by Mr. LaMuniere, and passed 5-0.

The 1/16/08 Slaymaker site inspection minutes were accepted as corrected. The correct address is 17 Sunset Lane.

MOTION: To accept the 1/16/08 Slaymaker site inspection minutes as corrected. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

The 1/16/06 Steep Rock Assn. site inspection minutes were accepted as corrected. Under Others Present: Change: "Clifford" to: "Gifford."

MOTION: To accept the 1/16/08 Steep Rock Assn. site inspection minutes as corrected. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

#### Pending Applications

**Klein-Cannizzaro/285 West Shore Road/#IW-07-66/2 Lot Subdivision:** Mr. Neff noted that at the last site inspection there had been a question regarding the possibility of the existence of wetlands at the higher end of the property. In response, a soil scientist tested along the tree line at the edge of the woods and found no wetlands. He submitted the "Supplemental Soil Report for the Klein/Cannizzaro Subdivision," by Mr. Stansfield, dated 1/23/08. The map, "Proposed Site Development Plan," 13 Sheets, by Mr. Neff, revised to 1/5/08 was reviewed. Mr. LaMuniere asked how many culverts would be required for the driveway route as shown. Mr. Neff stated there would be two collection points; one at the center and the other at the sharp corner. Each would handle a 2 to 3 acre drainage area and have a 16' X 16' rip rapped apron at the outlet. The driveway details on Sheet #11 of the 1/5/08 plans were reviewed and it was noted the details for the rip rapped swale were included on the erosion and sedimentation control plan. Mr. Neff pointed out that the discharge point for the culvert at the curve was 30 ft. from the boundary line. Mr. LaMuniere asked if any of the existing canopy would be cut. Mr. Neff pointed out the limit of disturbance lines. The driveway grade as shown on Sheet #7 was discussed. As proposed it would be approximately 10% through the field with one 100 ft. area at 12%, and then would decrease in grade to 5% near the house site. Mr. Picton saw no potential impacts to wetlands because he thought if siltation did occur, the silt would settle on the flatter ground. Mr. Neff pointed out that the vegetation would also filter out any silt. Mr. Neff stated that he had considered possible alternatives and that the driveway from Tinker Hill Road would be the access least likely to impact wetlands. Mr. Picton noted that the property owners had also considered changing the proposed boundary lines, but that did not work with their plans.

MOTION: To approve Application #IW-07-66 submitted by Mrs. Klein and Ms. Cannizzaro for a two lot subdivision at 285 West Shore Road as presented in the plans, "Proposed Site Development Plan," 13 sheets, by Mr. Neff, revised to 1/5/08 subject to the following condition: before any construction begins on site, final, detailed site plans must be reviewed by the Commission. By Mr. Bedini, seconded by Mr. LaMuniere, and passed 5-0.

Mrs. Klein asked if it was normal procedure for the Commission to review final plans. Mr. Picton said it was because there are often changes and/or more details provided when construction is proposed.

**Steep Rock Assn./124 Christian Street/#IW-08-01/Herbicide Application:** Mr. Stafford was present. The application review by Mr. Ajello dated 1/9/08 was reviewed. Mr. LaMuniere noted a low dose of herbicide would be used and said he thought it was a cautious approach. Mr. Ajello said there were no feasible and prudent alternatives. Mr. Stafford noted that this application was for Phase I and that eradication of other areas of canary reed grass would be applied for in the future.

MOTION: To approve as submitted Application #IW-08-01 submitted by Steep Rock Assn. for herbicide application at 124 Christian Street. By Mr. LaMuniere, seconded by Mr. Bedini, and passed 5-0.

## New Application

### **Town of Washington/Nettleton Hollow Road (between Potash Hill Road and #341)/#IW-08-**

**02/Replace Culvert:** Mr. Hurlburt, engineer, provided a brief description of the project to replace the existing culvert with a concrete box culvert roughly the same size and with the same hydraulic capacity. The plans, "Replacement of the Nettleton Hollow Road Bridge," 8 Sheets, by Lenard Engineering, Inc., revised to 10/11/07 were reviewed and it was noted that a soil scientist had delineated the wetlands. Mr. Hurlburt explained the proposed culvert would have the same capacity as the old one so that the pre and post flood lines would not change. The bottom of the culvert will be buried with 1 to 1.5 ft. of natural streambed material, with baffles so the material will not flush out and will have a weir so that a single channel will develop during low flow periods. The end of the culvert will be rip rapped to prevent scouring and erosion. Mr. Hurlburt discussed how two coffer dams would be constructed and the stream diverted so that the existing culvert and wing walls could be taken out and the precast sections of the new culvert put in place. The work will take a week. Once the installation is completed, the coffer dam areas will be refilled and compacted. A "puddle rip rap" technique, rock underneath 4" to 6" of top soil with native species planted, was proposed to stabilize the disturbed streambanks. Also per the request of the DEP, a series of four root wads will be installed to create a pool and eddy area along the edge of the stream. A site inspection was scheduled for Tuesday, January 29, 2008 at 4:00 p.m. Mr. Picton advised Mr. Hurlburt that any questions that come up on the site inspection would be forwarded to him through the Selectmen's Office. Mr. Hurlburt noted that the entire site was within the Commission's jurisdiction. He also stated that approximately 420 ft. of Nettleton Hollow Road would be ground and resurfaced next summer after the culvert installation has been completed. He said there would be no change in the road's horizontal or vertical alignment.

## Other Business

**Rumsey Hall School/184 Romford Road/Construct Dormitory and Hockey Rink:** Mr. Picton noted that a Special Permit for the above cited work at Rumsey had been approved at the 1/7/08 Zoning Commission meeting and that the question of why hadn't the plans been referred to the Inland Wetlands Commission for review had been raised at the 1/9/08 IWC meeting. Mr. Farmen stated that Rumsey had attended three Zoning Commission meetings and a ZBA hearing. Using a survey map with a 1" = 80' scale, Mr. Smith, surveyor, pointed out the location of the property with the existing buildings, the existing contours - highest elevation at 800 ft. near the site of the proposed rink and lowest elevation at 634 ft. at the bridge across the Bantam River, the area of 13% - 14% cross slope, and the steep slopes of approximately 45%. He said the school had tried to be sensitive to the topography of the site and to stay away from the Bantam River. A map of the proposed activities was presented. It showed that proposed were 1) a 4000 sq. ft. dormitory, 2) a 34,000 sq. ft. hockey rink approximately 400 ft. from the river, and 3) 80,000 sq. ft. total impervious surfaces, which included the buildings, driveway, parking lot, etc. Mr. Riefenhauser, engineer, noted that the impervious surfaces would generate runoff that must be controlled. He detailed the stormwater management systems for both the rink and the dorm, each of which includes a groundwater recharge system with a pre treatment unit, and said they had been designed to accommodate a 100 year storm rather than a 50 year storm as required by the Zoning Regulations. Mr. Bedini asked several questions about filtering the rink runoff, containing contaminants, and new technology for roofs that gives off less contaminants. Mr. Riefenhauser circulated some documents including 1) a sample erosion and sediment control inspection report by Towne & Aurell, Inc., contractor, 2) "Soil Data," by Smith & Company with 9 sheets of soil types and maps attached, and 3) spec sheets for Contech Stormwater Solutions. He said the rink would have a metal roof and the dorm an asphalt roof, but that he did not get into the study of the roof materials. Mr. Bedini noted the parking and driveways had a 10% grade and he asked if surfaces other than blacktop had been considered. Mr. Riefenhauser said that bituminous concrete, an all weather surface, was

needed to accommodate the busses and maintenance equipment, and other traffic. Mr. Bedini asked if an alternate surface had been considered for the driveway. Mr. Smith said he had discussed the matter with Mr. Ajello and had been approved by the ZBA. Mr. Ajello said the reports he had received indicated the soils on site were moderately to well drained soils and that there were no wetlands. Mr. Picton asked if the soil types had been taken from the USDA maps. Mr. Smith said they had, but added that Buck and Buck had done additional soil testing for the septic system. Mr. Picton noted on site soil testing is required because the USDA map is not accurate. Mr. Ajello said that neither he, Mr. Smith, the contractor, nor Buck and Buck had seen any indication of wetland soils. Mr. Picton asked if he had covered the entire area. Mr. Ajello said he had. Mr. Picton said then, that it had been established that there were no wetlands concerns on the site itself, but that the steep slopes and the river were still concerns. Mr. Bedini asked if the proposed septic system was at the edge of a steep slope. Mr. Smith said the existing septic system is 120 feet from the edge of the slope and that Buck and Buck was coordinating with the DEP to add a row to the bottom side to handle the new dormitory. Mr. Picton asked what the slope was directly above the septic expansion. Mr. Smith said it was 25%. Mr. Picton said he was concerned about the total construction and excavation in this area, not just the impervious surfaces. Mr. Smith noted the ZBA had approved a variance for 12.6% coverage. Mr. Riefenhauser said he had kept the total area of disturbance under 5 acres so the DEP and Army Corps of Engineers would not have to be involved. Mr. Picton asked what Town agency had reviewed the erosion control plan. Mr. Smith said the Zoning Commission had. Mr. Picton asked if the Zoning Commission was experienced in reviewing sophisticated erosion control plans on behalf of the Town. Mr. Ajello said the Commission was not an expert. Mr. Picton said he wished Zoning had reviewed these plans in a professional manner and had found they were satisfactory per the state guidelines. Mr. Riefenhauser briefly reviewed the erosion control plans and construction sequence. He said he may have to double up on the silt fencing and install additional hay bales to prevent impact to downgrade areas. Mr. Bedini asked if trees had already been removed at the crest of the steep slope. Mr. Picton said he had observed that a large portion of the work area had already been cleared and earth moved and that one area had been cleared down to the 40% grade. He noted he had asked the WEO to instruct Rumsey to do no more clearing in that area until the matter had been discussed at tonight's meeting. Mr. Picton asked how close to the steep slope the detention area and level spreader would be and whether there would be fill required below the detention basin area. Mr. Riefenhauser said, yes, the detention basin area would require cuts and fills and that the downgrade slope would be 2.5:1. Mr. Picton noted then that filling on a finished grade of 40% on a slope averaging 30% as was proposed was the type of activity that was typically a concern to the Wetlands Commission, that it had the potential to harm the wetlands, and that the Wetlands Commission clearly had jurisdiction over it. Mr. Picton noted there would be a 50% filled slope immediately below the proposed catchment area and said that the Commission is always concerned about what happens during construction before the 40% to 50% slopes are stabilized. Mr. Smith responded that best management practices would be implemented and that this was specified in the sequence of construction. Mr. Picton said that the Commission often "gets involved" because either the engineering is not perfect or mistakes are made during construction. Mr. LaMuniere gave the erosion problems during the construction of the Montessori School as an example and said he was concerned that the erosion controls being proposed by the applicant would not be adequate. Mr. Picton and Mr. Bedini noted that the commissioners were not experts and so needed a professional to review the technical plans, which, they noted, might be found to be OK. They thought a professional review could be quickly completed. Mr. Picton thought that siting alternatives should be considered in any professional review because if there was a way to move the rink back 100 ft. there would be 100 ft. more buffer between the disturbed area and the river and more room within which to correct any problems that occur and to filter any runoff that was not already treated. Mr. Smith pointed out the limit of disturbance line on the site development plan and explained the reasons why the rink could not be moved 100 ft. to the north or to the west. Another concern raised by Mr. Picton was the temporary

collection basin for runoff from the rink. He worried that 1) it was not going to be installed early enough in the construction process and 2) that during construction it could overflow in a storm event. Mr. Riefenhauser explained the slope stabilization measures that would be implemented. Mr. Picton asked if the distribution of runoff after construction, plus the level spreader and detention basin, would be the same width as the watershed leading into it, and was assured the area would not be narrowed. Mr. Smith asked for the enabling legislation that gives the Wetlands Commission jurisdiction in this matter. He was referred to Sections 2.34 and 7.5 of the Regulations. Mr. Bedini read the second paragraph of Section 2.34. Mr. Picton noted the Commission's jurisdiction extends beyond 100 feet when there is an activity proposed that could potentially adversely impact wetlands or watercourses. Mr. Smith advised the Commission that any delay would be a severe hardship for the school. Ms. Habib, business manager, noted that based on the advice they were given by staff, an aggressive work schedule had begun and a September 1 completion date had been set for the dormitory. Mr. Picton asked if the reason the Commission had not been notified of the application was due to the aggressive schedule that had been set. Mr. Ajello did not think any of the proposed activities had the potential to impact wetlands because there would be no disturbance on the steepest slopes. Mr. Picton thought the whole application; the construction activities and the water discharge going down the existing and newly created steep slopes could contribute to impacts to the river and so should be reviewed by the Commission's consultant, Land Tech. Mr. Bedini assured the applicant that this was the Commission's normal review process. Mr. Picton said that he and the other commissioners would draft a list of questions to make sure that all of the Commission's concerns were addressed in Land Tech's review. Concerned because the next IWC meeting was not until 2/13, which would result in a three week delay in the work schedule, Mr. Farmen asked if the Commission would agree now that if Rumsey agreed to follow all of Land Tech's recommendations that work could proceed. Mr. Smith said he would be willing to work closely with Land Tech. Mr. Picton said the Commission did not transfer its authority to its consultants; that it had to make sure all of its issues had been addressed before it could sign off. There was a lengthy discussion regarding how the review could be done without causing Rumsey a long delay. The possibilities of requiring an application, holding a special meeting, and resolving the matter as an enforcement procedure were considered. It was noted that it was important to the Commission to treat all those in Town in a consistent manner and to follow its usual procedures as closely as possible. Ms. Habib asked if all work had to stop until the review was completed. Mr. Picton said that only work in areas of concern to the Wetlands Commission had to stop. Ms. Habib stressed the urgency of pouring the rink's foundation in March. Mr. Smith noted the basin would be installed before any concrete work was begun. Ms. Habib and Mr. Farmen again said they had relied Mr. Ajello's determination that a Wetlands review was not necessary before they had begun work. Mrs. D. Hill noted, however, that Mr. Ajello had not reported his action to the Commission so it had not known about the project. She thought the Commission should have been advised about an application of this scope. It was the consensus that the site development plans and other relevant application materials and the list of questions from the Commission should be sent to Land Tech as soon as possible and Atty. Zizka should be consulted about how to legally proceed in a way that would address all of the Commission's concerns without causing Rumsey undue delay. Mr. Picton noted that the Commission appreciated the school's patience and cooperation.

#### Enforcement

**Brown/127 West Shore Road/Unauthorized Work Along Shoreline:** It was noted that copies of the files had been sent to Atty. Zizka and an enforcement letter was mailed to Mr. Brown.

**Howard/99 West Shore Road/Unauthorized Work Along Shoreline:** Mr. Ajello sent another enforcement letter as requested. He will send a copy to Atty. Zizka and check on how many citations Mr. Howard has already been issued.

**Lodsin/78 Litchfield Turnpike/#IW-07-V12/Unauthorized Excavation:** Mr. Picton noted that at some point non compliance should result in another citation. Mr. Ajello said this matter would be turned over to Atty. Zizka who would determine when the next citation should be issued. Mr. Picton noted this was a priority and asked that Atty. Zizka be sent all relevant information.

**Carter/292 Walker Brook Road/#IW-04-V8/Repair of Retaining Wall:** Mr. Ajello reported that the work had been completed.

**Crumrine/106 Litchfield Turnpike/#IW-07-V5/Unauthorized Shed:** It was noted that at the last meeting Mr. Ajello had been requested to tell Mrs. Crumrine that if the shed was not moved by the next meeting, a citation would be issued. Mr. Ajello reported that the shed still had not been moved. Mr. Picton asked that a citation be sent.

**MOTION:** Regarding Crumrine/106 Litchfield Turnpike/ Unauthorized Shed/#IW-07-V5: to issue a citation for the failure to move the shed within a reasonable period of time. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

**DiBenedetto/212-214 Calhoun Street/Restoration of the Understory:** Mr. Ajello noted that Mr. Jontos had submitted a draft of goals and objectives and that it was available in the file for all to review. He said Mr. Jontos would be at the site the following day and would then respond to Mr. Picton's comments and would focus on the pilot area.

**Kessler/103 West Mountain Road/#IW-06-05:** Mr. Ajello said that excavation had begun for the foundation of the guest house.

**Mello/183 Woodbury Road/#IW-07-V11/Unauthorized Bridge and Culvert Work:** Mr. Ajello noted that a report from Mr. Szymanski was in the file and a \$5000 had been posted. Mr. Picton asked if the Mellos planned to deposit 6 inches of gravel over the driveway, noting that the present driveway cross section had already been analyzed for flooding. Mrs. J. Hill noted that at the last meeting the applicant had been asked to submit one final plan listing all of the work proposed.

**Peloquin/1 New Preston Hill Road/#IW-07-V13/Unauthorized Clearcutting, Excavation, Stonework:** Mr. Ajello said he was waiting for a complete proposal from the property owner.

**Slaymaker/17 Sunset Lane/#IW-07-V14/Unauthorized Drainage and Excavation Work:** The Commission is waiting for an application.

**Wright/59 Scofield Hill Road/Unauthorized Clearing, Filling, and Soil Disturbance:** Mr. Picton noted that Mr. Ajello had been asked to make sure that the armoring was done according to the engineered specs. Mr. Ajello said that Mr. Wright was filling the streambed with stone contrary to the engineering specs. Mr. Picton asked Mr. Ajello to advise Mr. Wright in writing that he will be required to remove any work done that is not in compliance with the specs.

**Moore/25 Litchfield Turnpike/Unauthorized Filling, Clearcutting:** This matter has not yet been resolved. Mr. Ajello said the animals have gotten into the areas that were to be stabilized.

**Fowler/138 Nichols Hill Road/#IW-05-58/Remediation Per Order:** Mr. Ajello noted that Mr. Fowler has 5 years from the date of approval to complete the restoration work. Mr. Picton asked that he check the exact language of the approval as he remembered the restoration work was supposed to be completed in the first growing season.

**Janco/11 June Road/#IW-07-V9/Excavation, Build Steps:** Mr. Ajello said that planting would be done in the spring.

Administrative Business

**Revision of Section 20, Appendix C:** It was noted that Atty. Zizka had advised the Commission that

the revisions it had originally proposed were not possible. In response, Mr. Bedini circulated a draft application form for a permit to correct a violation. Using this approach the Commission would be able to charge the property owner for any technical review required in the process of resolving the violation. The commissioners noted that when approving such applications they must remember to specify a time period within which the required corrective work must be completed. Mr. Bedini suggested to Mr. Ajello that he carry the form with him and pass it out whenever he investigates violations.

**Interdepartmental Checklist:** Mr. Bedini drafted a form as had been discussed at the last meeting to ensure that the Inland Wetlands Commission is notified of all applications under its jurisdiction. Mr. Ajello noted, however, that the form did not cover the two major problems that have been recently experienced; well and septic repair permits issued by the Health Dept. without notification to the Inland Wetlands Commission when the activities also required Wetlands permits because they were within the regulated area. It was noted that Mr. Lyon had said he would talk to Mr. Crespan, Director of Health, about the need to refer applications to the Inland Wetlands Commission. Mr. Bedini will follow up with Mr. Lyon.

**Assigned Tasks Checklist:** This list had been implemented after the 10/22/07 meeting to help keep track of work that commissioners and staff had agreed to do. Mr. Picton thought it was a good technique and asked the staff to remember to use it and to sign off once jobs are completed.

**Revision of Ordinance #720: Citations:** Atty. Zizka's proposed revisions to the first draft were discussed. It was noted that he had a problem with the Commission using its discretion in issuing citations, and said instead there must be definite dictates established. Mr. Picton will incorporate Atty. Zizka's recommendations in a revised draft, which will be circulated prior to the next meeting. At that time it will be voted on and then sent to the Board of Selectmen for inclusion on the agenda of the next Town Meeting.

**Revision of the Regulations:** This work is ongoing. Mr. Bedini said that once the "boiler plate" work is done, the subcommittee will then 1) check to make sure the draft meets the requirements of the state model regulations and 2) will add any specific references that are needed such as the new application form to correct violations and the **2002 Ct. E&S Guidelines**.

#### Privilege of the Floor

Mr. Charles noted that if an application does not go before the Inland Wetlands Commission, then no one reviews the proposed stormwater management plan. He thought that was a major "hole" in the permit process and commended the Commission for its thorough reviews.

Mr. Charles spoke briefly about the possibility of a consolidated school on the Munday property in Roxbury. Although the Roxbury Inland Wetlands Commission does not support the idea, he suggested that if all involved thought "out of the box" and incorporated some of the adjoining land trust acreage in the project, a state of the art school driven by environmental concerns could be designed. The property is in Roxbury, but Mr. Charles stressed that it would be used for a regional school and so Washington's community and land use values should be reflected in its design. A short discussion followed.

MOTION: To enter Executive Session to discuss pending litigation and personnel at 10:54 p.m. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

MOTION: To close Executive Session at 11:17 p.m. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

MOTION: To adjourn the meeting. By Mrs. Hill.

Mr. Picton adjourned the meeting at 11:17 p.m.

Filed subject to approval

Respectfully submitted,

Janet M. Hill, Land Use Coordinator

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