

August 11, 2004

MEMBERS PRESENT: Mrs. Gray, Mrs. Hill, Mr. La Muniere, Mr. Picton, Ms. Purnell

ALTERNATES PRESENT: Mr. Bedini, Mrs. Korzenko

ALTERNATE ABSENT: Ms. Coe

STAFF PRESENT: Mr. Sears

ALSO PRESENT: Mr. Marsh, Mr. Fowlkes, Mr. Crouch, Mr. Sasson, Mr. Ilsley, Mrs. Cherniske, Mr. Neff, Mr. Alexson, Press

Regular Business

Mr. Picton called the meeting to order at 7:03 p.m. and seated Members Gray, Hill, La Muniere, and Picton and Alternate Bedini for Ms. Purnell.

MOTION: To add the following items to the agenda under New Applications: a) **Turner/185 W. Morris Road/#IW-04-45/Generator**, b) **Haber/58 Upper Church Hill Road/#IW-04-46/Additions to Existing Dwelling**, c) **Miles-Marsh/204 Wykeham Road/ #IW-04-47/Driveway**, d) **Philip/41 Tinker Hill Road/#IW-04-48/ Septic Repair**, to move Discretion of the Chair to the head of the Agenda, and to list Silent Invasives under Discretion of the Chair. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

Discretion of the Chair

Mr. Sears, First Selectman, spoke briefly about the Lake Waramaug agreement to protect the lake. He announced there would be an informational meeting held on Thursday, 8/12/04 and a Town Meeting on Thursday, 9/2/04 to authorize him to sign the agreement.

Fowler/138 Nichols Hill Road/#IW-04-V5/Excavation in Wetlands and Watercourse: Referring to the 8/3/04 letter from Mr. Fowler's attorney, Mr. Kelly, it was noted the citation hearing officer, Mr. Futh, and Mr. Kelly have a minor business relationship, which they did not see as a conflict of interest, but asked the Board of Selectmen and the Commission for their comments. Although Atty. Miles thought this was not a clear conflict, it was the consensus of the Commission that it could be perceived as a conflict of interest. Therefore, the citation hearing scheduled for 8/12/04 was postponed. Mr. Sears will attempt to get additional hearing officers who could serve in the future when circumstances such as this one arise.

Mr. Picton seated Ms. Purnell at 7:31 p.m.

Consideration of the Minutes

The following corrections were made to the 7/28/04 minutes:

Page 1: Under **Swanson**: Line 3: The spelling of Cannavaro was corrected. Also, "will consult" should be "has consulted."

Page 4: Under **Kessler**: Last line: Add "away" to read, "...300 feet away at the top...."

Under **Volante**: Line 3: Add "wetland" to read, "The wetland area currently..."

Line 5: Change "either" to "the lower" side of the driveway.

Page 5: Under **Devereux Glenholme School**: Line 2: Substitute "the" for "IWC."

Under **Haber**: Line 1: Change sentence to "...identified and mapped and that information be submitted...."

MOTION: **To accept as amended** the 7/28/04 Regular Meeting minutes. By Mrs. Gray, seconded by

Mr. Picton, and passed 4-0-1. Ms. Purnell abstained because she did not attend the meeting.

Pending Applications

Adams/136 West Shore Road/# IW-04-28 ATF/Repair Parking Area: Mr. Picton reviewed the note re: construction plans and the attached map from Ms. Adams, received 8/11/04. Mr. Ajello was asked to send Ms. Adams a list of recommended wetlands plants as requested in her 8/5/04 note.

MOTION: **To approve** the application, #IW-04-28 ATF submitted by Ms. Adams to repair the parking area at 136 West Shore Road per the map, "Anne M. Adams, 136 West Shore Road by T. Michael Alex, LLS., dated January 1992 and revised 8-11-04" and per the work description dated 8-5-04, with the condition that native wetland species will be planted around three sides of the catch basin, approximately 5 feet in width, and this will be done by September 15, 2004. By Ms. Purnell, seconded by Mrs. Gray, passed 5-0.

Pullaro/23 Calhoun Street/# IW-04-36/Pave Driveway: Mr. Neff, engineer, presented plans to address the questions raised at the site inspection. He noted the driveway could not be moved further from the brook due to the location of the septic system and also noted the proposed plantings would act as a filter between the driveway and the brook.

MOTION: **To approve** the application, #IW-04-36 submitted by Mrs. Pullaro to pave the driveway at 23 Calhoun Street per the plan, "Site Improvement Plan, Pullaro Residence, 23 Calhoun Street (Route 109)," by Brian E. Neff, PE., dated 8-10-04 with the understanding that the buffer planting on the lower side of the driveway is to be continuous and extend to the top of the stream bank. By Ms. Purnell, seconded by Mr. La Muniere, and passed 5-0.

Kessler/105 West Mountain Road/# IW-04-42/Dredge Silt Basin: Mr. Crouch of Kent Greenhouse submitted additional copies of the plan and stated machinery would access the work site over the existing bridge to the southwest behind the house. He added the location of the bridge to the site plans and noted 15 to 18 cubic yards of material would be removed.

MOTION: **To approve** the application submitted by Mr. Kessler to dredge the silt basin at 105 West Mountain Road per the plan, "Exploded View of Main Pond and Silt Pond, 105 West Mountain Road," rcvd. 8-11-04" and per the work description rcvd. 7-15-04 with the condition that the machine access to the silt basin e via the existing bridge located southwest at the rear of the house. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Page/15 Church Hill Road/# IW-04-43/Septic Repair: Mr. Ajello, WEO, reported the proposed septic area was the only possible location as the remainder of the property had vegetation, ledge, or steep slopes. Mr. Neff, engineer, concurred there were no alternative sites available.

MOTION: **To approve** the application, #IW-04-43, submitted by Mr. Page to repair the septic system at 15 Church Hill Road per the plan, "Septic System Repair Plan, David & Andrea Page Residence, 15 Church Hill Road (RT. 109)," by Brian E. Neff, PE., dated 7-15-04. By Mrs. Hill, seconded by Mrs. Gray, and passed 5-0.

New Applications

Sasson/4 June Road/#IW-04-44 ATF/Repair Deck, Walkway, Retaining Wall: The map, "Site Plan, Sasson-June Road," dated 7/26/04 was reviewed. Mr. Sasson stated the stone deck, walkway, and wall had existed and were in need of repair so he had taken them apart and rebuilt them. He presented several photos of the work in progress. The Commission asked for a \$60 ATF fee, and a planting plan including the location, number, and size of each species to be planted.

Turner/185 West Morris Road/#IW-04-45ATF/Generator: It was noted the application included

driveway and fence repairs and that the generator was on a stone pad. The applicant was asked for a \$60 ATF fee, a completed DEP form, and for information regarding the type of fence posts to be used.

Haber/58 Upper Church Hill Road/#IW-04-46/Additions to Existing Dwelling: Mr. Isley from Moisan Architects was present. The map, "Topographical Survey," by DyMar, dated 8/3/04 was reviewed. The applicant proposed to demolish a portion of the existing dwelling, construct two additions, and install a new driveway. Most of this work was within 100 feet of wetlands. Previously, Mr. Ajello had asked that all wetlands within 200 feet of the proposed activities be shown on the map. Due to the location of rock outcroppings, the locations where additions could be placed were limited. Mr. Picton asked that a limit of disturbance line be added to the map. The Commission was concerned about possible future encroachments on the wetlands and asked the applicant for a written description of how this would be prevented and for an additional copy of the site map. A site inspection was scheduled for Wednesday, August 18, 2004 at 9:00 a.m.

Miles-Marsh/204 Wykeham Road/#IW-04-47/Driveway: Mr. Marsh and Mr. Fowlkes presented the map, "Topographic Map Prepared for David S. Miles, Trustee," by Mr. Alex, dated July 2004. The applicant proposed a driveway off Wykeham Road so an easement over Nova Scotia Hill Road would not have to be shared with other property owners. Mr. Fowlkes submitted a copy of the easement the Town gave to the Fairbairns, which referred to Nova Scotia Hill Road a driveway. The only activity proposed at this time was installation of a driveway to access the 20+ acre parcel. Mr. Ajello advised the Commission the proposed driveway would require a lot line revision in order to get frontage on Wykeham Road. Mr. Picton said the Commission would consider whether the proposed driveway route was the more appropriate one based on wetlands considerations. A site inspection was scheduled for Wednesday, August 18, 2004 at 9:45 a.m. Mr. Marsh noted the driveway construction plan by Mr. Neff would be submitted.

Philip/41 Tinker Hill Road/#IW-04-48/Septic Repair: Mr. Alexson represented Mr. Philip. Mr. Ajello reported the septic system had failed and immediate repairs were necessary. Mr. Alexson said the system would be replaced in the same location according to plans by Mr. Neff. Mr. Picton asked if there was a better location for the septic system that was not within 25 feet of the watercourse. Mr. Neff said there was not because the site was so steep and rocky and because the septic must be at least 75 feet from the well. He noted there would be less disturbance if the existing site was reused. Mr. Picton asked Mr. Ajello to inspect the site to determine whether there was a better spot for the septic system. Mr. Neff also noted the repaired septic was designed for a one bedroom house; it would not be enlarged. It was the consensus that if Mr. Ajello finds there is no better site for the septic, the repair work can begin, and the Commission would formally act to approve the application at the next meeting.

Enforcement

Ross/10 Sunny Ridge Road/#IW-02-V4/Wetlands Restoration: Mr. Todorski represented Mr. Ross. He said he filed a Finish Card for the wetlands restoration today, and asked if doing so released the lien on the title to the property. He was told the Enforcement Officer must inspect and approve the completed work first. Mr. Ajello said the restoration work was properly done. The Commissioners noted road work had been done without the application for a permit that Mr. Ross had agreed to at a previous meeting. It was the consensus an application for the roadwork should be received before there is a signoff on the wetlands restoration. Mr. Picton suggested the minutes could be filed on the Land Records to show the Commission is satisfied with the restoration work once the application is received and approved. Mr. Picton asked for the following information with the application; the new road location, specifics on how it would be built, and plans for regrading.

Beck/132 Calhoun Street/#IW-02-V1/Cutting, Clearing in Wetlands: It was the consensus that it was important to control the invasive species on the site and for Mr. Beck to respond to the

enforcement order. Mrs. Korzenko drafted a letter to Mr. Beck dated 8/11/04 to remind him the enforcement order must be followed and to suggest that if he comes to a meeting, the Commission might be willing to consider a revision to the order in the interest of getting the necessary work done expeditiously. Mr. Picton suggested that if a Commissioner or person who can identify invasive species tagged them and a worker then actually followed and removed them, it would be a relatively quick and inexpensive way to comply with the order. Ms. Purnell recommended that in the future such orders be bonded. She noted a great deal of long term damage had been done, and to properly fix it would be expensive. When asked if he thought it would set a bad precedent if the Commission tagged the plants to be removed, Mr. Picton said it would not set a precedent because future orders would be bonded.

MOTION: Regarding Beck/132 Calhoun Street/#IW-02-V1/Cutting, Clearing of Wetlands; to send Mr. Beck the 8/11/04 letter by Mrs. Korzenko regarding the removal of invasive species from the cleared wetlands. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

Greenfield/12 Ives Road/Clearing In or Near Wetlands: Mr. Ajello reported the area that was cleared abuts either the regulated area or wetlands on the Beck property. He submitted photos taken on 6/18/04. He said Mrs. Greenfield had agreed to hire a soil scientist to flag the boundaries of the wetlands and would most likely submit an application and planting plan in the future.

Guliano/19 Winston Drive/#IW-04-V1 Violation of WEO Approval: There was nothing new to report on this matter.

Fowler/138 Nichols Hill Road/#IW-04-V5/Excavation in Wetlands and Watercourse: The citation hearing had been postponed and will be rescheduled. It was noted Mr. Fowler had agreed at the show cause hearing to get the wetlands flagged. Mr. Picton said he had recently inspected the property and had found the work done was not landscaping permitted by right, but was excavation of a ditch in wetlands. It was the consensus that the enforcement process was being delayed by the challenge to the citation, but that ultimately the violation would be addressed.

Bailey/93 Old Litchfield Road/#IW-04-V7/Destruction of Wetlands by "Quads": There was nothing new to report on this matter. Mr. Ajello will inspect the property before the next meeting.

Swanson/New Milford Turnpike/Siltation of Pond: Mr. Ajello inspected the Swanson property upon receipt of a complaint from Mr. Swanson. A few weeks ago the Health Department approved an emergency septic repair on the adjoining Gorra property. This work did not require an Inland Wetlands permit because it was an emergency, but the additional work done in and near the stream, which appears to have caused the silt in the Swanson pond, did require a permit. Mr. Ajello dropped off an application form in Dr. Gorra's office and asked that an ATF application be submitted. He advised the staff that the Wetlands Commission would require a planting plan to stabilize the disturbed area before the start of the hurricane season.

Other Business

Land Use Brochure: Mrs. Korzenko reported the brochure is nearing completion and should be distributed in October.

It was noted the Ct. Invasive Plant Working Group will conduct a seminar on the identification and management of invasive plants on 10/7/04 at UConn.

MOTION: To enter Executive Session to discuss the following pending litigation: 1) **Bolek/#IW-03-65** and 2) **Guliano appeal of Ficalora/#IW-03-54**. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

The Commission entered Executive Session at 10:11 p.m. and closed it at 10:17 p.m.

MOTION: To close Executive Session. By Mrs. Hill, seconded by Mr. La Muniere, and passed 5-0.

MOTION: To adjourn the meeting. By Mrs. Gray.

Mr. Picton adjourned the meeting at 10:18 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator