

May 12, 2004

Members Present: Chairman Dorothy Hill, Helen Gray, Mark Picton, Marguerite Purnell

Members Absent: Charles LaMuniere

Alternates Present: Anthony Bedini, Candace Korzenko

Alternates Absent: Robert Weber

Staff: Mike Ajello, Pamela Osborne

Also Present: Pasquale Guliano, Tim Cook, William Worcester, Joseph Wanag, Ronald Wolff, Susan Branson, Natalie Dyer, Paul Manson, Jackie Adams, public & press

SHOW CAUSE HEARING

Chairman, Dorothy Hill opened the Show Cause Hearing at 6:45pm.

Seated: Members Dorothy Hill, Helen Gray, Mark Picton and Alternates Anthony Bedini and Candace Korzenko

Guliano, IW-04-VI, 19 Winston Drive, drainage beyond permit, Mr. Guliano was present and used a hand drawn map to explain the work he applied for in July of 2003, to re-trench and armor the drainage swale. Mr. Guliano stated that he intends to move soils placed on the up hillside by his contractor, when the area is solid enough. Ms. Hill asked about the 2 sets of pipes in question. Mr. Guliano states that there are (2) 4" PVC pipes in the bottom of the trench which runs 399' down his property line and an existing set of pipes coming from the house which Mr. Ajello stated are a curtain drain and septic drain according to the septic plan he saw. Mr. Picton tried to clarify what was approved by Mr. Ajello in the field. Mr. Ajello spoke with Mrs. Guliano and at first she stated that there would be no piping, Mr. Guliano interjected that his wife didn't have knowledge of the project. Mrs. Guliano signed the application. Mr. Ajello stated that the original letter of intent simply stated that the project was to dig out and repair the existing drain (which had no pipes) and they would not alter the course of run off or the final destination of the water. Mr. Picton asked about the depth of the piping, does it act as a curtain drain, which becomes subsurface drainage? Mr. Guliano states the piping is 3' below the swale and filled with crushed stone. Mr. Picton feels there was inadequate documentation in the field; the applicant was given approval to restore a swale the length of his property. The discrepancy is the curtain drain at the bottom of the swale. The swale passes close to wetlands and a curtain drain would tend to drain ground water from adjacent areas as well as catching surface water. Mr. Ajello has no problem with the piping or the drain but the water needs to return to its original course. Mr. Guliano has removed some piping and filled the trench with stone. Mr. Guliano can only have limited discussion because of pending litigation but he stated that he will not correct a pre-existing drainage problem on an adjacent property.

MOTION: to close the show cause hearing for Guliano, IW-04-VI, 19 Winston Drive, drainage beyond permit was made by Ms. Gray, seconded by Ms. Korzenko and passed 5-0.

REGULAR MEETING

Dorothy Hill, Chairman opened the meeting at 7:10pm.

Seated: Members Dorothy Hill, Helen Gary, Mark Picton, Marguerite Purnell and Alternate Candace Korzenko

MOTION: to add to the Agenda: Rudin, IW-04-25, 328 Nettleton Hollow Road, entry site and Steep Rock/Hidden Valley/Macricostas Preserve, IW-04-26, four info boards, under New Applications; Executive Session and New Application under Other Business, was made by Ms. Purnell, seconded by Ms. Korzenko, passed 5-0.

CONSIDERATION OF MINUTES

Members corrected the minutes of the April 28, 2004 Regular Meeting as follows:

Page 2: After the corrections, paragraph three the last sentence should read; Mrs. Hill abstained as she did not attend the site inspection and has recused herself from discussion on this application.

paragraph four the last sentence should read; She said that successful planting also depends on the method used and timing of planting.

Page3: Under Montessori School, IW-01-08, the third line should read; to naturalize and to be augmented

Page 4: The third paragraph should read; Mrs. Hill recused herself at 9:37p.m. from the following discussion. Mr. Picton assumed the chair and seated Mr. Bedini in her place.

The third paragraph, line eight should read; beginning of the access-way, WEO Ajello is to be notified.

The fifth paragraph should read; Mrs. Hill resumed her seat and the chair at 10:06p.m.

Page 6: The third paragraph, line two, should read; not returned WEO....planted trees three feet from the watercourse. Ms. Purnell said that recently evergreens were...

the sixth paragraph should read; Tsang/Devlin 137 Upper

Members need clarification on page (3), paragraph (2), regarding the wording of #2. They will seek documented clarification for the setback before accepting the minutes.

MOTION: to accept as written site inspection minutes of April 8, 2004 Re: Beck, IW-04-16 by Ms. Hill, seconded by Ms. Korzenko, passed 5-0.

A minor spelling error in the second paragraph, second sentence pallets should replace palates.

MOTION: to accept as amended site inspection minutes of April 7, 2004 Re: Meeker, IW-04-19 by Ms. Hill, seconded by Ms. Gary, passed 5-0.

MOTION: to accept as written site inspection minutes of April 7, 2004 Re: Parent, IW-04-23, by Ms. Hill, seconded by Mr. Picton, passed 5-0.

MOTION: to accept as written site inspection minutes of April 7, 2004 Re: Levy/Kady IW-03-V6, by Mr. Picton, seconded by Ms. Gary, passed 5-0.

PENDING APPLICATION

DiBenedetto, IW-04-03, 212/214 Calhoun Street, remove invasives, vines, dead trees/prune. No new information has been submitted by the applicant. Mr. Ajello has noted the planting of trees. Members agreed that a site visit is needed. It was decided to do a site visit on Tuesday May 18, 2004 at 8:30am.

Washington Parks & Rec., IW-04-05, School Street, pavilion improvements. Tim Cook and William Worcester were present to represent this applicant. Mr. Cook brought with him a site plan map and soil scientist report. The proposed improvements are 80' from the wetland boundary and there will be no pitch or change of grade. Mr. Worcester pointed out the proposed septic and added that health approval has already been obtained. Mr. Cook was questioned about a catch basin which he stated was not near the proposed improvements. There is a proposed well to be drilled at the edge of the wetlands, it was noted that the well will be muddy and runoff needs to be controlled and kept away from the wetlands. There was discussion on soil and erosion control. Mr. Worcester noted and initialed soil and erosion control he added to the site map.

MOTION: to approve Washington Park & Rec., IW-04-05, School Street, pavilion improvements, per revised site plan map dated May 2004, by Mr. Picton, seconded by Ms. Purnell, passed 5-0.

Beck, IW-04-16, 129 Calhoun Street & Ives Road, site development/subdivision. Ms. Korzenko spoke with Susan Payne, Chairperson of the Conservation Commission, about this application. Ms. Payne stated that her commission would rather take a fee-in-lieu of open space for this property. Members discussed incorporating all wetlands into the conservation easement, although the wetlands are already protected. Mr. Picton will write an advisory letter to the Planning Commission about conservation easements when subdividing.

MOTION: to approve Beck, IW-04-16, 129 Calhoun Street & Ives Road, site development/subdivision, per map dated April 5, 2004, by Mr. Picton, seconded by Ms. Purnell, passed 5-0.

Rudin (Dune Trust), IW-04-17, 328 Nettleton Hollow Road, install deer fence & pool fence. Mr. Ajello walked the entire property. He noted an intermittent watercourse that goes under ground inside the fence and reappears off the property. A new map dated May 12, 2004 was submitted with redrawn wetlands as requested at the April 28, 2004 meeting.

MOTION: to approve Rudin (Dune Trust), IW-04-17, 328 Nettleton Hollow Road, install deer fence & pool fence, per map resubmitted May 12, 2004 with revisions requested at the April 28, 2004 meeting and the condition that fence posts within 100' of wetlands be hand dug, by Mr. Picton, seconded by Ms. Gary, passed 5-0.

Robinson, IW-04-18, 88 Clark Road, install deer fence. The applicant, Mr. Robinson has submitted a new map and letter. Mr. Ajello walked the property with Mr. Robinson. There are wetlands both inside and outside the proposed fence. Mr. Ajello reminded members that this fence is not a pool fence but deer fence only and felt that cedar posts were not a good idea because of their short life expectancy, they will break off at ground level in just a few years. Mr. Robinson and Mr. Ajello spoke about pressure treated posts which Mr. Robinson stated he would sleeve in PVC pipe, using stones for support and put a copper cap over in wetland areas. Ms. Purnell was quite concerned about the contaminated runoff from both the pressure treated wood and copper which would be lethal to organisms.

MOTION: to approve Robinson, IW-04-18, 88 Clark Road, install deer fence, per revised map received May 7, 2004 with three conditions: 1) no pressure treated posts are to be used within 50' of wetlands 2) fencing in wetlands areas between the house and Clark Road and at the southeast corner of the enclosure should be kept 30' from wetland boundary to the extent possible 3) postholes within 100' of wetlands to be hand dug, by Mr. Picton, seconded by Ms. Gray, passed 5-0.

Meeker, IW-04-19, 269 New Milford Trpk., expand driveway & gravel. Ms. Hill read a letter from ZEO Janet Hill, dated May 10, 2004 into the record. Ms. Korzenko submitted photos taken on May 7, 2004 for the record. Mr. Picton stated that the proposed parking area needs to be staked. There needs to be a management plan for the storage of the chemicals. Members are concerned with the stream that runs along the rear of the property. There needs to be a barrier to keep encroachment away from the stream. Ms. Purnell would like more information on anticipated traffic and parking.

Hopkins (Morse Estate), IW-04-21, 313 Nettleton Hollow Road, construct driveway. Ronald Wolff and Joseph Wanag were present to represent this applicant. Mr. Wolff and members of the commission had just received copies of the letter dated May 3, 2004 from Robert B. Oley, PE of Land-Tech Consultants, Inc. Mr. Wolff touched briefly on a few points in the letter but wants more time to review and prepare a written response to Mr. Oley's letter. Mr. Picton had concerns about discharging into the

stream. He felt that more cross culverts would be better. Ms. Purnell reminded members of the potential for thermal impacts. Mr. Wolff brought forward alternative plans that had been drawn up. Most ran into grading problems, building on this hillside is tough. Mr. Picton will write to Mr. Oley about his concerns and Mr. Wolff will prepare a written response to Mr. Oley's letter.

Steep Rock Association, IW-04-22, Litchfield Tpke/Macricostas Preserve, construct platform.

Susan Branson and Natalie Dyer were present to represent this applicant. Ms. Dyer marked the location of the proposed platform on the topo map and stated that a boardwalk would be needed in some areas to reach the platform in the northeast corner of the cornfield. The boardwalk will be constructed of white oak, 2 boards wide and will set on the ground.

MOTION: to approve Steep Rock Association, IW-04-22, Litchfield Tpke/Macricostas Preserve, construct platform with up to 250' of boardwalk, by Mr. Picton, seconded by Ms. Korzenko, passed 5-0.

Parent, IW-04-23 ATF, 71 Calhoun Hill, install driveway stone, clear house site & driveway.

Members received copies of the site inspection report and Ms. Korzenko submitted pictures of the site. Members deferred discussion on this application. Mr. Ajello will issue a notice of violation and request a completed application and additional fees.

NEW APPLICATIONS

Corax Corp., IW-04-24, 248 West Shore Road, house renovations/install generator. Paul Manson was present. Mr. Manson proposes to connect his existing main house to his existing guest house. Mr. Manson explained that at present there is 110 sq. ft. of flagstone and a chimney in the area of the proposed connection site. He estimates that the lot coverage increase will be 57 sq. ft. Mr. Ajello has no concerns about the proposed additions. Ms. Purnell asked about gutters and storm water management.

Rudin (Dune Trust), IW-04-25, 328 Nettleton Hollow Road, entry site. Mr. Picton read a letter received May 1, 2004 from Kent Greenhouse & Gardens into the record. Ms. Purnell made reference to geo grids. The area of the proposed entry site will be 30'x12'. Members voiced concern that stock piling of materials and work be done away from the wetlands.

Steep Rock Assoc., IW-04-26, Steep Rock/Hidden Valley/Macricostas Preserve, four info boards. Susan Branson and Natalie Dyer were present to represent this applicant. Ms. Gray read a letter dated May 10, 2004 from Susan Branson, Executive Director of Steep Rock explaining the proposed boards. Pictures of the proposed sites of the board locations were submitted. Steep Rock plans to install 4 new info boards, one each at Steep Rock and Hidden Valley and two proposed in the future for Macricostas Preserve. The existing 3 info signs at Steep Rock and Hidden Valley will be removed and replaced with 2 new ones. Discussion moved on to the removal of invasives and proposed replanting of natives at the Hidden Valley site. Ms. Dyer plans to remove invasive barberry and replant with a native buffer. The area in question is approximately 100' x 100' located near the foot bridge leading into Hidden Valley to the Shepaug Bridge. Ms. Dyer added that she would be doing this manually. Members asked for clarification on removing, replanting and area of proposed eradication for the next Inland Wetland meeting.

ENFORCEMENT

Report - see file

Tsang/Devlin, 137 Upper Church Hill Road, Mr. Ajello inspected this site and spoke with Mr. Devlin who stated he has Inland Wetland permits. Approximately half an acre has been cleared in apparent wetland soils. Mr. Ajello will send a notice of violation. Delineation of wetlands, a soil scientists report, discontinuation of activity, and an application are required.

Beck, IW-02-VI, 132 Calhoun Street, cutting & clearing in wetlands - no new information.

Ross, IW-02-V4, 10 Sunny Ridge Road, wetlands restoration - Mr. Picton read a letter dated April 29, 2004 from Ann H. Zucker Esq. of Carmody & Torrance LLP, who represents Mr. and Mrs. Ross. Members were in agreement that Mr. and Mrs. Ross need to comply with the plan for restoration of wetlands approved at the June 11, 2003 meeting of the Inland Wetlands Commission; deadline for this restoration will be June 30, 2004. Chairman Dorothy Hill will contact Aimee L. Hoben at Murtha Cullina LLP, Inland Wetlands representative with information.

Guliano, IW-04-V1, and 19 Winston Drive, EO approval - Mr. Ajello would like to see the water returned to its original course. Members agreed that the enforcement order remain in effect. There needs to be an application submitted with a map flagging the location of wetlands and watercourses.

MOTION: that the enforcement order remains in effect for Guliano, IW-04-V1, and 19 Winston Drive and that an application and fee be submitted, by Ms. Purnell, seconded by Mr. Picton, passed 5-0.

Fish, IW-04-V2, 201 Wykeham Road, timber harvest near wetlands, permit violation - Mr. Ajello has spoken with Mr. Fish. He will be marking the edge of the conserved area.

Adams, IW-04-V4, 136 West Shore Road, excavation & deposition in wetlands - Jackie Adams was present to represent the owners. Ms. Adams began by stating that this lot has existed since 1958. During the winter water backed up and created an ice flow over West Shore Road and the State of Connecticut came in excavated gravel, ice and dirt. Mr. Ajello was unaware of an existing parking lot, catch basin and PVC piping. There is no parking on the house side of the road. Ms. Adams was informed that there needed to be an application filed and erosion control in place. It was noted that the application should include any planting of wetland species.

Fowler, IW-04-V5, 138 Nichols Hill Road, excavation in wetlands & watercourse - Ms. Hill read a letter dated May 1, 2004 from Carl O. Fowler into the record. Mr. Fowler expects to attend the May 26, 2004 Inland Wetlands meeting. Mr. Ajello will issue an enforcement order and a Show Cause hearing will be scheduled for the May 26, 2004 meeting.

Auchincloss, IW-03-57, 5 Kielwasser Road, permit violation - no new information

Levy/Kady, IW-03-V6, 129 Wykeham Road, deposition in & near wetlands - Members received copies of a letter dated May 12, 2004 from Leonard C. Blum of Kleban & Samor, P.C. representing Levy/Kady. Ms. Korzenko also submitted photos from the May 7, 2004 site visit. Mr. Ajello stated that he's meeting at the site Thursday morning, May 13, 2004 to supervise compliance with orders and oversee remediation.

Randall, IW-03-V12, 53 River Road, disturbing wetlands soils/mowing in wetlands soils - Mr. Randall and his attorney will prepare language for a conservation easement.

OTHER BUSINESS

Old Business - Application Procedure Form & New Application - Ms. Korzenko distributed copies of the draft application and guide to members present. Ms. Korzenko asked members to give comments to her by the next meeting.

Executive Session - not needed

MOTION: to adjourn the meeting at 11:25pm, by Ms. Gary, seconded by Mr. Picton, passed 5-0.

Submitted subject to approval,

Pamela L. Osborne, Acting Secretary

