

October 22, 2008

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

ALTERNATES PRESENT: Mr. Bohan, Mr. Waderton

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill

ALSO PRESENT: Atty. Hill, Mr. Carey, Mr. Rickart, Mr. Neff, Mr. Szymanski, Mr. Treadway, Mr. Federer, Mr. Klauer, Mr. Clark, Mr. Sabin, Ms. Zinick, Mr. Liljequist, Press

REGULAR MEETING

Mr. Picton called the meeting to order at 7:00 p.m. and seated Members Bedini, Hill, LaMuniere, Picton, and Thomson.

MOTION: To add the following subsequent business not already posted on the agenda: Pending Applications: F. Conlon/6 Valley Road/ #IW-08-53/Single Family Dwelling, Addition to Barn and Garage and Other Business: A. State Grant for Removing Invasives. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

MOTION: To add consideration of the three 10/16/08 site inspection minutes to the agenda. By Mrs. Hill, seconded by Mr. Thomson, and passed 5-0.

Consideration of the Minutes

The 10/8/08 Regular Meeting minutes were accepted as corrected.

Page 4: Under Treadway:

1) end of 12th line: Add: "free" to state, "one foot of free board...."

2) 3 lines from bottom: Add after "meadow," "and that the temporary stockpiles are to be located outside the wet meadow."

MOTION: To accept the 10/8/08 Regular Meeting minutes as amended. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

The 10/9/08 Public Hearing minutes were accepted as corrected.

Page 6: 2nd paragraph from bottom: Change: The first sentence should be, "Mr. Picton referred to p. 3 of Land Tech's 9/25/08 report and asked several questions, including what would happen if water was diverted from flowing over a buffer with a natural function, which protects wetlands, what would be the ratio of the surface area from which runoff is redirected to the surface area of the proposed treatment structures, how would the surfaces designed for stormwater renovation work in the winter, if you divert a large watershed into a small vegetated facility and it works in the summer, will it also work in the winter, and what is the ratio of reengineered flow paths to the contributing watershed area?"

P. 8: 2nd paragraph: 3rd line from bottom: Insert: "characteristics" after "soil."

P. 9: 23rd line: Insert a colon after "lawn areas"

P. 11: 13th line from the bottom: After "signed" insert sentence: Atty. Hill said it came from the state DEP office file.

P. 12: End of 13th line: Add sentence: She answered, yes.

MOTION: To accept the 10/9/08 Public Hearing minutes as corrected. By Mr. Picton, seconded by Mr. Bedini, and passed 4-0-1. Mrs. Hill abstained because she had not attended.

The BEC Holdings, LLC. site inspection minutes were accepted as corrected.

P. 2: Bottom of 1st paragraph: Should state: one half of the total acreage.

MOTION: To accept the BEC Holdings, LLC. site inspection minutes as corrected. By Mr. Thomson, seconded by Mr. Bedini, and passed 4-0-1.

Mrs. Hill abstained because she had not attended.

MOTION: To accept the Treadway site inspection minutes as written. By Mr. Thomson, seconded by Mr. Bedini, and passed 4-0-1. Mrs. Hill abstained because she had not attended.

MOTION: To accept the Reger site inspection minutes as written. By Mr. Bedini, seconded by Mr. LaMuniere, and passed 3-0-2. Mr. Picton and Mrs. Hill abstained because they had not attended.

Pending Applications Wykeham Rise, LLC./101 Wykeham Road/#IW-08-31/Site Improvements for Inn:

Mr. Picton thought the Commission needed an “orientation discussion” to organize, analyze, and condense all the materials submitted so that they could be used in the decision making process. He read a statement, which he said was based on the information from the public hearing, his own experience, and his experience as an Inland Wetlands commissioner. He noted that data from experts had been submitted, but he encouraged the commissioners to speak up, express their concerns, and think for themselves. He said if the application were approved, a carefully worded motion should be drafted to include conditions addressing issues such as bonding, monitoring, testing, stabilization, and verification of compliance and if it were to be denied, a carefully drafted motion should include the reasons the application fails to meet the Commission’s Regulations. In either case, he thought the motions should be drafted in advance for discussion. Other points he made included 1) positive proof of impact is not required, 2) the burden of proof is on the applicant to show there will be no adverse impacts, and 3) if there is a finding that there is a likelihood of adverse impact and if there is a feasible and prudent alternative with less impact, the Commission may not approve the application.

Mr. Thomson suggested that a motion be made and discussed. Mr. Picton, Mr. LaMuniere, and Mrs. Hill wanted time to study the file before discussing a motion.

Mr. LaMuniere asked if the applicant could comment at this time in the application process. Mr. Picton said he could not; that the Commission could consult with its consultant and that he would find out whether it could also consult with the applicant’s consultant if technical questions were raised.

Mr. Bedini suggested that the proposed construction sequence could be used as one basis of discussion. Mr. Picton agreed, adding it would have to be evaluated to determine whether it would be adequate to protect the wetlands.

Mr. Thomson noted that a requirement for the monitoring of the four construction phases was missing from the plan. He thought the applicant should be required to hire an engineer to report on a weekly basis regarding the completion of the work phases. He said he thought the proposed sequence was a good one, but that the Commission needed guarantees that it would be carried out, and that frequent monitoring would provide the assurance needed. Mr. Bedini noted the proposed construction sequence specified that an erosion control professional would inspect the work site once a week and after significant rain events. Mr. Thomson thought an engineer should be required to oversee the entire project, to make sure all phases were successfully completed, and that the erosion control plan was properly implemented. He also suggested a \$30,000 performance bond. It was generally agreed that if approved, independent monitoring would be required.

Mr. LaMuniere recommended that before there was further discussion, the Commission should decide whether there would be negative impacts.

Mrs. D. Hill suggested that the commissioners use Sections 8.4, 8.13, and 9 of the Regulations as guidelines when reviewing the application.

Mr. Bedini thought the Commission’s counsel should attend the meeting at which the motion would be crafted and Mr. Picton suggested the draft motion could be sent to him for review.

Mr. Thomson said that based on the thorough, experienced, and trustworthy work by Mr. Szymanski and Land Tech and based on the two site inspections conducted on site, he thought there would be no significant impact to the wetlands and so there would be no need for the Commission to go over every detail of the application again. Mr. LaMuniere understood his point, but said it was the Commission's job to review all of the data in the file and then to make a decision based on that data. Mr. Picton agreed. Mr. Thomson said he had no engineering background and so would rely on the consultants' judgments.

Mr. Picton thought those for and against the application should draft motions according to the sections cited above by Mrs. Hill. He noted he had inspected the site earlier in the day and presented a copy of the site plan, sheet OSD.1, on which he had highlighted the location of the proposed activities in relation to the wetlands and upland review areas. He noted the plans had been continually revised throughout the process, and so he was not sure if the consulting reports were complete comprehensive reviews. Mr. Picton did not think the applicant had provided a comprehensive analysis of feasible and prudent alternatives. He noted that as the plan evolved and its scope was reduced, new areas had opened up where feasible and prudent alternatives could have been considered. Of note was the east section of the property where the driveway had been eliminated.

Mrs. Chase's review was briefly discussed. Mr. Picton pointed out that if the Commission uses her assessment that assumes the brook is the highest quality, it would have no data to determine whether the construction has impacted the brook and whether remedial action is necessary.

Mr. Picton said he was concerned about the chances for the successful implementation of protective measures and he indicated on the site plan several areas where there were significant risks to wetlands. He noted the Commission has always considered slopes and the site conditions between the proposed activity and the wetlands and said he could not remember a time when it had approved the siting of a structure within 100 ft. of wetlands when there was an alternate viable location for it. He pointed out the locations of the structures proposed 50 ft. and within 100 ft. from wetlands and where they were proposed in the vicinity of slopes of up to 35% where it would be difficult to manage the ongoing construction. He also noted that the steep grades of some of the slopes would increase post development. Mr. Picton briefly discussed the function of vegetated buffers, noting that their ability to renovate stormwater decreases as slopes increase above 10% and that some of the buffers below the buildings to be located 50 ft. from wetlands would be on 20%-35% slopes. He said the applicant did not propose wetland buffers that take into account buffer science. He noted the limit of disturbance line extends to within an average of 20 ft. from the wetlands. Although not the responsibility of the Commission, he said he had looked for alternate sites with less potential impact than for the buildings currently proposed in the areas of greatest risk. He used an overlay sheet to illustrate how they could be located in an alternate area below the existing complex of main buildings where there is a flatter section down slope to use as a functioning buffer and how quads #1-#3 could be moved to the upper site. He stated that without decreasing the scope of the development or the number of cottages, the siting could be changed so that everything was out of the 100 ft. upland review area and on more moderate slopes. He thought the likelihood of adverse impacts increased when engineering was relied on instead of the conservative siting of the proposed activities.

Mr. LaMuniere said the plan had been well designed to provide adequate protection, noting it would not be reasonable to deny the application based on worst case scenarios. He did not think the proposal would cause further damage to the physical quality of the wetlands or the stream. He also thought economic issues should be considered when addressing feasible and prudent alternatives.

Mr. Bedini questioned why Land Tech had not brought up all the points raised by Mr. Picton and asked if Mr. Allan could be brought back to clarify them. Mr. Picton noted the Land Tech report concluded there were issues the Commission would have to decide for itself such as whether the erosion controls

could be successfully implemented and whether there were feasible and prudent alternatives.

A Special Meeting was scheduled for Wednesday, October 29, 2008 at 7:00 p.m. Mr. Thomson offered to work on a motion of approval and encouraged everyone to contribute, although he noted that under FOI if anyone met with him, it would require notice as a special meeting. Mr. Picton said he would put his remarks in writing.

Feasible and prudent alternatives were again briefly discussed. Mr. Picton said this was not a new issue and Mr. Bedini noted that the Commission has always discussed alternatives in the past.

Reger/65 Gunn Hill Road/#IW-08-49/2 Lot Resubdivision Feasibility:

Mrs. Hill recused herself and Mr. Wadelton was seated.

Mr. Clark, engineer, represented the applicant. The map, "Site Development Plan," by Mr. Clark, revised to 9/16/08 was reviewed. Mr. Picton noted that the commissioners had conducted a site walk and had determined that although the property has steep slopes, the lot development could be accomplished without adverse impacts to the wetlands. Mr. Clark stated the slopes were 20%-25% near the proposed house site, which was in the upland review area, and 85 ft. from the intermittent watercourse associated with the spring. He also noted it was 60 ft. from the lower limit of the proposed grading to the same watercourse. Mr. Bedini stated that the proposed plan was conceptual and the Commission's concern was that changes that might impact wetlands could be made at the time of actual construction. Mr. Picton suggested a condition of approval that the complete construction plans be brought to the Commission for review and approval prior to the commencement of work. Mr. Thomson said there were downhill catch basins that would be impacted by the proposed driveway. Mr. Picton said there appeared to be other possible points of access for the driveway just below pole #3081 and below pole #3082. These points were off sections of the road that weren't so steep and so would be easier to manage and cause fewer stormwater runoff issues. Mr. Clark advised the Commission that the driveway location had been selected because the Town closes off part of Gunn Hill Road in the winter. The commissioners thought this was backward planning and that it would make more sense to open the road. The alternate driveway locations were discussed in more detail and Mr. Clark asked if USGS data could be used to map them. Mr. Picton said that would be acceptable for Wetlands purposes. Mrs. Hill will notify the Planning Commission about the driveway recommendations. MOTION: To approve Application #IW-08-49 submitted by Mrs. Reger for 2 Lot Resubdivision feasibility at 65 Gunn Hill Road with the recommendation to the Planning Commission that an alternate driveway route requiring a lesser cut into the bank and resulting in fewer runoff issues be required and with the condition that before any work is begun, the final site plan be reviewed and approved by the Inland Wetlands Commission. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0. Mr. Wadelton was seated for Mrs. Hill who had recused herself.

Mrs. Hill was reseated. Mr. Bohan left the meeting at 8:50 p.m.

Steep Rock Assn./120 Bee Brook Road/#IW-08-50/Trail Repair:

Photos of the trail area were circulated. It was noted that no concerns had been raised at the last meeting.

MOTION: To approve Application #IW-08-50 submitted by Steep Rock Assn. for trail repair on the bank of the Shepaug River at 120 Bee Brook Road. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

BEC Holdings, LLC./204 Wykeham Road/#IW-08-51/2 Lot Subdivision Feasibility:

Mr. Neff represented the applicant. The map, "Proposed Site Development Plan," by Mr. Neff, dated 10/7/08 was reviewed. He noted a separate 6+ acre parcel was proposed as a conservation area and that no activities were proposed within the regulated areas on either of the proposed lots. The proposed house sites were at least 500 feet from wetlands. Mr. Picton asked if protection of the vernal pool had been addressed. Mr. Neff stated the vernal pool was located in the conservation easement area. It was noted that it was not known at this time specifically what road improvements to Clark Road would be required within 100 feet of wetlands, although Mr. Neff said it would have to be upgraded. Mr. Ajello thought a cross culvert would be installed on the west side of the road. Mr. Picton said a detailed plan for these improvements by the Town would have to be reviewed by the Commission before work begins. It was also noted that the soil scientist's report had been submitted, but not his corresponding sketch plan. The Commission asked for confirmation in writing from the soil scientist that the soils shown on the survey map are those he identified on site.

MOTION: To approve Application #IW-08-51 submitted by BEC Holdings, LLC. for 2 lot subdivision feasibility at 204 Wykeham Road subject to the following conditions:

- 1) that the applicant submit written confirmation that all wetlands on the property have been indicated on the site plan and
- 2) that detailed plans for the road improvements within the regulated area shall be reviewed and approved by the Commission prior to the start of work.

By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Treadway/20 Nettleton Hollow Road/#IW-08-52/Pond Maintenance:

Mr. Sabin, landscape architect, represented the applicant. The revised map, "Site Analysis Plan," (on the 9/08 "Property/Boundary Survey," by Mr. Alex) by Mr. Sabin, revised to 10/20/08 was reviewed. Mr. Sabin stated that the wet meadow upslope of the pond would be protected and there would be a 6 ft. minimum buffer between it and the spoils area. Also, to dewater the pond, the water will be pumped to a small natural sump behind a row of pines to the north of the pond and will discharge through staked hay bales to the stream. It was noted that none of the excavated material will be trucked off site. The area for the spoils will be stripped of top soil, a temporary berm put in, the soils spread when they are dry, and then the top soil respread and seeded. Regarding the dam repair, Mr. Sabin said it would meet the same geometry, but would be built of native stone; the design would not change. Mr. Picton noted the limit of disturbance along the east side of the pond would be for access only. Mr. Sabin said the duration of work would be about a week.

MOTION: To approve Application #IW-08-52 submitted by Mr. Treadway for pond dredging and maintenance at 20 Nettleton Hollow Road subject to the following conditions:

- 1) all excavation, deposition, regrading, and stabilization shall be completed within 2 weeks of the start of work and
- 2) only clear water may be pumped from the pond basin.

By Mr. Bedini, seconded by Mr. Thomson, and passed 5-0.

Conlon/6 Valley Road/#IW-08-53/Reconstruct Dwelling, Alteration of Garage, Addition to Barn:

Mr. Szymanski, engineer, represented the applicant. The map, "Proposed B100a Sanitary Disposal System Plan," revised to 10/22/08 showing a smaller proposed footprint for the dwelling was compared with the original map reviewed at the last meeting. Mr. Szymanski noted the property is within 500 feet of both Warren and Litchfield and that he had notified both towns of the application. He explained the lot has an existing house and a septic system only 10 – 12 ft. from the river. A new septic system is proposed 50 feet from the river. The location of wells on neighboring properties limits the possible area for its installation. He pointed out the location of the existing driveway and said 40% of its existing

impervious surface would be removed. Revisions since the last meeting included reductions 1) of the size of the garage by 3 ft., 2) of one dimension of the house by 10 feet, and 3) of the size of the porch off the barn. Mr. Szymanski pointed out the limit of disturbance line, the location of staked hay bales, and the access for equipment. It was noted the reconstructed house would be no closer to the Shepaug River than the existing house. A site inspection was scheduled for Tuesday, 10/28/08 at 4:30 p.m. MOTION: To add Buell/3 Findley Road/Additions to Existing Dwelling to the agenda. By Mr. Picton, seconded by Mr. Bedini, passed 5-0.

Buell/3 Findley Road/#IW-08-54/Addition, Enclosing of Porch, Deck, Spa, Above Ground Pool: Ms. Zinick, agent, explained the owners proposed to construct an addition to the rear of the house, enclose the open porch and convert it to a kitchen, add a deck with spa, and install an above the ground pool. She pointed out the East Aspetuck River, which is approximately 78 feet from the house and an intermittent stream on the property. She said the area where the 25' X 32' addition is proposed is fairly level and the pool location is about 80 feet from the intermittent stream. She noted there is an old Town drainage easement on the property, that the Highway Dept. says that ditch is now closed off, and the owners would like to fill it. Ms. Zinick presented an aerial photo with soil boundaries from the NRCS shown and asked if a soil scientist would be required. Mr. Picton noted the site was already developed, but said the Commission would inspect it before making that determination. He also asked the applicant to investigate feasible and alternatives for the proposed addition. A site inspection was scheduled for Tuesday, October 28, 2008 at 5:15 p.m.

Enforcement

Liljequist/22 West Shore Road/Unauthorized Clearing, Stairway:

Mr. Ajello compared photos taken of the site several years ago with recent ones of the cleared area and new stairway. It was noted that an erodable path had been replaced with the stairway. Mr. Liljequist stated that he had not clear cut; he had only taken out dead hemlocks and then had added \$2000 worth of plantings, and he objected to the notice of violation, which he called unfair. Mr. Ajello said he had concerns about the extent of the clearing done. Mr. Picton noted the goal was to establish a stable, vegetated slope with no soil disturbance. It was agreed Mr. Liljequist should submit an application to correct a violation and would be fined for a first time offense. It was noted the stairway had been constructed of pressure treated wood. Mr. Liljequist complained that trenching work by the Town had caused erosion, which had filled the area around his dock with sediment. He asked if the Town had to have a permit for this kind of work. Mr. Picton asked him to document the problem and that when this had been done the Commission would consult with Mr. Smith of the Highway Dept.

Other Business

State Grant for Removal of Invasives:

Mr. Thomson briefly described the state program for funding the removal of invasives on public lands. He thought this would be an opportunity for the Commission to be proactive and offered to work with Mrs. Corrigan and Mrs. Payne of the Conservation Commission to apply for the grant. It was noted grants of up to \$50,000 would be awarded and that the Town would have to pay 25% of the cost.

MOTION: To authorize Mr. Thomson to research and work on an application for a state grant for the removal of invasive species on public land. By Mr. Picton, seconded by Mr. LaMunier, and passed 4-1. Mr. Bedini voted No due to the current state deficit.

Enforcement Report

Andersson/35-45 Gunn Hill Road:

This will be discussed in executive session at the next meeting.

Hochberg/Couch Road:

The stream level is low, so the proposed work can proceed.

Lodsin/78 Litchfield Turnpike:

It was hoped the Army Corps of Engineers would inspect the property on 10/28/08. If the Corps takes no action, the Commission will resume enforcement proceedings.

Reinhardt/Perkins Road:

Mr. Childs submitted a report. A site inspection will be scheduled in November.

Rosen/304 Nettleton Hollow Road:

Mr. Ajello noted the photos in the file clearly provided a comparison of the stream before the work was done and after. Areas of new fill were noted. Mr. Thomson read an undated letter from Mr. Schoellkopf to Mr. Rosen, which stated that 6 or 7 years ago the Commission had required the previous owner to make "adjustments" to the channel. It was not known whether this was true or if it was, whether the current activities related in any way to the past work. Mr. Picton said the Commission would investigate. Mr. Thomson thought Mr. Rosen should be sent another letter and that he be required to hire a professional to assess the work done and its impact on the watercourse and on Sprain Brook. Mr. Picton thought Milone and McBroom should be hired to deal with the stream hydrology and to recommend the restoration of the natural streambeds and riparian corridor and Atty. Zizka should be consulted about how the Commission could recover the cost. It was noted that the Army Corps would also inspect this site.

Mr. Bedini left the meeting at 9:53. Mr. Wadelton was seated.

Slaymaker/17 Sunset Lane:

Mr. Picton asked that Mr. Ajello make sure that the approved plans are followed.

Administrative Business

Revision of the Regulations:

Mr. Picton submitted his final comments. Mrs. D. Hill pointed out that although Mr. Picton was not satisfied with some of the revisions, such as the definition of agriculture, the language proposed was per the DEP draft. Mr. LaMuniere briefly discussed the distinction between regulations and procedures, noting that Atty. Zizka had advised that binding procedures should be referenced in the Regs. It was noted that the subcommittee had evaluated all comments it had received. Further input will be discussed in detail at the public hearing on 11/25/08. Land Use Consultant: Mr. Connor has begun the interview process. Mrs. Hill was asked to contact him to make sure all of the Inland Wetlands commissioners were consulted.

MOTION: To adjourn the meeting. By Mr. LaMuniere.

Mr. Picton adjourned the meeting at 10:11 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator

Posted: October 27, 2008

SITE VISIT REPORT

Application no.: IW-08-V2

Inspection Date: 10/20/08

Time: 5:00-6:15 p.m.

Owner: James Rosen

Address: 304 Nettleton Hollow Road

Reason for visit: Unauthorized Stream Work, Clearing, Filling in Wetlands

Members Present: Tony Bedini, Mark Picton, Steve Wadelton, Charles LaMuniere

Staff Present: Mike Ajello

Others Present: Mr. and Mrs. James Rosen

Observations:

As there is no map or drawing of the work recently done on the banks and bed of the intermittent stream that runs in an east-west direction through Mr. Rosen's property, a map prepared for Mr. Rosen in 2005 as part of an IWC application for the construction of a tennis court was used as the primary reference document during the site visit. The map, prepared by T. Michael Alex, L.L.S., is entitled "Property/Boundary Survey, Map Prepared for James Rosen and Et Al, 304 Nettleton Hollow Road, Washington, Connecticut, April, 2005". Wetland flags (WL) identified on the map provide some of the reference points used in the preparation of this report.

IWC participants met Mr. and Mrs. Rosen at the entrance to their property on Nettleton Hollow Road. Some walked while others were driven up by Mr. Rosen to the area where work on the bank and bed of the stream appears to have started, i.e., approximately 370 feet to the east of the large reinforced concrete culvert running under the gravel driveway that leads to the several buildings located uphill on the property. The culvert conveys the intermittent stream to the westernmost portion of the property.

The intermittent stream on both sides of the culvert has been impacted in various ways by work carried out on its original banks and bed. The review of this work on the eastern side of the culvert began approximately at WL 55, where an 18-inch metal pipe, covered by a large, badly eroded cement slab, protrudes from the stream bed. It was noted that most of the water now flows around the southern side of the cement slab, not through the pipe, and was eroding the bank as well as depositing a large amount of gravel and small stones along its path. There was evidence of considerable natural erosion along the stream bed, east and uphill of the cement slab especially at each bend of the stream: bank undercutting, exposition of tree and shrub roots, deep soil erosion around large stones, etc., indicating that the stream carries a large volume of water and sediment during significant rain events or storms.

No work appears to have been done on the stream's north bank for some 100 feet downstream of the cement slab. On the left bank of that stretch, however, two elongated sedimentation or retention basins intercept the flow of water. It is impossible to tell whether they existed previously or in what form as they are not marked on the map, but their southern extremities show evidence of recent work: torn roots protrude from the sides of the first or easternmost basin indicating excavating and deepening; the western one shows that some stone banking followed by earth filling and seeding has taken place on its western and south sides.

That second basin serves as the intake point for a four-inch pipe that carries water eastward along a slight incline for approximately 120 feet to the lip of an eight-foot drop where it escapes as a waterfall.

The pipe sits on a base that may have been elevated from the original stream bed to achieve the waterfall effect. It is, however, difficult to estimate the original steepness of the slope along which the stream flowed from the map as the contour lines indicated thereon do not extend to the stream. The contour lines do, however, provide an indication that the slope was very pronounced and could have dropped as much as 18 feet over a 100-foot course.

A stone spillway has been built on top of the pipe-bearing base to carry the excess water that cannot be handled by the four-inch pipe during significant rain events. The spillway is approximately three feet wide and is enclosed by 18-inch high vertical stone walls. The right side of the spillway, which abuts the property's northern boundary, has been filled with earth and seeded.

A stone footpath has been built along the south side of the spillway. It starts around WL 50 and extends some 20 feet beyond the end of the spillway. An 18-inch high stone wall defines its south side and has been banked with earth and seeded. Judging from the map, it is apparent that a strip of wetlands of varying widths has been filled to accommodate the construction of the spillway and stone path. Considerable clearing of natural vegetation cover must also have taken place at the same time.

At the western outlet of the four-inch pipe, the water falls into a basin enclosed on all sides by stone walls. The basin is lined with an impermeable rubber or plastic sheet which stops the water from infiltrating into the ground and causes it to cascade into a succession of five additional basins of different widths. The last widest and largest of these basins abuts the culvert that runs under the driveway. A plank wedged against the culvert holds some of the water in the basin and restricts its flow through the culvert. Mr. Rosen informed that a thick cover of invasives, mostly multiflora rose, was cleared between these basins and the northern property line.

To the west of the road culvert, a similar wider basin, enclosed by four-feet high stone walls has been constructed. The basin narrows into a stone-enclosed channel approximately three feet deep and four feet wide that runs west for about 220 feet. The lower portion of that channel has not been completed. Below that point the lowest part of the channel abutting Sprain Brook has been left untouched and provides an indication of what the intermittent stream bed was like before its channeling was undertaken.

It was noted that the stone channel has blocked the entrance approximately 50 feet west of the cement culvert of a secondary intermittent stream that flowed through a meadow in a northwestern direction. No traces of the bed of that intermittent stream, which is clearly indicated on the map, remain. New lawn is present in parts of this area.

It also appears that considerable areas of wetlands on the south and north banks of the stone channel have been filled, graded and grassed. Some of this work has taken place after the Notice of Violation and the IWC's follow up Enforcement Order were issued, as evidenced by photographs in the file.

Respectfully submitted,
Charles LaMunier
10/27/08

PLEASE NOTE:

Posted: October 22, 2008

This posting consists of three site visit reports

- 1. IW-08-51, BEC Holdings, LLC, 204 Wykeham Road: Two-Lot Subdivision Feasibility**
- 2. IW-08-52, Treadway, 20 Nettleton Hollow Road: Dredging of Pond and Repair of Pond Perimeter**
- 3. IW-08-49/2, Reger, 65 Gunn Hill Road: Lot Re-subdivision**

INLAND WETLANDS COMMISSION SITE INSPECTION REPORT

Application: IW-08-51

Inspection Date: 10/16/08

Time: 4:45 p.m.

Applicant: BEC Holdings, LLC

Address: 204 Wykeham Road

Reason for Application: Two-Lot Subdivision Feasibility

Members Present: Tony Bedini, David Thomson, Charles LaMuniere

Staff Present: None

Others Present: Bryan Neff, Engineer; Bruce Carusillo, Owner

Observations:

Reference: Proposed Site Development Plan, Sheet 1 of 1; Two-Lot Subdivision: Wykeham Road and Clark Road; Washington, Connecticut; Drawn by B.E. Neff; Date: 10/7/08.

Commissioners entered the property through Clark Road, an unmaintained largely grassed-over town road that branches off Wykeham Road on the southern boundary of the property. Driving some 600 feet north on Clark Road, they met Messrs. Neff and Carusillo at the entrance of the proposed driveway to the house site proposed for Lot 1 of the subdivision, on the east side of the property. Approximately 60 cubic yards of fill, which Mr. Carusillo said would be used during the construction of the house, have been dumped along the eastern side of that stretch of Clark Road.

The first 180 feet of Clark Road from its start off Wykeham Road lie within the 100 foot setback of a large wetland pocket located to its east. A culvert approximately 70 feet into Clark Road allows an intermittent stream flowing in an easterly direction to discharge water into these wetlands.

The subdivision plan includes a proposed open space conservation easement that is to run along the entire length of Lot 1's eastern boundary. The conservation easement is to be roughly 240 feet wide by 300 feet long at its widest southern end, giving protection to the above-mentioned wetlands and their 100-foot setback. It gradually narrows down to an approximately 80-foot-wide strip that runs along the central boundary of Lot 1 before widening again into an averaged 240-foot wide by 300-foot long area wherein lies a vernal pool slightly west of its center. It was noted that the proposed conservation easement (6.03 acres) represents slightly more than half of the total acreage of Lot 1 (11.65 acres).

The proposed house site for Lot 1 was viewed. It is located to the north of Clark Road on the nearly flat part of a large open field with land sloping down and away from it to its north as well as to its east towards the proposed conservation easement. The septic field is located to the south of the house site between Clark Road and the proposed conservation easement but more than 150 feet away from the wetlands.

Participants then walked west and north along Clark Road to the proposed house site for Lot 2 (11.426 acres) on the western side of the property. Both the proposed house and its septic field are to be located east of Clark Road in an area covered by a dense, relatively young forest with sparse understory. The septic field lies to the south of the house site on an almost flat area; the house site is on a steeper sloped area (8% to 10% grade) with more than 400 feet separating the house's site proposed limit of construction from a strip of wetlands to its north which is part of a wetland belt that borders the entire length of the site's northern boundary.

Participants left the site at approximately 5:30 p.m.

Respectfully submitted,
Charles LaMuniere
10/21/08

INLAND WETLANDS COMMISSION SITE INSPECTION REPORT

I. APPLICATION #: IW-08-52

INSPECTION DATE: 16 October 2008

TIME: 5:35pm

II. NAME: Charles T. Treadway

III. PROPERTY ADDRESS: 20 Nettleton Hollow Road

IV. REASON FOR APPLICATION: Dredging of Pond and Repair of Pond Perimeter

V. MEMBERS PRESENT: Charles LaMuniere, David Thomson, Tony Bedini

STAFF PRESENT: None

OTHERS PRESENT: Mr. Charles T. Treadway, owner; Mr. Dirk Sabin, Landscape Architect

VI. OBSERVATIONS:

Reference: Site Analysis Plan, Property Boundary Survey, dated September 2008, scale 1"=40'.

We arrived on site at 5:35 pm and parked on the east side of the property off of Sunny Ridge Road. We met with Mr. Treadway and Mr. Sabin who explained the proposed activities. The property is a 5.05 acre parcel of which 3.37 acres is under a conservation easement in favor of Steep Rock Association.

The pond referred to is approximately 120 feet long by 40 feet wide, half of which is bordered by an earth berm mostly on the western side. Through the berm is a high water overflow channel, also on the western side, that is in need of repair. It is estimated that approximately 533 cubic yards of material will be dredged from the pond. Maximum depth of dredging is 6 feet. Pond side slopes will be maintained at a 3:1 slope. The dredged material will be placed on the easterly side (Sunny Ridge Road side) of the pond for dewatering. Machine access will be from Sunny Ridge Road on ground that is high and dry. There will be no hauling or trucking in or out of the site.

On the east side of the pond a mowed lawn area is rather flat and then rises to Sunny Ridge Road. Change in elevation is approximately (738 to 760) 22 feet in a distance of 160 feet. Two large Red Pines are located in that area and are diseased (blight). It is proposed to remove the two Pines and then strip the top soil and spread the dried pond spoils from the edge of the lawn to an elevation of 750. It will be tapered and blended into the existing landscape on all sides. The top soil will then be spread on top of the spoils and planted with a wet meadow mix and mulched with hay. The top and side edges of this activity are the limit of disturbance. Erosion controls are detailed on the plan. On the west side of the pond towards Nettleton Hollow Road, the berm height will be increased about a foot to gain greater freeboard. Finished elevation of the berm is 739.34. The high level overflow channel will be renovated as it is now in disrepair. The channel will be stabilized and lined with 6" field stone on the bottom and sides. The walkway across the channel will be replaced by 3" x 12" Oak timber and supported by cement blocks set in the ground. No railings are proposed or required. The overflow from the pond spills into a small brook (name unknown) that runs along Nettleton Hollow Road. Silt fence and other erosion controls are detailed on the plan. There is also a fallen Pine tree across the berm and the berm will be repaired with a layer of Bentonite.

Prior to dredging, the pond will be pumped out and into the brook with a submersible pump.

The plan and map are well detailed; a sequence of construction is included, as are details of the overflow channel, location of trees, berm details, elevations etc.

We left the site at approximately 6:00pm.

Respectfully submitted,

Tony Bedini

INLAND WETLANDS COMMISSION SITE INSPECTION REPORT

I. APPLICATION: IW-08-49/2

II. NAME: Holly Reger

III. PROPERTY ADDRESS: 65 Gunn Hill Road

IV. REASON FOR APPLLICATION: Lot Re-subdivision

V. MEMBERS PRESENT: Tony Bedini, Charles LaMuniere, David Thomson

STAFF PRESENT: Michael Ajello

OTHERS PRESENT: Bart Clark

VI. OBSERVATIONS:

References: Site Development Plan (3 pages) dated: August 9, 2008

The site visit team entered the property from Gunn Hill Road and walked to the "conceptual" house, septic and driveways as indicated on the maps. The principle characteristic of the proposed lot is its sloping nature. There are two wetland/watercourse features related to the proposed subdivision, a stoned in spring approximately 85 feet downgrade from the nearest corner of the "conceptual house," and an intermittent water course. The conceptual driveway will have to cross the intermittent watercourse. An 18 inch culvert is proposed. A number of trees will have to be removed to accommodate the planned driveway as well as the proposed house location.

This is a difficult site due to the amount of slope in excess of 25%. Portions of the house, septic and driveway are located within the sloping topography. Mr. Clark's detailed maps and extensive construction sequence plans address these issues, indicating that in spite of the difficulties it may be feasible to place a house, septic system and driveway on the proposed lot without major impact on wetlands and watercourses.

Another potential problem is the runoff from the site and the driveway into down grade catch basins along the road.

David Thomson

October 21, 2008