

## July 28, 2004

**Members Present:** Mark Picton, Helen Gray, Dorothy Hill, Charles La Muniere.

**Members Absent:** Marguerite Purnell.

**Alternates Present:** Anthony Bedini, Candace Korzenko.

**Alternates Absent:** Kathryn Coe.

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

**Also Present:** John Addyman - Voices, James Ross, Gene Swanson, Steven Paggioli, Ronald George, Timothy Egan, Joseph Fiorilla, Michael Fiorilla, Steven Yellen, William Ellis, Brian Neff, John Ciappetta, Richard Crouch.

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

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

**Added** to the Agenda a) **Page, IW-04-43** to New Applications. b) Site Inspection - July 21, 2004 re: **Pullaro, IW-04-36** to Consideration of Minutes. c) July 14, 2004 Show Cause Hearing re: **Bailey, IW-04-V7** to Consideration of Minutes. d) Discretion of the Chair - Tom McGowan, Keeping Invasives Out of Lake Waramaug to Other Business. Motion by Mrs. Hill, second by Mrs. Korzenko, passed 5-0.

**Accepted**, as amended, Show Cause Hearing Minutes of July 14, 2004 re: **Bailey, IW-04-V7**. Motion by Mrs. Hill, second by Mrs. Gray, passed 5-0. Corrections as follow:

Page 1 - under Closed the Hearing - spelling of 'Gray.'

**Accepted**, as amended, Regular Meeting Minutes of July 14, 2004. Motion by Mrs. Korzenko, second by Mr. La Muniere, passed 5-0. Corrections as follows:

Page 1 - under Also Present - add 'John Addyman - Voices'

under 'Added to Agenda - add 'June 23, 2004 Special Meeting with Thomas McGowan - Keeping Invasives out of Lake Waramaug' to Consideration of Minutes

Page 2 - under **Stiteler** - line 4 - 'serve' should be 'protect'

Page 3 - under **Swanson** - line 3 - spelling of 'Cannavaro'

- line 5 - 'detailed construction sequence' s/b 'written details of stream bank armoring'

- under **Pullaro** - add 'The Commission will make a site inspection on Wednesday, July 21, 2004 at 9:30 a.m.'

- under **Berger** - line 2 - delete 'The house site is now proposed 20-30 feet downhill'

line 3 - 'differences' s/b 'changes,' add 'and paving have been' after 'drainage,' add 'to the proposal' after 'added'

Page 4 - under **Mayfair Properties, LLC.** - line 3 - 'filings' s/b 'drillings,' 'out of' s/b 'from'

- under **Matteo** - add 'WEO Ajello requested an ATF application, which has not yet been submitted.'

Page 5 - under **Fowler** - line 2 - add 'Citation' after 'Wetlands'

- line 4 - delete 'Because'

- line 5 - delete 'another letter will be sent'

**Accepted**, as written, Site Inspection Minutes of July 21, 2004 re: **Paggioli, IW-04-35**. Motion by Mrs. Korzenko, second by Mrs. Gray, passed 5-0.

**Accepted**, as amended, Site Inspection Minutes of July 21, 2004 re: **Berger, IW-02-07**. Motion by Mr. La Muniere, second by Mrs. Gray, passed 5-0. Corrections as follows:

Page 1 - under Reason for Revision - line 1 - add 'armored swale and' after 'Add'

- under Observations - line 5 - add 'armored swales and' before 'proposed'

**Accepted**, as written, Site Inspection Minutes of July 21, 2004 re: **Breakstone/Garfunkel, IW-04-37**. Motion by Mrs. Korzenko, second by Mrs. Gray, passed 5-0.

**Accepted**, as written, Site Inspection Minutes of July 21, 2004 re: **Volante, IW-04-39**. Motion by Mrs. Hill, second by Mrs. Korzenko, passed 5-0.

**Accepted**, as written, Site Inspection Minutes of July 21, 2004 re: **Pullaro, IW-04-36**. Motion by Mrs. Hill, second by Mrs. Gray, passed 5-0.

**Heard re Adams, IW-04-28 ATF, 136 West Shore Road, replace pipe & stone**, that Ms. Adams is still preparing the planting plan.

**APPROVED Riano, IW-04-31, 155 Shearer Road, install aerator**, per the work sequence, dated July 22, 2003 and per the sketch, "Brian Riano, 155 Shearer Rd. by Harry Wright, rcvd. 6-18-04," with one condition that the trench will not be left open overnight. Motion by Mr. Picton, second by Mrs. Gray, passed 5-0.

Members reviewed the above cited work sequence and aerator specs submitted tonight.

**APPROVED Ross, IW-04-32, 199 Baldwin Hill Road, install pool**, per the revised plan, "Site Plan Proposed Pool Location, Ross Residence, 199 Baldwin Hill Road by Paul A Hiro, PC., dated 8-14-98, revised by James Ross 7-14-04" and per construction sequence, dated 7-28-04, with three conditions: 1) There will be no construction access on the south side of the house. 2) There will be no stock piled soil within the 100' upland review area. 3) The silt fence will be the limit of disturbance towards wetlands. Motion by Mr. Picton, second by Mrs. Korzenko, passed 5-0.

Members reviewed the above cited plan and construction sequence with James Ross. The barn foundation, permit IW-03-12, will be done first.

**APPROVED Swanson, IW-04-33, 18 Cook Street, re-place deck, re-build stone wall, widen right of way / parking**, per the plan, "Esther Swanson, Cook Street, Quist Brook, by Gene Swanson, rcvd. 6-22-04, revised 7-28-04" and per the work sequence, rcvd. 7-28-04, with a notation that the proposed armoring of the stream bank has been withdrawn from the application. Motion by Mrs. Hill, second by Mrs. Korzenko, passed 5-0.

Members reviewed the written description of the proposed armoring for a section of stream bank and found it lacking enough detail to consider; Gene Swanson withdrew this part of his application and any activity in the stream channel.

**APPROVED Paggioli, IW-04-35, 1 Tinker Hill Road, install fence & trellis**, per the map, "State of Connecticut, Kenneth Duncan, Washington, Connecticut, revised by Steven J. Paggioli 7-28-04" and per the work sequence, dated 7-21-04. Motion by Mr. La Muniere, second by Mrs. Hill, passed 5-0.

Members reviewed with Steven Paggioli the above cited map and work sequence and applied their observations from the site visit on July 21, 2004.

**Heard re Pullaro, IW-04-36, 23 Calhoun Street, pave drive**, that Ms. Pullaro is preparing more information for the application. Ms. Moquin will send her a copy of the July 21, 2004 site inspection minutes, which contains a list of needed details.

**APPROVED** revision to permit re: **Berger, IW-02-07, 392 Nettleton Hollow Road, pave driveway, armor base of swale along driveway, install rip rap splash pad**, per the plan, "Septic System Design, Franklin & Marsha Berger, 392 Nettleton Hollow Road by Ronald George, PE., dated 6-1-04, revised 7-28-04," with one condition that the silt fence and Construction Limit Line (CLL) line will be observed and the site will remain undisturbed outside these lines. Motion by Mrs. Korzenko, second Mr. La Muniere, passed 5-0.

Members reviewed the above cited plan with Ron George, PE. and agent Tim Egan; Mr. George changed the name on the plan to Marsha & Franklin Berger, owners of the property.

**APPROVED Schein, IW-04-40, 245 West Shore Road, re-build shed**, per the work sequence, dated 7-28-04. Motion by Mr. La Muniere, second by Mrs. Gray, passed 5-0.

Joseph and Michael Fiorilla submitted the above cited work sequence, which members reviewed.

**APPROVED Breakstone / Garfunkel, IW-04-37, 127 Church Hill Road, addition, construct new driveway section**, per the plan, "Proposed Site Improvement Plan, Breakstone & Garfunkel Residence by Brian E. Neff, PE., dated 7-12-04, revised by Steven Yellen 7-28-04." Motion by Mrs. Hill, second by Mr. Picton, passed 5-0.

Agent Brian Neff, PE., and Project Manager, Steven Yellen, along with William Ellis submitted new plans showing the information requested by the Commission: 1) Existing driveway to remain and a new section added. 2) Route of underground portion of utility lines. 3) Existing septic and drain outlets. 4) Approximately 25 trees to be removed for the garage and driveway improvements. Mr. Yellen submitted an authorization letter, dated July 9, 2004 and a soil science report by Nutmeg Soil Services, dated May 30, 2003.

**APPROVED Mayfair Properties, LLC., IW-04-38, 116 Woodbury Road, install well**, per the plan, "Subsurface Sewage Disposal System, Fairfield Properties Inn, Woodbury Road (Route 47) by Brian E. Neff, PE., dated 1-22-03, revised 7-10-04," with one condition that

an adequate silt basin and silt fencing and/or hay bales be used to contain well castings. Motion by Mr. Picton, second by Mr. La Muniere, passed 5-0.

Members reviewed the above cited plan with Brian Neff, PE. This second well will be a supplementary source of water.

**APPROVED Volante, IW-04-39, 11 Top Pasture Road, construct driveway**, per the plan, "Subsurface Sewage Disposal System, Volante Residence, 11 Top Pasture Road by Brian E. Neff, PE., dated 5-14-04, revised 7-9-04," with two conditions: 1) The area currently being mowed as a hay field will be mowed no more than twice per year. 2) The lawn area will be on either side of the driveway and extend no farther down hill than the silt fence shown on the above cited plan. Motion by Mrs. Korzenko, second by Mrs. Gray, passed 4-1. Mrs. Hill voted nay as she thinks the mowing of wetlands should be limited to once per year.

Agent, John Ciappetta said that the owners want to continue haying in the same way haying has been done historically on this property. Members reviewed the above cited plan. Mr. Ciappetta agreed to submit a copy of the soil science report and map (ATF.)

**APPROVED Laus, IW-04-41, 22 Nichols Hill Road, dredge pond**, per the plan, "Pond Cleanout Plan, Patricia Laus Residence, 22 Nichols Hill Road by Brian E. Neff, PE., dated 6-30-04," with four

conditions: 1) Only the southern one-third of the east side of the pond will be used as a working access area; the rest of the shoreline will not be excavated or disturbed. 2) Pond banks in the access area will be restored to a three to one underwater slope. 3) The portion of the pond outlet being cleaned out by machine will not exceed 20 feet from the pond perimeter. 4) Across the entire width of the southern end of the pond, the existing aquatic and emergent vegetation will be left undisturbed for a distance of four feet from the current water line. Motion by Mr. Picton, second by Mrs. Korzenko, passed 5-0.

Members asked agent Brian Neff, PE. many questions re access to the pond and how much of the pond's valuable perimeter vegetation would be removed to arrive at the permit conditions.

**Discussed Kessler, IW-04-42, 105 West Mountain Road, dredge silt basin**, with agent Richard Crouch. The excavator does not have to enter the pond to reach the material. The silt collection will be located 300 feet at the top of a hill.

**Discussed briefly, Page, IW-04-43, 15 Church Hill Road, septic repair.** Septic fill will be deposited twenty five feet from Canoe Brook. Members agreed to wait for WEO Ajello's analysis.

### **EO Report**

Discussed the following briefly:

**Adams, IW- 04-28 ATF, 136 West Shore Road, re-place pipe & stone.** Ms. Adams is continuing to prepare her planting plan. Phragmites have been mowed around the catch basin.

**Arciola, IW-03-19, 9 Dark Entry, construct dwelling.** Mr. Ajello will tell the contractor to finish installing the swale and have it grass-seeded and growing by 9-1-04.

**Beck IW-02-V1, 132 Calhoun Street cutting & clearing in wetlands.** Mrs. Korzenko will draft a letter to Mr. Beck re the lack of progress. Mrs. Hill will consult Attorney Michael Zizka.

**Auchincloss, IW-03-57, 5 Kielwasser Road, remove trees & brush, planting, stabilize stream bank.** Work was done during a dry period with good results.

**Borenstein, 63 Wykeham Road, oil tank mitigation work.** A minimal amount of contaminated soil was found after removal of an oil tank, which was located approximately fifty feet from a stream and closer to wetlands; BDL Environmental Consultants are removing these soils. WEO Ajello requested an ATF application for the work.

**Meeker, IW-04-19, 269 New Milford Tpke., expand drive & gravel.** Members are waiting for a new application to be filed. Mr. Ajello noted seeing chemicals again being stored outside behind the building.

**Deveraux-Glenholme School, Sabbaday Lane.** An application for proposed reconstruction of drainage areas around the wellhead is being prepared for submission to IWC Commission.

**Haber, Upper Church Hill Road, addition.** WEO Ajello requested wetlands be identified, mapped and submitted along with an application.

**Parent, IW-04-23 ATF, 71 Calhoun Street, deposit stone, clear drive site.** A new application will be submitted when the site plan is completed by the engineer and surveyor.

The citation fee has been paid.

**Sasson, IW-04-44 ATF, 4 June Road, repair stone deck, walkway, retaining wall.** This ATF application, submitted today, will be on the agenda for the next meeting on August 11, 2004.

**Heard re Ross, IW-02-V4, 10 Sunny Ridge Road, wetlands restoration**, that the stone wall, permit IW-03-45, is in the process of being constructed. It appears that building the new section of wood road

has not been started nor an application submitted. WEO Ajello will make another site inspection.

**Heard** re **Guliano, IW-04-V1, 19 Winston Drive, violation of WEO approval** that there has been no communication from Mr. & Mrs. Guliano.

**Fowler, IW-04-V5, 138 Nichols Hill Road, excavate in wetlands & watercourse.** A Citation Hearing has been scheduled for Tuesday, August 3, 2004 at 7:00 p.m.

Heard re **Bailey, IW-04-V7, 93 Old Litchfield Road, destruction of wetlands by 'quads,'** that there has been no 'quad' activity observed in the wetlands but no restoration done to date.

**Heard** re Conservation Commission - Land Use Brochure Committee draft, that Mrs. Korzenko is working on newly submitted changes.

**Discussed** briefly, **DiBenedetto, IW-03-04.** Members reviewed a letter sent to Mr. DiBenedetto and agreed it was very well done.

**Discussed** briefly, Keeping Invasives Out of Lake Waramaug. The Commission will draft a letter to Thomas McGowan, indicating their support in obtaining the State DEP aquatic permit but requesting answers to some questions re the chemicals / side effects which may be proposed for use.

**Entered** Executive Session at 10:48 p.m. to discuss pending litigation in re **Bolek, IW-03-65** and **Guliano appeal of Ficalora, IW-03-54.** Motion by Mrs. Hill, second by Mrs. Gray, passed 5-0.

**Closed** Executive Session at 11:23 p.m. Motion by Mrs. Hill, second by Mr. La Muniere, passed 5-0.

**Adjourned** the meeting at 11:23 p.m. Motion by Mrs. Hill, passed 5-0.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Katherine Moquin Land Use Secretary  
August 4, 2004