

April 28, 2004

Members Present: Dorothy Hill, Helen Gray, Charles La Muniere, Mark Picton, and Marguerite Purnell.

Alternates Present: Anthony Bedini, Candace Korzenko.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: John Addyman, Brian Neff, Alex McNaughton, Richard Rosiello, Charles Robinson, Scott Meeker, Dirk Sabin, Elaine Luckey, Natalie Dyer, Christopher Gatto, and Nicholas Biello.

Opened the meeting at 7:10 p.m., Chairman Hill presiding.

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

ADDED to the Agenda a) WEO Duties to New Business; b) Calhoun Street - wetlands clearing to Enforcement; c) Executive Session in re: pending litigation for Bolek, IW-03-65 and Ficalora, IW-03-54. Motion by Ms. Purnell, second by Mrs. Gray and passed 5-0.

Accepted, as amended, Regular Meeting Minutes of April 14, 2004. Motion by Mr. Picton, second by Mr. La Muniere and passed 4-0-1. Mrs. Gray abstained because she did not attend the meeting. Corrections as follows:

Page 1 - under Accepted Minutes of 3-24-04 - page 3, **Steep Rock Association**, line 2 - 'submitted' should be 'received.'

Page 2 - under **Ingrassia** - line 4 & 5 - 'extending' s/b 'shall extend' and add 'three feet beyond' after 'only to' and delete 'and not beyond.'

line 5 & 6 - 'extending' s/b 'to extend' and add 'from' before 'twenty'

and add 'twenty four inch culvert' after 'existing' and delete 'pipe'

and add 'to the north property' before 'and' and add '3) Non-erosional pathways for storm water' after 'lake.'

under **Rumsey Hall School** - line 1 - 'APPROVED' s/b 'AMENDED'

line 3 - add 'Mrs.' before 'Korzenko.'

Page 3 - under **Mayfair Properties, LLC.** - last line - 'risk' s/b 'risks' and add 'that will be addressed by sedimentation and erosion controls' after 'risks.'

under **Lloyd** - line 3 - add 'and as revised in red on 4-14-04.'

last line - add 'very high' before 'flow' and spelling of 'floodplain.'

under **Luers** - line 7 - 'to remove the' s/b 'in the old' and add 'area' after 'house.'

under **Steep Rock Association** - line 5 - spelling of 'Jensen.'

line 10 - 'native' s/b 'natural.'

Corrections 4-14-04 minutes con't:

under **Washington Montessori School** - line 4 - delete 'a' after 'thinks' and 'pattern' s/b 'roots' and delete 'go to.'

Page 4 - under **Washington Montessori School** - line 1 - 'drainage areas' s/b 'basins.'

under **Robinson** - line 3 - add 'and wetland areas' before 'marked.'

under Mrs. Hill recused - line 1 - 'the last' s/b 'previous.'

line 2 - 'this' s/b 'the following.'

under **Knudsen** - line 4 - delete 'Members are suspending judgment until they visit the site.'

under Mr. Picton re-seated - 'Mr. Picton re-seated' s/b 'Mrs. Hill resumed the chair.'

Page 5 - under **Levy/Kady** - line 5 - spelling of 'Allan.'

under Entered - line 1 - 'for' s/b 'in.'

line 2 - 'enforcement for Guliano, IW-04-V1' s/b '**Ficalora**, IW-03-54.'

line 3 - 'as' s/b 'due.'

Accepted, as written, Site Inspection Minutes of April 26, 2004 re: **Robinson**, IW-04-18. Motion by Mr. La Muniere, second by Mrs. Hill and passed 5-0.

Accepted, as amended, Site Inspection Minutes of April 26, 2004 re: **Rudin**, IW-04-17. Motion by Mrs. Hill, second by Mr. Picton and passed 5-0.

Corrections as follows:

Under Property Address - '528' should be '328.'

Under Observations - line 4 - 'in the wetlands jurisdiction' s/b 'shown on the map near the ponds and Sprain Brook' and add 'WEO Ajello agreed to walk the rest of the proposed fenced area to look for other wetlands' after Brook.

Accepted, as written, Site Inspection Minutes of April 16, 2004 re: **Knudsen**, IW-04-20. Motion by Mr. La Muniere, second by Mr. Picton and passed 4-0-1. Mrs. Hill abstained as she did not attend the site inspection.

Heard, in re: **DiBenedetto, IW-04-03, 212/214 Calhoun Street, remove invasives, vines, dead trees/prune**, from WEO Ajello that he verbally asked Mr. DiBenedetto for a planting plan - a list of species, the number of species and a sketch of where the plants are going. Ms. Purnell pointed out that Mr. DiBenedetto was supposed to submit a planting plan before he started planting and that there appears to have been more shrubs planted since the site inspection of 2-19-04. She said that successful planting also depends on the method used.

Noted, in re: **Washington Parks & Rec., IW-04-05, School Street, pavilion improvements**, that the Commission is waiting for more information and the request for a 65 day application extension has been received.

APPROVED Ingrassia, IW-04-07, 135 East Shore Road, demolish & re-build barn, per the plan, "Soil Erosion & Sediment Control Plan, The Ingrassia Barn Construction, 135 East Shore Road by B.E. Neff, P.E., dated 2-16-04, revised 4-23-04," with one condition that the **roots** belonging to the two trees along East Shore Road shown on the above cited plan as 'existing 24" ash tree to be removed' / 'existing 24" oak tree to be removed' **are to be left in place**. Motion by

Ingrassia con't:

Mr. Picton, second by Mrs. Gray and passed 4-1-0. Purnell voted nay as she is probably the only member who remembers the many past activities done on this property and the path along the back of the barn had been permitted only as a temporary road way for construction equipment access with the

armoring to be removed and the area allowed to re-vegetate when the work was done.

Members discussed with agent, Brian Neff the revisions he made to his above cited plan:

1) The end of the grass paving noted on the plan. 2) The added twenty foot setback, starting at the 24 inch culvert, noted on the plan. 3) A notation added about taking measures to ensure that during a storm water event, a sheet flow of water occurs.

APPROVED the plan to **restore** the two existing vernal pools in re: **Montessori School, IW-01-08, 240 Litchfield Tpke., condition to permit - create vernal pools, as specified** in Marguerite Purnell's chart, dated 4-28-04, with the following particulars: 1) This restoration is considered a better ecological endeavor than creating replacements for the two lost vernal pools. 2) Sand and sediment in the east vernal pool is to be removed by hand down to the old leaf layer and not beyond. 3) A 4' (four foot) wide berm of existing accumulated sediment on the southern edge of the east vernal pool is to be left intact. 3) For the west vernal pool, chart items B, C, and D are **not** to be performed; Chart items A, E, and F are to be performed and for item F include the following: The west side of the detention pond, starting at the concrete overflow structure

continuing past the western vernal pool (to the northeast and south of the pool,) is to be allowed to re-vegetate and to be augmented with plantings of native species. In addition three stone check dams are to be installed at thirty foot intervals in the section of stone lined swale that exists along the drive and western vernal pool. 4) Work is to be done with on site supervision by WEO Ajello. 5) A planting plan is to be reviewed and approved by Marguerite Purnell. Motion by Mr. Picton, second by Mrs. Gray and passed 5-0.

Members discussed with Secretary, Treasurer, Alex McNaughton, the possible actions to be taken and the pros and cons of such actions per the above cited chart by Marguerite Purnell.

Decided, in re: **Beck, IW-04-16, 129 Calhoun Street & Ives Road, site development/subdivision**, that WEO Ajello will study the application information and make a site visit. Ms. Moquin will ask Mr. Beck to submit a copy of the Soil Science Report.

The Commission will make a **Site Inspection** on Friday, May 7, 2004 at 9:00 a.m.

Discussed **Rudin (The Dune Trust,) IW-04-17, 328 Nettleton Hollow Road, install deer & pool fence**, with agent Richard Rosiello. Members requested revisions be submitted: 1) One corner containing wetlands is to be reconfigured to locate the fence across the corner and outside the wetlands (effectively cutting out the northwest corner.) 2) A new application for a management plan for an access way from the farm road / right of way. Members noted that the fence also has to meet the requirements of a pool fence. WEO Ajello will walk the rest of the proposed fence length around 16 acres to determine if other wetland areas come into play..

Discussed Robinson, IW-04-18, 88 Clark Road, install deer fence, with Charles Robinson who explained some of the property's history, including the creation of the pond, bog, and water features in the woods. Members requested the following be depicted on a map: 1) Moving the proposed fence location along wetlands areas to provide a thirty - fifty foot buffer between the Robinson con't: fence and the wetlands so that the wetland stays a more complete system. 2) Provide the correct fence specs. 3) Any vegetation to be removed near a wetland area and its location. 4) Any gates to be installed. 4) Near wetland areas the location of the proposed cedar posts. Members noted that a previous violation of clearing in wetlands has not yet been resolved.

Discussed **Meeker, IW-04-19, 269 New Milford Tpke., expand driveway & gravel**, with Scott Meeker. Members requested the following be depicted on a map: 1) The location of the parking area in relation to the stream. 2) The natural brush and location of trees between the parking area and the

stream. Mrs. Korzenko recommended a fence be installed on the side of the parking area facing the stream. Members noted that Mr. Meeker, per WEO Ajello's direction, is in the process of cleaning up debris along the stream. WEO Ajello will write down his recommendations for this application.

The Commission will make a **Site Inspection** on Friday, May 7, 2004 at 9:30 a.m.

Mrs. Hill recused herself at 9:37 p.m. because at a previous meeting, she told Eric Nelson that she is not in favor of this proposal. Mr. Picton assumed the chair.

APPROVED Knudsen, IW-04-20, 236 Nettleton Hollow Road, maintenance drive, per the section of map with the modifications made tonight, "SK-1 Proposed Pond Maintenance Drive; Knudsen by Dirk W. Sabin, L.A., dated 4-10-04, revised 4-28-04," with three conditions: 1) Work is to be done with on site supervision by WEO Ajello. 2) The woodland not impacted by the drive and not already lawn is to remain undisturbed. 3) When work begins at the beginning of the access-way, Charles La Muniere and WEO Ajello are to be notified. Motion by Mr. Picton, second by Mr. La Muniere and passed 3-1-1. Ms. Purnell voted nay because this site is in the only wetlands buffer area remaining on the property, the amount of deposited material is fairly significant, and there is more of an impact to the functioning of the wetlands

buffer than from accessing the pond via the other side. Mrs. Gray abstained because she did not attend the site inspection.

Members discussed the proposed maintenance drive location, how the work would be done, and the timing of the work with agent, Dirk Sabin. Some members felt that this newly proposed location for access to the pond would be less detrimental than the permitted (IW-98-49) access way and its construction would cause only minimal impacts to the wetlands. Other members strongly disagreed.

Mr. Picton unseated Mr. Bedini and Mrs. Hill resumed the chair at 10:06 p.m.

Noted, in re: **Hopkins (Morse Estate,) IW-04-21, 313 Nettleton Hollow Road, construct driveway**, that the Commission is waiting for a report from Land-Tech Consultants.

Discussed **Steep Rock Association, IW-04-22, Litchfield Tpke./Macricostas Preserve, construct viewing platform**, with board members, Elaine Luckey and Natalie Dyer. Members requested the following be submitted: 1) The exact location of the proposed platform. 2) A determination of whether a boardwalk would be needed to reach the swamp overlook.

Heard, in re: **Parent, IW-04-23 ATF, 71 Calhoun Hill Road, install driveway stone, clear house & driveway sites**, from WEO Ajello that most of the road work was done well away from the brook, except the brook crossing which was done without regard to erosion and sedimentation controls. Mr. Parent intends to sell the property and these activities were done to provide access to the property.

Members noted that they want to go in the direction of more notices of violation instead of after the fact applications in situations such as this.

The Commission will make a **Site Inspection** on Friday, May 7, 2004 at 10:00 a.m.

VOTED to find the addition of a deck is inconsistent with the permit issued: Gatto, IW-04-01, 155 Woodbury Road, repair & extend stone wall, install fences, renovate barn, gravel driveway, move bushes, with permitted revision to renovate house and therefore, the deck is to be removed.

Motion by Mr. Picton, second by Mrs. Gray and passed 3-2. Mrs. Hill voted nay because, even though she agrees the deck is inconsistent with the permit as originally approved, she does not see any major impacts to the stream. Mrs. Gray voted nay because she also does not see any major impacts to the stream but she is upset when un-permitted activities happen, such as this one.

Members discussed the un-permitted deck with Christopher Gatto and contractor, Nicholas Biello. All

members agreed that the permit was clearly given with the assurance that the old existing deck would be removed and they agreed that if a new deck had been part of the application, they would not have permitted a deck to be built at the very edge of the stream. But some members did not think the impact to the stream would be major at this point and wanted to take into consideration Mr. and Mrs. Gatto's earnest efforts. Other members think the impacts to the stream will be considerable and the Commission needs to do its job properly.

WEO Report

Beck, IW-02-V1, 132 Calhoun Street, cutting & clearing in wetlands plus timber harvest. There has been no word on progress to date, from Judd White, D.E.P., who does not consider this timber harvest a Di Minimus activity. And no word from Mr. Beck regarding progress in the requested work to remove invasives from the recovering wetlands.

Ross, IW-02-V4, 10 Sunny Ridge Road, wetlands restoration. No activity has been observed on site but there has been un-permitted clearing of under-story along a wetlands corridor on Nettleton Hollow Road; Members noted that Mr. Ross has been told not to clear in this area.

Fish, IW-04-V2, 201 Wykeham Road, timber harvest near wetlands, permit violation. No word from Mr. Fish; WEO Ajello will call Mr. Fish again.

Ostrowski, IW-04-V3, 23 Rabbit Hill Road, deposition of material at wetlands edge. Mr. Ostrowski has cleared the material from the site and the silt fencing has been removed. WEO Ajello will continue checking the area.

Adams, IW-04-V4, 136 West Shore Road, excavation & deposition in wetlands. Drainage work was done - piping and a culvert installed and a parking area constructed on a wet meadow with some wetlands soils. There is direct discharge of water from the pipe into the lake. WEO Ajello requested an application be filed.

WEO Report con't:

Fowler, IW-04-V5, 138 Nichols Hill Road, excavation in wetlands and watercourse.

Mrs. Hill and WEO Ajello inspected the site. Drainage for the house was done including a channeling of a stream and material was deposited in definite wetlands soils; Vegetation was excavated. Members agreed that Mrs. Hill and WEO Ajello will send a Citation to Mr. Fowler. Members noted that First Selectman, Richard Sears made a site inspection.

Auchincloss, IW-03-57, 5 Kielwasser Road, permit violation. No word from Bruce Bennett but he agreed to call first before resuming work.

Levy/Kady, IW-03-V6, 129 Wykeham Road, deposition in & near wetlands. Mr. Kady has not returned WEO Ajello's calls; There is a 1-2 foot stone wall with newly planted trees behind the stone wall three feet from the watercourse. Ms. Purnell said that evergreens were planted and sod put down.

The Commission will make a **Site Inspection** on Friday, May 7, 2004 at 10:30 a.m.

Calhoun Street, wetlands clearing. A prior permit to construct a barn stipulated no clearing beyond the barn perimeter. Clearing was done down slope of the barn, past the stone wall and into the wetlands. WEO Ajello will make a site inspection and find the file.

137 Upper Church Hill Road, clearing and deposition in wetlands. WEO Ajello will do more research as he just heard about this activity a few hours ago.

Noted, in re: **Sheinfeld, IW-02-61 ATF, Record Conservation Easement.** The Mylar Map and Conservation Easement have been recorded with the Town Clerk but the Commission has not yet

received a copy of the mylar map for its file. Mrs. Hill will write a release of the bond.

Application Procedure Form. Mrs. Korzenko found one more editing change to make and she will be done with the form before the next meeting. Mr. Bedini suggested adding to the start card a sentence to confirm that all the details of the permit have been provided to the contractor.

WEO Duties. The draft document will be presented to the Board of Finance.

Entered Executive Session at 12:00 MN. to discuss pending litigation in **Bolek, IW-03-65** and **Ficalora, IW-04-54**. Motion by Mrs. Hill, second by Ms. Purnell and passed 5-0.

Closed Executive Session at 12:22 a.m., April 29, 2004. Motion by Mrs. Hill, second by Ms. Purnell and passed 5-0.

Discussed, briefly, **Guliano, IW-04-V1**. Members agreed that WEO Ajello will send an Enforcement Order to Mr. Guliano and a Show Cause Hearing will follow at the next meeting on May 12, 2004.

Adjourned the Meeting at 12:28 a.m., April 29, 2004. Motion by Mrs. Gray and passed 5-0.

FILED SUBJECT TO APPROVAL, Respectfully submitted, Katherine Moquin, May 7, 2004