

## April 14, 2004

**Members Present:** Dorothy Hill, Charles La Muniere, Mark Picton, Marguerite Purnell.

**Member Absent:** Helen Gray.

**Alternate Present:** Candace Korzenko.

**Alternate Absent:** Anthony Bedini.

**Staff Present:** Michael Ajello, Katherine Moquin.

**Also Present:** Brian Neff, Thomas Farnen, Dorota Habib, Laurence Buck, Dirk Sabin, Alex McNaughton, Richard Rosiello, Barbara Robinson, Eric Nelson, Joseph Wanag, Ronald Wolff.

**Opened** the meeting at 7:05 p.m., Chairman Hill presiding.

**Seated** members present - Dorothy Hill, Charles La Muniere, Mark Picton, Marguerite Purnell, and Candace Korzenko for Helen Gray.

**ADDED** to the Agenda a) Site Inspection Minutes of April 12, 2004 re: Washington Montessori School, IW-01-08, to Consideration of Minutes; b) applications: 1) Robinson, IW-04-18, 2) Meeker, IW-04-19, 3) Knudsen, IW-04-20, 4) Hopkins, IW-04-21, to New Applications; and c) 1) Auchincloss, IW-03-57, 2) Levy/Kady, IW-03-V6, to Enforcement. Motion by Mrs. Korzenko, second by Ms. Purnell and passed 5-0.

**Accepted**, as amended, Regular Meeting Minutes of March 24, 2004. Motion by Ms. Purnell, second by Mr. Picton and passed 5-0.

Corrections as follows:

Page 2 - under Ingrassia - line 8 - 'lake shore' should be 'lakeshore' and 'dock' s/b 'house'

- under Kweskin - line 2 - add 'per the plan, "Site Plan, Shore Road, Ed Kweskin by Karla Donnelly for BD, dated 3-24-04".'

- - last line - 'aspects' s/b 'erosion control issues'

Page 3 - under Steep Rock Association - line 2 - add 'per "Project Details, submitted 3-10-04" and per "Additional Information, dated 3-10-04".'

- under Mayfair Properties, LLC - line 2 - add ' "Underground Electric Utility Installation Plan, Mayflower Garden Spa & Rooms, 116 Woodbury Road & 35 Wykeham Road by B.E. Neff, P.E., dated 3-5-04" ' after plans.

- Luers - line 3 - 'the flagged wetlands' s/b 'his sketch'

Page 4 - under Mc Gorty - line 2 - add 'per the map, "Property Boundary Survey, Lot Line Revision Map, Jay T. Mc Gorty by T. Michael Alex, dated March, 2004".'

- under H.O.R.S.E. - line 1 - 'that s/b 'from'

Page 5 - line 1 & 2 - add 'and the CT' after 'Governments' and 'Confederation' s/b 'Federation'

- under Adjourned - add 'Mrs.' before 'Gray'

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**Accepted**, as written, Site Inspection Minutes of April 12, 2004 re: Luers, IW-04-14. Motion by Mr. La Muniere, second by Ms. Purnell and passed 5-0.

**Accepted**, as written, Site Inspection Minutes of April 12, 2004 re: Washington Montessori School, IW-01-08. Motion by Mr. Picton, second by Ms. Purnell and passed 5-0.

**Heard**, in re: DiBenedetto, IW-04-03, 212/214 Calhoun Street, remove invasives, vines, dead trees / prune, from WEO Ajello that Mr. Di Benedetto is continuing to plant; he will ask Mr. Di Benedetto to submit a detailed planting plan. A request for a 65 day application extension has been received.

**Noted**, in re: Washington Park & Rec., IW-04-05, School Street, pavilion improvements, that nothing new has been submitted.

**Discussed** Ingrassia, IW-04-07, 135 East Shore Road, demolish & re-build barn, with Brian Neff, P.E., who submitted the requested revisions to his plan, "Soil Erosion & Sediment Control Plan, The Ingrassia Barn Reconstruction, 135 East Shore Road by B. E. Neff, P.E., dated 2-16-04, revised 4-12-04." Members requested the following to be shown on the above cited plan: 1) The geo-grid path along the back of the barn extending only to the southwest corner of the barn and not beyond. 2) The lake shore buffer ( native vegetation / undisturbed surface ) extending twenty feet north of the existing pipe and encompassing the whole bank down to the lake. Members do not want a parking area on the lawn south of the barn nor do they want vehicles close to the lake. Mrs. Hill read a copy of the letter to Ms. La Bella, DOT Representative from Atty. James Kelly which includes mention of a consensus to remove the large ash tree and oak tree, existing within ten feet of the road, dated 10-26-01. Some members expressed concern about the possible loss of root structure so close to the lake.

**APPROVED** Rumsey Hall School, IW-04-10, 201 Romford Road, install new water supply system, per the plan, "Water System Improvements, Rumsey Hall School by Buck & Buck Engineers and Smith & Company Surveyors, dated 3-9-04" with two conditions: 1) No more than 50' (fifty feet) of trench is to be left open at the end of the day. 2) On slopes subject to erosion, check dams and other erosion control measures are to be used to prevent erosion along the path of the trench per WEO recommendations. Motion by Mr. Picton, second by Ms. Purnell and passed 5-0.

Members discussed the above cited plans with Headmaster, Thomas Farmen, Business Manager, Dorota Habib, and Engineer, Laurence Buck. Members voted to approve the application because the impacts to the regulated area are minimal, a minimum amount of trench will be left open after each work day, and there will be no change in grade other than along the length of trenching.

**APPROVED** the amendment to the Motion to Approve Rumsey Hall School, IW-04-10, to include: per the map, "Wetlands Impacts, Water System Reconstruction, Rumsey Hall School, by Buck & Buck, LLC, Engineers, dated 4-14-04." Motion by Ms. Purnell, second by Korzenko and passed 5-0.

**APPROVED** Bronson, IW-04-11, 149 Romford Road, install dry hydrant, per the narrative letter by Dick Murchison, BS, FPE and Duncan Woodruff, Water Resources Committee of the WVFD, dated 3-12-04. Motion by Ms. Purnell, second by Mrs. Korzenko and passed 5-0.

Members voted to approve the application because they can see no permanent impacts to wetlands or watercourses.

**APPROVED** Mayfair Properties, LLC, IW-04-12, 116 Woodbury Road / 35 Wykeham Road, install utility line, per the plan, "Underground Electric Utility Installation Plan, Mayflower Garden Spa & Rooms, 116 Woodbury Road & 35 Wykeham Road by B.E. Neff, P.E., dated 3-5-04" with two conditions: 1) Care is to be taken not to re-direct water toward the trench. 2) WEO recommendations are to be followed to implement any additional sedimentation and erosion control measures. Motion by Mr. Picton, second by Mrs. Korzenko and passed 5-0.

Members discussed the above cited plans with agent, Brian Neff. Members voted to approve the application because they do not see long term impacts to wetlands or watercourses, only temporary risks.

**APPROVED** Lloyd, IW-04-13, 149 Whittlesey Road, in-ground pool, terrace, landscape, per the plan,

"Completed Lawn Expansion and Boulder Shore Protection and Proposed Swimming Pool, Jill & Michael Lloyd, 149 Whittlesey Road, dated 3-18-04, revised 4-10-04" with one condition that no change in grade is to occur outside the construction envelope, which is defined as 6' (six feet) outward from the terrace immediately surrounding the pool as shown on the above cited plan. Motion by Mr. Picton, second by Mrs. Hill and passed 5-0.

Members discussed the above cited plan with agent, Dirk Sabin. Members voted to approve the application because the only foreseen impacts to wetlands or watercourses would be during a high water flow time ( this is a flood plain area ) and the plan addresses their concerns.

**APPROVED** Luers, IW-04-14, 44 Upper Church Hill Road, dredge pond, remove invasives, plant, per the work sketch, "Work Sketch, William H. Luers, Wendy W. Luers, 44 Upper Church Hill Road by Dirk W. Sabin, L.A., dated 3-17-04, revised 4-14-04" with two conditions: 1) The steeper slopes around the pond will remain intact without being excavated or graded. 2) Excavating and grading will be limited to the area at the west end of the pond, shown on the above cited work sketch as the increased pond area and shown between the new pond perimeter and steep bank to the west, and where excavation to remove the spring house will not exceed 7' (seven feet) wide by 10' (ten feet) long. MOTION by Mrs. Korzenko, second by Mrs. Hill and passed 5-0.

Members discussed the above cited plan with agent Dirk Sabin. Members voted to approve the application because any impacts to wetlands or watercourses are temporary and would only occur in the pond area; the end result is positive - a pond restoration.

**APPROVED** permit compliance for bridge approval, Steep Rock Association, IW-03-17, 52 Litchfield Tpke., per the letter by Executive Director, Susan Branson, dated 4-7-04 and per the undated plans received on 4-7-04 and with two conditions: 1) Pressure treated stringers are to be pre-stained off site with an alkyd deck stain. 2) Work is to proceed according to the stipulated permit conditions and to include the recommendations of Peter S. Jenson, Trail Designer / Builder in his E-mail, dated 4-1-04. Motion by Ms. Purnell, second by Mrs. Korzenko and passed 5-0.

Members discussed the newly submitted plans of 4-7-04; Bee Brook is a precious resource and members expressed appreciation for the efforts done to revise the plans to use native materials. Members voted to approve the application because their concerns were addressed.

**Discussed** Washington Montessori School, IW-01-08, 240 Litchfield Tpke., construct school, condition to permit - create vernal pools, with Secretary / Treasurer, Alex McNaughton. Ms. Purnell does not think that newly created vernal pools will work here because the upland area is now covered with the school and playing fields and she thinks a colonization pattern might go to the storm water drainage areas. She submitted photos of the existing vernal pools, one on the east side of the drive and one on the west side of the drive. Members agreed to direct a restoration of these vernal pools during this current season and will give Mr. McNaughton specific instructions. Mrs. Korzenko requested a copy of the planting plan. Ms. Purnell, Biologist, will revise Mr. Picton's notes, dated 4-12-04, to define the specifics and incorporate the alternatives discussed at this meeting. Mrs. Korzenko thought that creating better habitats for amphibians offers a great opportunity for students. Mr. McNaughton agreed.

**VOTED** Talbot, IW-04-15, 44 Bell Hill Road, subdivision, no Commission jurisdiction because there is no work proposed in regulated or review areas per the plans: 1) "Soil Erosion & Sediment Control Plan, The Talbot 2-Lot Subdivision, Bell Hill Road & Judea Cemetery Road by B.E. Neff, dated 1-24-04" 2) "Proposed Site Development Plan, The Talbot-Lot Subdivision, Bell Hill Road & Judea Cemetery Road by B.E. Neff, dated 4-1-04." Motion by Mr. Picton, second by Mrs. Korzenko and passed 5-0.

**Decided**, in re: Beck, IW-04-16, 129 Calhoun Street & Ives Road, subdivision, that members will wait

for a letter of request for subdivision review and the fee to be submitted.

**Discussed** Rudin ( The Dune Trust ,) IW-04-17, 328 Nettleton Hollow Road, install deer and pool fences, with agent Richard Rosiello. The wetlands are flagged and space will be left under the fence for creatures to migrate toward the wetlands. On the description page, Mr. Rosiello changed and initialed the length of overgrown brush from 90 linear feet to 40 linear feet.

The Commission will make a **Site Visit** on Friday, April 23, 2004 at 9:30 a.m..

**Discussed** Robinson, IW-04-18, 88 Clark Road, install deer fence, with Barbara Robinson. Members requested more details: 1) Type of fence. 2) Type of posts and distance apart. 3) The methods of installation. 4) A copy of the map with the water areas marked in color. WEO Ajello will recommend any other additions needed for the file.

The Commission will make a **Site Visit** on Friday, April 23, 2004 at 9:00 a.m.

**Decided**, in re: Meeker, IW-04-19, 269 New Milford Tpke., expand drive and gravel, that members will wait for additions to the application including a map.

Mrs. Hill recused herself at 10:55 p.m. because at the last meeting, she told Eric Nelson that she is not in favor of this proposal.

**Discussed** Knudsen, IW-04-20, 236 Nettleton Hollow Road, maintenance drive, with agents Dirk Sabin and Eric Nelson. The newly proposed driveway location is almost level with the road (drops one to two feet, ) contains gravelly material, crosses an existing opening in the stone wall, and doesn't reach the wetland until the last fifty feet. Members are suspending judgment until they visit the site.

The Commission will make a **Site Visit** on Friday, April 23, 2004 at 9:45 a.m.

Mr. Picton re-seated Mrs. Hill at 11:08 p.m.

**Discussed** Hopkins ( Morse Estate,) IW-04-21, 313 Nettleton Hollow Road, construct driveway, with agent Joseph Wanag and engineer, Ronald Wolff. Land Tech Consultants will review the plans, "Driveway Plan, Joseph Wanag, Site Development Plan, Grading, and Sedimentation and Erosion Control Plan, 313 Nettleton Hollow Road by Ronald Wolff, P.E., dated 3-4-04" and the Hydrology Report by Ronald Wolff, P.E. An estimated consultant fee was submitted.

Ms. Purnell requested a written summary of the alternatives considered for driveway location, wetland crossings, and house site.

**Heard**, in re: Auchincloss, IW-03-57, 5 Kielwaser Road, remove trees & brush, stabilize stream banks, planting, from WEO Ajello that agent, Kent Greenhouse has been told to stop work until further notice. WEO Ajello will write a letter to Kent Greenhouse, directing them to wait until June or July when the ground is dry before continuing the work and to use methods per the permit terms.

**Heard**, in re: Beck, IW-02-V1, 132 Calhoun Street, cutting & clearing in wetlands, from WEO Ajello that the timber harvest included nearly four acres and was probably done for the vistas. Mr. Beck scheduled the removal of invasives from the wetland but the weather turned to rain and wind.

**Heard**, in re: Ostrowski, IW-04-V3, 23 Rabbit Hill Road, deposition of material at wetland edge, from WEO Ajello that bedding and manure were deposited behind the silt fence bordering the wetland probably to raise the grade and manure is slipping under the silt fence; Mr. Ostrowski was told to cease the same activity, two years ago, at a different location. Mrs. Hill and WEO Ajello will send an Enforcement Order and a Citation to Mr. Ostrowski.

**Noted**, in re: Ross, IW-02-V4, 10 Sunny Ridge Road, wetlands restoration, that the Commission received a copy of the letter, dated 3-25-04, by Atty. Aimee L. Hoben to Mr. Ross, stating the

Commissions repeated requests and serious intent to see the restoration completed.

**Heard**, in re: Levy /Kady, IW-03-V6, 129 Wykeham Road, deposition in or near wetland, from Ms. Purnell that this past week, new trees have been planted on the other side of the stream (within ten feet) and this is the area where boulders and fill were previously added and the grade changed without a permit. WEO Ajello will make a site inspection. Mrs. Hill noted that an arrangement needs to be made for a site visit with Chris Allen, Soil Scientist, Land-Tech Consultants.

**Heard**, in re: Sheinfeld, IW-02-61 ATF, 112 Lower Church Hill Road, Record Conservation Easement, from Mrs. Hill that the Mylar Map has now been signed by George Bender, Chairman of the Planning Commission, and is now ready to be recorded.

**Discussed**, briefly, the Application Procedure form draft. Mrs. Korzenko will edit the form for grammar and put it in a brochure format.

**Noted**, that the Earth Day Celebration takes place on May 2, 2004. Mrs. Hill asked members to let her know how they want to be involved.

**Entered** Executive Session at 12:08 a.m. to discuss pending litigation for Bolek, IW-03-65 and enforcement for Guliano, IW-04-V1. Motion by Mrs. Hill, second by Mrs. Korzenko and passed 4-0-1. Ms. Purnell abstained as to procedural issues.

**Closed** Executive Session at 12:42 a.m. Motion by Mrs. Hill, second by Ms. Purnell and passed 5-0.

**Adjourned** the Meeting at 12:43 a.m. on April 15, 2004. Motion by Mrs. Korzenko and passed 5-0.

FILED SUBJECT TO APPROVAL

Respectfully submitted, Katherine Moquin, Land Use Secretary