

January 14, 2004

Members Present: Dorothy Hill, Marguerite Purnell, Mark Picton.

Members Absent: Helen Gray, Charles La Muniere.

Alternates Present: Anthony Bedini.

Alternates Absent: Candace Korzenko, Robert Weber.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Atty. Ann Martindale, Arthur Howland, Regine Laverge, Dorothy Bolek, Kimberly Allen, Ross Gentile, Russell Dirienzo, Maria Taylor, Laura and Christopher Gatto, Eric Nelson, Dirk Sabin, John Adderley, Voices.

ACTIONS TAKEN:

Opened the meeting at 7:02 p.m., Chairman Hill presiding.

Seated the three members and one alternate present - Hill, Picton, and Purnell and alternate Bedini for member Gray.

VOTED to add to the Agenda: 1) Gatto, IW-04-01 to New Applications and 2) Knudsen, IW-98-49 Revision to New Applications and 3) Washington Montessori School, IW-01-08 to Old Business.

Motion by Mr. Picton, second by Ms. Purnell, and passed 4-0.

APPROVED IW-03-54, Ficalora, 13 Winston Drive, construct dwelling, per the revised plan, "Alternative F", Proposed Sanitary Disposal System, Church Hill Corp. Lot 59A, Church Hill Road by Arthur H. Howland L.S. & P.E., dated July 25, 2003 and revised to 1-12-04" with the following conditions: 1) Final plans, including utility lines installation, must come back to the Commission for review of permit compliance **before** any work is done on site. This condition is to be shown on the site plan's construction sequence before the permit is issued. 2) The house/garage footprint (66'x30' - sixty six feet by thirty feet) and its location is material to the decision and must remain the same. 3) After clearing, drainage installation on the east, west and south sides of the property shall be completed first in the construction sequence. This condition is to be shown on the site plan's construction sequence before the permit is issued. 4) The driveway surface shall be gravel. Motion by Mr. Picton, second by Mr. Bedini and passed 3-1-0. Ms. Purnell voted nay; she prefers Alternative D' and objects to final plans not being completed and submitted before action is taken.

Members noted a faxed letter, dated 1-14-04, from Atty. Shelley Marcus for neighbor, Pasquale Guliano and a letter, dated 1-14-04, from Atty. Ann Martindale. Atty. Martindale countered the request by Mr. Guliano to postpone consideration of the application until the next meeting. Copies of the original subdivision map Town Clerk files and Alternative F' were submitted. Members reviewed with Arthur Howland his Alternative D,' E,' and F,'

Ficalora con't:

considering which plan best minimizes the impact to wetlands and watercourses and directed water, as much as possible, in its natural path.

Members approved the application because the applicant addressed Commission concerns - house/garage size, length and location of driveway, and on site drainage; Alternative F' restores a stream channel, a safer solution to a possible storm event during construction.

APPROVED, IW-03-62, Laverge, 228 Bee Brook Road, bridge, driveway and stream crossings per, "Plan & Profile, Regine Laverge, Lot 2 Bee Brook Road by C.C. A., dated 12-14-94 and revised to 1-13-04" and per plans approved 1-11-95, for permit IW-94-64 with one condition: driveway work

shall be phased, so that slope stabilization, drainage improvements, and erosion controls are installed at the same time as the adjacent driveway. Motion by Ms. Purnell, second by Mr. Picton, passed 4-0.

Members reviewed the plan, previously approved, that had been revised to address the Commission's concerns in re slope stabilization and drainage design. Ms. Laverge said that the alternative of sharing a portion of the existing driveway is not possible at this point and Brian Neff, P.E., said the re-construction of one corner of the road-bed would be a difficult project and widening the driveway, might require use of the neighbor's half.

Members approved this application because this proposed driveway had been previously approved; plans were unchanged except to address current concerns.

DENIED IW-03-65, Bolek, 83 East Shore Road, construct docks, lake wall, retaining wall and deck, because of the proposed structural change to an excessive length of lake shore. Motion by Mr. Picton, second by Ms. Purnell, and passed 4-0.

Members reviewed a revised site plan and letter, dated 12-22-03, from Ron George, C.C.A.

Mrs. Bolek defended the proposed plans re a size equal to her 1950's dock footprint, substituting the now proposed deck length along the shoreline for the 1950 dock length going out into the lake.

Members denied the application because of the compromised length of shoreline, not wanting to wall off any more of the lake shore than necessary; they expected a significant revision which would limit the structural change of the lake shore to the shaded area depicted on the site plan and a design of the concrete structure to be constructed just at the edge of the lake and not extended into the water.

Discussed IW-03-68, Gentile, 38 Winston Drive, construct dwelling with Kimberly Allen, Ross Gentile, and Russell Dirienzo, C.C.A. the review, dated 12-24-03, by Christopher Allen, Certified Wetland and Soil Scientist, Land Tech Consultants, of the site development plans; Mr. Allen recommendations included two alternate locations for the house (not requiring the proposed additional piping of the existing watercourse) and a changed location for the proposed driveway in the vicinity of the existing driveway. Ms. Allen and Mr. Gentile submitted a letter, dated 1-14-04, from Steven Trinkaus, P.E. in a countering response to Land Tech's recommendations.

Members agreed to consult with their own engineer and give the estimate to the applicant. Members will review Mr. Trinkaus' letter before the next meeting. Mr. Dirienzo will submit a letter with his analysis of the property to the Commission to give to Land Tech.

APPROVED IW-03-71, Taylor, 38 New Preston Hill Road, 2-Lot subdivision, per, "Proposed Site Development Plan, Maria W. Taylor 2-Lot Re-subdivision, 38 New Preston Hill Road by Brian E. Neff, P.E., dated 12-3-03." Motion by Ms. Purnell, second by Mr. Picton, passed 4-0.

Members read the January 8, 2004 site visit minutes and talked about the observations made and the proposed plan.

Members approved the application because there are no foreseen impacts to wetlands and watercourses, wetlands and watercourses were delineated by Michael Temple, Certified Soil Scientist, and the proposed house site is located outside the regulated area.

Discussed IW-04-01 ATF, Gatto, 155 Woodbury Road, stone wall, fences, renovate barn, driveway, move trees with Laura and Christopher Gatto. Mr. and Mrs. Gato talked about the proposed projects - the need for a safe parking area off Route 47, the stone walls in need of repair, the hay bales already placed along the back of the property, the Health Dept.'s issue of a permit to put heat in the barn for a studio which would occupy the same footprint, the wood fence they want to change to a low stone wall with a fence on top, and their hiring of Brian Neff, P.E. Mr. Ajello said all the work proposed

would take place within the 100' upland review area and the trees proposed to be moved are actually plantings.

Members scheduled a Site Inspection in re above on Monday, January 26, 2004 at 9:00 a.m.

Discussed IW-98-49, Knudsen, 236 Nettleton Hollow Road, clean pond, revision to permit, permit extension with his contractor, Eric Nelsen, Garden Paths. Mr. Nelsen submitted a request for an extension of the permit until the end of July, 2004 and explained the proposed revision is to change the access area from the east side of the pond to the west side where there is a gravel bar which is high and dry at this time and seems to be a great place to de-water and would become a 200' tracking pad access way from the driveway.

Members scheduled a Site Inspection in re the above on Monday, January 26, 2004 at 9:30 a.m.

MOVED in the matter of **IW-03-V6, Levy/Kady, 129 Wykeham Road, in the matter of a completed though partially inadequate restoration.** Motion by Mr. Bedini, second by Mrs. Hill, and denied because of the tied 2-2 vote. Members reviewed the work that had been done with Mr. Kady's contractor, Dirk Sabin, Landscape Architect, and noted that specific instructions, given to avoid any misunderstanding, to restore the filled area within 25' from the eastern edge of the watercourse, had not been followed. Mr. Sabin countered with his opinion that the restored area has been well done and in an appropriate manner and he does not see any long term impacts to wetlands or watercourses. Mr. Ajello gave his consent to the restoration done but he did not measure the distance.

Members were divided because at this point they also did not see any long term impacts to wetlands or watercourses but they feel they cannot do their job when some residents continually push the Commission to compromise on well thought out decisions and in this case, as in others, in conjunction with consulting experts. Mrs. Hill said further discussion will take place at the next meeting on January 28, 2004.

APPROVED IW-03-58, Meyers, 5 West Church Hill Road, clean a 12' (twelve foot) diameter detention basin and excavate to a depth of 6' (six feet) as originally approved IW-98-30 on 9-9-98. Motion by Mr. Picton, second by Ms. Purnell, and passed 4-0. Mr. Ajello spoke to Mr. Meyers who does not intend to enlarge the detention basin and intends using the same contractor as before; the only access is from West Church Hill Road.

Members voted to approve this application because it is routine maintenance with the last cleaning having been done four or five years ago.

DENIED without prejudice **IW-03-60, Town of Washington, Tinker Hill Road, install drainage pipes, repair road surface**, due to a lack of information. Motion by Mrs. Hill, second by Ms. Purnell, and passed 4-0. Members denied this application because necessary information had not been submitted.

Discussed IW-03-67, Katz, 136 Nichols Hill Road, Repair Wall. Members agreed the following information needs to be submitted to see a completely thought out proposal with enough information on which to base their decision: 1) How far down workers would dig in order to accomplish the repairs. 2) A description of the activity. 3) A sequence of the activity. 4) Ideally, an engineered plan; a plan with a lot more detail. Mr. Ajello thought that it doesn't make sense to repair just one side and he will speak to Mr. Katz's contractor, Mr. Zaloski about the requested information.

Noted IW-03-69, Morse Estate, 313 Nettleton Hollow Road, Construct Driveway, is still without the additional grading plan and hydraulic calculations from Brian Neff and associated review by Land Tech Consultants. Mr. Ajello will call Brian Neff to find out where things stand.

APPROVED IW-03-70, Wadsworth, 12 Winston Drive, construct dwelling, per the plan,

"Subsurface Sewage Disposal System, Church Hill Corp. Subdivision Lot 70A, 12 Winston Drive by Brian E. Neff, P.E., dated 8-20-03 and revised 11-30-03" with the following conditions: 1) The proposed tree line shall serve as the limit of disturbance with no cutting or clearing beyond this tree line. 2) The proposed house/garage footprint and location are material to the decision and shall remain as depicted on the above cited plan. Motion by Ms. Purnell, second by Mr. Bedini, passed 4-0. Members noted a revision to extend the curtain drain and the limits imposed by the site as to what else could possibly be done.

Members approved this application because the proposal was changed, as requested, from a four bedroom house to a three bedroom house with a corresponding smaller septic.

Noted IW-02-V1, Beck, 132 Calhoun Street, cutting & clearing in wetlands that the status remains the same. Mr. Ajello reported that a pine forest outside the regulated area has been completely cut down without a timber harvest sigh-off.

Discussed IW-02-V3, Brown, 96 Romford Road, dam failure. Mrs. Hill read a note, no date, from Mrs. Brown along with a copy of her letter, dated Dec. 18, 2003, to Denis O'Sullivan, P.E. re his long delay in submitting a promised report.

Mr. Picton wrote to Atty. Michael Zizka re Brown IW-02-V3, Ross, IW-02-V4 and Levy/Kady IW-03-V6 about sending letters on behalf of the Commission to inform them the Commission has been flexible and co-operative to a point that is no longer tenable and therefore

Brown con't:

the Commission will be proceeding with court action. Mrs. Hill will send Atty. Zizka all pertinent information. Mr. Picton will ask Atty. Zizka about the viability of applicants paying his fees.

Noted IW-03-V12, Randall, 53 River Road, mowing in wetlands that no new information has been submitted to date re a requested deed restriction.

Reviewed the Enforcement Officer's report with Michael Ajello.

IW-04-01 ATF, Gatto, 155 Woodbury Road. Mr. Ajello pointed out that this application started out as a violation re an entire lawn re-graded and stone walls repaired without a permit.

IW-04-V2, Fish, 201 Wykeham Road, timber harvest near wetlands. Today Mrs. Hill told Mr. Ajello to inspect logging activity taking place on the east side of the driveway against a very specific condition to the permit that there not be any cutting or clearing on the east side of the driveway and stone walls. Mr. Ajello observed a path cut through the silt fence and approximately 1/2 an acre of cut trees and disturbed woodlands; Brian Anderson said that he had permission from the owner to cut firewood. Mr. Ajello will send a Notice of Violation to Mr. Fish with a copy to Mr. Anderson and check the list of licensed State Foresters.

Wahlin, 127 Wykeham Road. Ms. Purnell stated wetlands exist on this site.

Noted IW-02-V4, Ross, 10 Sunny Ridge Road, wetlands restoration that nothing new has been submitted to date.

MOVED in the matter of **IW-04-V1, Guliano, 19 Winston Drive, un-permitted extended drainage work**, to direct Mr. Ajello to send a Notice of Violation to Mr. Guliano. Mr. Ajello reported that drainage work approved by him had been extended beyond the perimeter of the lawn and the excavator dug out materials from an area up-grade of the stream.

ACCEPTED as amended Special Meeting Minutes of January 7, 2004 re administration. Motion by Mr. Picton, second by Mr. Bedini, and passed 4-0.

ACCEPTED as written Special Meeting Minutes of January 8, 2004 re Taylor - IW-03-71. Motion by Mrs. Hill, second by Mr. Bedini, and passed 4-0.

ACCEPTED as written Special Meeting Minutes of January 8, 2004 re Katz - IW-03-67. Motion by Mrs. Hill, second by Mr. Picton, and passed 4-0.

Noted IW-02-61 ATF, Sheinfeld, record conservation easement and mylar map that Mrs. Hill is close to the completion of this condition to the permit.

Noted IW-01-08, Washington Montessori School, 241 Litchfield Tnpk., construct school that Ms. Purnell decided not to make a site inspection because the snow obstructs any useful observation.

Discussed the administration of the meeting schedule and minutes.

ADJOURNED the meeting at 12:15 a.m., January 15, 2004. Motion by Mrs. Hill and passed 4-0.

Filed Subject To Approval

Respectfully submitted,

Katherine Moquin
Land Use Secretary
January 23, 2004