

## January 10, 2007

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

MEMBERS ABSENT: Mr. LaMuniere, Ms. Purnell

ALTERNATE PRESENT: Mr. Thomson

ALTERNATES ABSENT: Ms. Coe, Mr. Potter

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

ALSO PRESENT: Mr. Szymanski, Mr. and Mrs. Tompkins, Mr. Neff, Mr. Moritz, Mr. Palella

Mr. Picton called the meeting to order at 7:01 p.m. and seated Members Bedini, Hill, and Picton and Alternate Thomson for Mr. LaMuniere.

MOTION: To add the following subsequent business to the agenda: New Applications: 1) Hardy and Gill/211 Baldwin Hill Road/#IW-07-03/Single Family Dwelling, 2) Young Elliot's Farm, LLC./110 Calhoun Street/ #IW-07-04/2 Lot Subdivision and Consideration of the Minutes: 12/19/06 Plourde Site Inspection. By Mr. Bedini, seconded by Mrs. D. Hill, and passed 4-0.

Consideration of the Minutes

The 12/13/06 Regular Meeting minutes were accepted as corrected.

Page 3: Under Rising: 4th line: Change: "address" to addresses.

Page 3: Under Town of Washington: 4th line: Change: "explained" to given.

Page 6: Under John Dorr Nature Lab: 18th line: Capitalize Bobcat.

MOTION: To accept the 12/13/06 Regular Meeting minutes as corrected. By Mr. Picton, seconded by Mr. Bedini, and passed 4-0.

MOTION: To accept the 12/19/06 Plourde site inspection minutes as written. By Mr. Bedini, seconded by Mr. Picton, and passed 4-0.

Pending Application

**Rising/191 West Shore Road/#IW-06-46/Repair Septic System:** Mr. Ajello noted Mr. Hayden of the NCD recommended in his report dated 12/29/06 that instead of piping the stormwater runoff to the catch basin that empties directly into the lake, that it be diverted to another intermittent stream on the east side of the property where the water could be renovated before reaching the lake. Mr. Ajello said he had asked the Rising's engineer to discuss this recommendation with them. Mr. Picton said the Commission would consider this alternative if the stream could handle the additional flow without causing new scouring, but said engineered plans would be required and that a professional would have to state that scouring would not result before a decision could be made. He also noted Mr. Hayden had not addressed the questions previously raised by the Commission such as what are the watershed calculations, what size rip rap is proposed and what are the specifications for the rock lined channel, etc. The map, "Plan Showing Code Complying Septic System," by Mr. Trottier, revised to 9/7/06 was reviewed. Mr. Picton asked Mr. Ajello to contact the Rising's engineer to get answers to these questions. He said he would be inclined to deny the application due to insufficient information if an additional engineering review was not submitted.

New Applications

**Coleman/112 Walker Brook Road/#IW-07-01/Clean Out Pond:** Mr. Moritz, arborist, represented the

property owner. Mr. Ajello said the application was complete and recommended the Commission conduct a site inspection. Mr. Moritz submitted a portion of a survey map, no title, no date, showing the location of the pond the access to it, and the spoils deposit areas and the document, "Procedures for Coleman Pond Clean-up." Mr. Moritz stated approximately 60 yards of leaves would be removed from the pond, loaded into a small dump truck, and deposited in depressions on a dry part of the property. It was noted the pond was built in 1989 and was 12 feet deep. Mr. Picton asked Mr. Ajello if he had inspected the depressed areas. Mr. Ajello said he had not. Mr. Moritz said he would not change the slope around the pond and would replant the banks. Until the spring when replanting was possible, he proposed to lay down landscaping fabric on the disturbed areas so they would not erode. He also said he would consider replanting one third of the area around the pond with natural vegetation. Mr. Picton asked Mr. Ajello to inspect the site to determine whether there were any unforeseen problems, and if so, to notify the commissioners so they can look at the property on their own before the next meeting.

**Brown/127 West Shore Road/#IW-07-02/Planting and Fence:** Mr. Palella represented the property owner. The map, "Shoreline Plan," by McCobb and Assoc., dated Nov. 2006 was reviewed. Mr. Ajello noted the Commission had previously considered an application to repair a shoreline wall on the same property. Mr. Palella pointed out the areas proposed for planting and the tree that would be taken down and noted the fence would be erected on the side of the property opposite the lake. Mr. Ajello asked if a gate was proposed for the lake side of the property. Mr. Palella did not know. Mr. Picton asked if the area proposed for planting was currently a valuable buffer area. Mr. Ajello said it was now lawn. Mr. Ajello read Mr. Pollock's 12/12/06 letter concerning the poor health of the tree. He noted the stump would not be removed. Mr. Ajello suggested another tree be planted for mitigation. A site inspection was scheduled for Tuesday, January 16, 2007 at 4:00 p.m.

**Hardy and Gill/211 Baldwin Hill Road/#IW-07-03/Single Family Dwelling:** Mr. Szymanski, engineer, represented the property owners. The map, "Proposed Plot Plan," by Arthur H. Howland, dated 1/4/07 was reviewed. Mr. Szymanski noted the 12 acre parcel has watercourses on both the south and north sides and slopes downhill from the road. He said there were no species of special concern noted on the Natural Diversity Data Base Map. He also noted there would be almost no regrading required for the proposed four bedroom house, that the driveway had been located to minimize cuts and fills, the septic had been located as far from the wetlands as possible, and there was maximum stormwater treatment proposed before any runoff would reach the wetlands. Alternate driveway routes had been considered but they would require more driveway surface closer to the wetlands. Mr. Szymanski stated the top soil stockpiles were located as far up hill as possible, that the location of the staked hay bales and limit of disturbance were shown on the map, a construction sequence had been submitted, and the 2002 Ct. Erosion and Sedimentation Guidelines had been followed. Mr. Picton asked of the limit of disturbance and limit of clearing were the same. Mr. Szymanski said they were and that approximately a half acre would be disturbed. Mrs. D. Hill asked that the soils report be submitted. She also asked if there were wetlands on the bordering properties. Mr. Szymanski said the wetlands on adjoining properties were evident and the Commission would see them when it inspected the site. A site inspection was scheduled for Tuesday, January 16, 2007 at 4:30 p.m.

**Young Elliot's Farm, LLC./110 Calhoun Street/#IW-07-04/2 Lot Subdivision:** Mr. Neff, engineer, represented the property owner. The maps, "Property/Boundary Survey," by Mr. Alex, revised to 12/28/06 and "Proposed Site Development Plan," by Mr. Neff, dated 1/9/07 were reviewed. Mr. Neff stated the 39.2 acre parcel would be divided into two lots; a 14.39 acre lot with the existing house and barns and a 24.83 acre lot with limited frontage. A wetlands crossing using an existing farm road would be needed to access the building site at the northeast corner of the proposed lot. Mr. Neff stated the crossing was located at the narrowest point of the wetlands. He detailed the condition of the existing crossing and noted the proposed driveway would be approximately 2000 ft. long. Mr. Picton asked if

there were other wetlands at the rear of the property. Mr. Neff responded that there was only the wetlands/watercourse that bisects the proposed lot. Mr. Temple flagged the wetlands and Mrs. D. Hill asked that his report and sketch map be submitted. Mr. Picton thought the driveway grade as it approached and left the wetlands area would be an issue. Mr. Neff briefly discussed the proposed crossing details, noting it would be similar to the Beck crossing upstream where the culvert was sunk 6 inches giving it a natural stream bottom. He said this was an environmentally sensitive approach. A site inspection was scheduled for Tuesday, January 16, 2007 at 3:30 p.m.

#### Enforcement

**Tompkins/37 Tompkins Hill Road/Driveway Fill in Regulated Area:** Mr. and Mrs. Tompkins attended to respond to Mr. Ajello's 12/19/06 letter. Mr. Tompkins presented a portion of a 1991 survey map, and said he had installed the driveway as it was shown on the map; approximately 60 feet from wetlands. He said he had put in stone and silt fence along the bottom of the driveway bank and there had been no erosion during any of the recent storms. Mr. Ajello said he had been shown a different map and noted in hindsight that he should have required an engineered driveway plan and said he had not expected that so much fill would be deposited so close to the wetlands. Mrs. Tompkins noted the fill was needed to get the driveway grade to comply with the zoning requirements. Mr. Ajello said the bank was stable and the wetlands would not be impacted. Mrs. D. Hill pointed out that all the work had been done in the review area, not in wetlands. Mr. Picton noted the Commission would need the following information on the map: 1) limit of fill, 2) slope of the fill, and 3) how the slope would be stabilized. Because the wetlands had not been harmed, there was no continued threat to wetlands or watercourses, and the Commission would have approved the activity if it had been applied for beforehand, an after the fact application was requested.

**Plourde/33 East Shore Road/Unauthorized Clear Cutting:** Mr. Picton noted Mr. Plourde had been asked to leave the site alone until he submits a restoration plan that the Commission can approve. Mr. Ajello reported Mr. Plourde had submitted nothing to date, nor had he contacted the office. Mr. Thomson noted substantial trees had been cut along the river and recommended Mr. Plourde be required to replant some to restore the canopy and natural buffer. Mrs. Smith and Mr. Watson, adjoining property owners, complained that all the plowed snow from Rt. 45 would now go directly into the river since the buffer was destroyed, there were significant limbs left in the river, and that the Plourde property was unsightly and hazardous. Mr. Picton stated aesthetics was not the Commission's jurisdiction, but that the physical impacts to soil stability along the stream and to the shade canopy above the stream were. He was not sure how the Commission would quantify and evaluate these impacts. He thought most likely Mr. Plourde would be requested to replant within a specified distance of the driveway and not to disturb the site again unless a complete plan had been approved by the Commission. More specifically, Mr. Picton added that the stumps could not be removed and that most likely Mr. Plourde would be asked to restore the riparian canopy on the east side of the driveway with a 20 ft. wide belt of trees with a caliper of at least 1.5 inches. Mr. Thomson also recommended that no rocks be disturbed on the site. The Commission asked Mr. Ajello to issue an enforcement order to require Mr. Plourde to submit a restoration plan addressing the points discussed as well as the number, location, and kind of plants to be planted. It was not decided at this time whether to issue a citation. A show cause hearing was scheduled for Wednesday, January 24, 2007 at 6:45 p.m. in the Land Use Meeting Room.

#### Enforcement Report

The following violations/enforcement concerns were briefly discussed:

**Carter/292 Walker Brook Road/#IW-04-V8/Repair of Retaining Wall:** Mr. Ajello reported he had received a verbal response to the Commission's 8/9/06 letter to Mr. Carter that he would consult with a

riparian expert to resolve the matter. However, there has been no report from Mr. Carter since then. The Commission will file a notice on the Town Land Records if there is no progress by the next meeting.

**Caco/16 Flirtation Avenue/Unauthorized Clearing, Grading:** It was noted this complaint has been pending for a long time. Mr. Picton asked Mr. Ajello to investigate and make recommendations regarding how to resolve it. He also asked him to make sure the drainage is not impacting downstream properties. Mr. Ajello said he would call the owner and meet with her on site.

**Collins/323 West Shore Road/Unauthorized Clear Cutting and Soil Disturbance:** It was noted this matter has also remained unresolved for a long time and that the activity had taken place in the wetlands. Mr. Ajello noted the property owner had promised to submit an engineered drainage plan, but had not done so. Mr. Picton asked if the Commission should order that the understory be restored, but Mr. Ajello reported it was already growing back on its own. Mr. Picton asked him to monitor the property to make sure it is not disturbed. Mr. Ajello will send a letter, which will inform the owner a citation will be issued immediately after the next meeting if there's been no progress by that time.

**Moore/25 Litchfield Turnpike/Driveway Fill in Regulated Area:** Mr. Ajello noted Mr. Moore had submitted a letter dated 1/10/07 in which he agreed to cooperate with the Commission and get the testing and restoration work done as soon as possible. Mr. Picton read the letter aloud. Mr. Ajello questioned whether this was the proper time of year to do the work. Mr. Picton thought it was because there were no steep slopes or erodable areas involved. Mr. Ajello will get a deposit from Mr. Moore for the soil scientist the Commission will hire and then contact Mr. Allen to schedule the tests. Mr. Picton noted if there was no progress within a month the Commission would take further enforcement action.

**Reinhardt/10 Perkins Road:** Mr. Picton asked if the consultant was working on restoration plans. Mr. Ajello said, no, because first the Commission would have to decide on an approach and then it would have to get estimates. Mr. Picton recommended that Mr. Childs, a forester, be asked to make recommendations regarding what work would have to be done to restore the site, and that once these recommendations were made, that they be reviewed by Land Tech. He noted bids were only required for work exceeding \$6000. Mr. Ajello was not sure this was the right approach and recommended a few contractors be asked for estimates. After a brief discussion it was decided Mr. Childs should be contacted first and as soon as possible. Mr. Ajello submitted a document describing the phases of the work to be done. The Commission thought these were reasonable as written.

#### **Smith/135 East Shore Road**

**Corbo/40 Nettleton Hollow Road:** Mr. Picton asked Mr. Ajello to determine whether the work in progress is in conformance with the permits issued for these properties.

**Wright/59 Scofield Hill Road:** Mr. Ajello will discuss this matter with Mr. Smith, the new head of the highway department.

**Feola/84 Carmel Hill Road:** Mr. Picton noted Mr. Feola and the Commission had agreed on a plan to resolve the violation, but the work had never been completed. He asked Mr. Ajello to file the violation on the Town Land Records.

**Spring Hill Farm, LLC./59 Whittlesey Road:** Mr. Picton asked Mr. Ajello if he had inspected the site and advised him he should not leave the monitoring of the ongoing work to the owner's engineer.

**Yourwith/259 New Milford Turnpike/Unauthorized Excavation and Installation of Drain:** Mr. Ajello had not called the owner since the last meeting, but said he would do so soon. He noted he did not think the Commission should make recommendations in this case. Mr. Picton noted a grassed swale would be an improvement over the existing trench to the river.

**Steep Rock Assoc./River Road/Clearing:** Mr. Ajello said he had called Mrs. Branson after learning of

Mrs. D. Hill's concerns, but had not made an inspection. Mrs. Hill asked Mr. Picton to inspect the clearing done by Steep Rock in this field on River Road within 100 feet of the Shepaug River. Mr. Picton asked Mr. Ajello to inspect the property and to issue an order if the clearing being done was a regulated activity. Mr. Ajello noted, and Mr. Picton agreed, that he could issue an order only if the work resulted in a direct impact to the wetlands or watercourse.

**Shanks/208 Bee Brook Road/Unauthorized Activities in Regulated Area:** Mr. Ajello reported Mr. Shanks will soon submit an application.

Other Business

**Revision of the Regulations:** This work is ongoing.

Communications

Information regarding a land use seminar to be conducted by the Ct. Bar Assoc. on 3/17/07 had been previously circulated.

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

Mr. Picton adjourned the meeting at 8:59 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator