

November 10, 2004

MEMBERS PRESENT: Mrs. D. Hill, Mr. LaMuniere, Mr. Picton, Ms. Purnell

ALTERNATE ABSENT: Mrs. Gray

ALTERNATES PRESENT: Mr. Bedini, Ms. Coe, Mrs. Korzenko

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill

ALSO PRESENT: Dr. Gorra, Mr. Towne, Mr. Churchill, Mr. and Mrs. Klein, Mr. McNaughton, Ms. Paca, Mr. Neff, Mr. J. Fiorilla, Mr. M. Fiorilla, Press

Regular Meeting

Mr. Picton called the meeting to order at 7:00 p.m. and seated Members Hill, LaMuniere, and Picton, and Alternates Coe and Korzenko for Mrs. Gray and Ms. Purnell.

MOTION: To add subsequent business not already posted on the agenda: 1) Matthews/142 Upper Church Hill Road/#IW-04-70/Lot Division and Construct Driveway 2) Approval of 2005 Calendar, 3) The Gunnery School/South Street/#IW-00-63/Construct Driveway/ Request for Renewal of Permit. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

Consideration of the Minutes

The following corrections were made to the 10/27/04 Regular Meeting minutes:

Page 5: 5th condition in the Ross motion of approval: Mr. Picton asked that it be added that the purpose of this condition was to maintain the area as a semi natural buffer.

Page 8: Holly Hill Farm, 5th line from the bottom: Add: in the already disturbed, so the sentence reads, "...interplant in the already disturbed test spot...."

Page 10: Wortzman, 3rd line: Add own so sentence is, "...deteriorate on its own..."

Page 10: Site Inspection Procedures: There was disagreement about whether this paragraph was clear. The minutes will remain as written, but before the next meeting Mr. LaMuniere will recirculate his memo to Mr. Picton on this matter.

MOTION: To accept the 10/27/04 Regular Meeting minutes as amended. By Mrs. Hill, seconded by Mrs. Korzenko, and passed 5-0.

MOTION: To accept the 10/19/04 Holly Hill Farm Site Inspection minutes as written. By Mrs. Hill, seconded by Mr. Picton, and passed 4-0-1. Mrs. Korzenko abstained because she had not attended the inspection.

The Stiteler-Giddins 11/1/04 site inspection minutes were accepted as corrected. At the end of the first line, "an existing pathway" was added. Also, the time of adjournment, 5:00 p.m., was added.

MOTION: To accept the 11/1/04 Stitler-Giddins Site Inspection minutes as corrected. By Mrs. Hill, seconded by Mrs. Korzenko, and passed 5-0.

Ms. Purnell arrived at 7:14 p.m. and was seated for Mrs. Korzenko.

The Kelsey 11/8/04 site inspection minutes were accepted as corrected. Mr. Ajello's name was corrected, the applicant's name and site inspection date were added, and the time of adjournment, 10:15 a.m., was added.

MOTION: To accept the 11/8/04 Kelsey Site Inspection minutes as corrected. By Mrs. Korzenko, seconded by Mr. Picton, and passed 5-0.

Pending Applications

Gorra/278 New Milford Turnpike/#IW-04-56ATF/Septic Repair and Stream Remediation: Ms. Purnell recused herself and Mrs. Korzenko was seated. Mrs. D. Hill said she would abstain because she had not inspected the site. Mr. Gorra submitted a planting plan, untitled, dated 10/23/04, which he said was done by Aspetuck Gardens after a review of the minutes. It was noted the site inspection minutes called for plantings on both the north and south banks to provide a natural buffer. This was added to the plan and initialed. Mr. Picton noted there was no rip rap proposed at the culvert outlet. Dr. Gorra also added this to the plan. Dr. Gorra asked if he had to apply for a permit each time he cleans out silt. The Commissioners agreed if it was removed by hand during low water conditions, a permit would not be required. The check dams were discussed and it was noted they were correctly shown on the site plan. It was noted the planting would be done next spring and the rip rap put in place now.

MOTION: To approve application #IW-04-56ATF submitted by Dr. Gorra for septic repair and stream remediation at 278 New Milford Turnpike per the map, "Untitled," dated Saturday, October 23, 2004 subject to the following conditions:

- 1) all unstable or vertical banks of exposed soil on both sides of the stream shall be planted with durable perennials from the plant list,
- 2) rock armoring shall be placed on the stream bank below the culvert,
- 3) plantings shall be added on the south side of the stream as drawn in at the 11/10/04 meeting, and
- 4) the check dams are to direct the flow towards the center of the stream.

By Mr. Picton, seconded by Mrs. Korzenko, and passed 4-0-1. Mrs. Hill abstained because she had not inspected the property.

Ms. Purnell was reseated.

H.O.R.S.E. of Ct./43 Wilbur Road/#IW-04-57E/Sheds and Fence: Mr. Ajello reported he had sent the applicant a letter as directed, but had not yet had a response. It was the consensus an accurate map should be submitted before a site inspection is scheduled. Mr. Ajello will call the applicant with this request.

Thorne/228 West Shore Road/#IW-04-58ATF/Well, Water Line, Septic System: Mr. Towne, contractor, presented a revised site plan showing the scope of the work, measurements, location of the septic system, and erosion controls. Mr. Ajello noted the limit of disturbance was the silt fence. Mr. Towne's 11/1/04 letter was reviewed. He added a statement that the duration of the work would be 5 days.

MOTION: To approve application #IW-04-58ATF submitted by Mr. Thorne to install a well, septic system, and water line at 228 West Shore Road per the construction sequence and revised plans submitted at the 11/10/04 meeting. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

Kelsey/39 West Morris Road/#IW-04-62/Install Driveway Culvert: Mr. Neff, engineer, was present. Mr. LaMunier asked if a 36" flat bottomed culvert could be installed rather than the proposed 24" culvert. Mr. Neff explained the plans, which called for flared inlet and outlet sections of the culvert and said an arch culvert with a flatter bottom would be possible. Mr. Picton noted the objective of the arch culvert was to have a wider streambed of natural material and unrestricted flow and that the flow should continue in the same direction as it currently flows. Mr. Neff stated the application was for the installation of the culvert and conduits only and not for construction of the driveway. Mr. Picton asked if there were feasible and prudent alternatives. It was the consensus the proposed location for the crossing was the most appropriate from a wetlands point of view and that it would be difficult to move

the driveway further from the wetlands due to the steep slopes in the area. It was also noted moving the drive would require that more trees be cut. Ms. Purnell thought the application could be approved as the proposed crossing was the best plan and the potential for both short term and long term impact would be minimal if the erosion control measures were implemented as proposed.

MOTION: To approve application #IW-04-62 submitted by Mr. Kelsey to install a driveway culvert at 39 West Morris Road per the map, "Driveway Crossing Plan," By Mr. Neff, dated 10/4/04 subject to the following conditions:

- 1) approval is for the culvert only, not the entire driveway,
- 2) the round culvert proposed shall be replaced with an arch culvert, minimum size 24" X 36", placed in line with the original stream bed and set approximately 6" below the stream bed level to allow natural material to accumulate, and
- 3) the actual driveway and house sites require Inland Wetlands Commission approval prior to construction.

By Mr. Picton, seconded by Mr. LaMuniere, and passed 5-0.

Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/#IW-04-64/ Resubdivision: Mr. Neff, engineer, said he had asked Mr. Temple, soil scientist, to reexamine the area of a potential watercourse and that this would be done as soon as possible. A sketch map with the location of test holes and auger holes indicated was requested. Mrs. D. Hill also requested a supplemental report from Mr. Temple. Mr. Picton requested the USDA soils map be submitted. It was noted the Commission will wait for Mr. Temple's report before deciding whether to hire its own soil scientist. Ms. Purnell asked for an analysis of feasible and prudent alternatives. Mr. and Mrs. Klein, abutting property owners, were present.

Holly Hill Farm, LLC./87 Whittlesey Road/#IW-04-65/Restoration and Reforestation: Mr. Neff, engineer, and Ms. Paca, landscape architect, were present. Copies of Ms. Paca's 11/5/04 letter were circulated and the maps, "Holly Farms," by Ms. Paca, dated 10/1/04, scale 1"=20' and "Site Plan," unsigned, dated December 2003 were reviewed. The Commissioners instructed Ms. Paca to toe in the bottom of the silt fence on site, which they had observed was improperly installed. Ms. Paca's letter was discussed point by point and the following provisional agreements made: 1) Placing rocks in the gullies to prevent further erosion: This would be OK only in the gullies labeled A, B, and C on the site plan. The rocks were to be no larger than the size one man could handle and after deposition the existing defined channel should remain. No machines may operate below the silt fence at the top of the steeper slope and there may be no excavation, digging, filling, regrading, nor exposure of the soil. 2) Converting the lawn to a wildflower meadow: First, silt fence must be installed along the entire length of the work area. As it is too late in the season to begin work this year, the planting may begin in May or June of 2005. The work will be done in strips approx. 30 feet wide and several hundred feet long, beginning at the highest elevation (approx. 670) so that the undisturbed ground and vegetation immediately below will continue to function as a silt trap and buffer as the new plantings are establishing themselves. The first strip will be allowed to fill in with continuous cover before work on the second strip is started. It is understood the growing in of each planting strip may take longer than one month. 3) Allowing unstable boulders in the dump to roll down into river: Boulders may not be rolled into the river, flood plain, flood channel, or into any intermittent stream. 12 to 15 boulders may be permitted to roll down to the toe of the slope if they are unstable where they lie. Old concrete may be left where it is. 4) Planting woody shrubs below the meadow section: The Town's consultant will review this proposal. No work is to be done at this time. 5) Reestablishing the American under story in a pilot area: The Town's consultant will review this proposal. No work is to be done at this time. 6) Remove the dump by hand: Only heavy wooden debris and foreign material may be removed by hand. All other organic material will be left in place as mulch. No soil is to be exposed. Materials removed

will be taken to a neighbor's field, where the woody material will be burned. 7) Replant the area where the Japanese knotweed was removed. The Town's consultant will review this proposal. No work is to be done at this time. Mr. Picton read his 10/27/04 memo. It was the consensus that the clearing and disturbance of soil to date has the potential to compromise the forest community, wetlands, and the long term stability of the slopes. The work proposed in the floodplain, on the steep slopes of the riverbank, and in the areas close to the top of the steep bank where the runoff develops into channels has significant potential to further impact these values. Furthermore, it was the consensus that pending a review by a Wetlands Commission consultant, all cutting of vegetation, disturbance of the soil and its cover of organic material, and planting of any material should be discontinued and the under story left to regenerate in all areas from the river to a line 50 feet above the top of the steeper slopes and in and within 30 feet of all watercourses and wetlands. Enforcement was discussed. Mr. Picton noted the Commission had decided at the last meeting to issue a Notice of Violation and a citation, but that this had not yet been done. It was the consensus the Commission should act in a consistent manner and should send out the NOV and citation immediately.

Wallis/32 Sunny Ridge Road/#IW-04-66/Reconstruct Barn and Generator: The application had been discussed at the last meeting and there had been no concerns or questions raised. The proposal was straightforward, the barn would be reconstructed on the existing footprint, and efforts would be made to stay away from the pond. There was no potential impact to the wetlands.

MOTION: To approve application #IW-04-66 submitted by Mr. Wallis to reconstruct a barn and generator at 32 Sunny Ridge Road per the sketch map submitted, scale 1" = 50'. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

New Applications

Jepson-Dore/144 East Shore Road/#IW-04-67/Renovate Cabin: Mike and Joe Fiorilla of Kehoe Construction were present. Mr. Ajello had inspected the site and found the cabin was more than 100 ft. from Lake Waramaug, but that there were steep slopes involved. He said protecting the catch basin at the start of the driveway would be critical. The map, "Property of John K. Smart," by Mr. Osborne, dated 12/21/62 was reviewed. The cabin roof would be raised and all work done within the existing footprint. Any disturbed material would be temporarily stockpiled around the perimeter of the foundation. Mr. Ajello did not think any silt would reach the catch basin if the digging was done by hand. The locations of the silt fence and utility trench were added to the map. The Commissioners will inspect the property on their own prior to the next meeting. It was noted action could not be taken at the next meeting, which was being held early due to the holiday. As there would be minimal chance of impact to the lake, Mr. Picton advised the applicants they could begin demolition work if the silt fence was installed first and there was no other soil disturbance.

Adams/57 West Shore Road/#IW-04-68ATF/Site Improvements: Mr. Churchill, contractor, and Mr. Neff, engineer, represented the owners. The map, "Proposed Site Improvement Plan," by Mr. Neff, dated 11/1/04 was reviewed. Mr. Churchill apologized for the trench dug without a permit. He summarized the proposed work. 1) Installation of fence and gate. 2) Installation of patio and retaining wall on the west side of the house: The proposed patio was flagstone on a permeable surface. The Commission asked for an additional description and the percentage of permeable surface. 3) Well improvements: This work would be beyond the 100 ft. regulated area. The existing 6'X6'X6' cold water storage tank/well room would be eliminated and the water line rerouted to the mechanicals in the basement. It was noted machinery would be used, but that the house was between the lake and the work area. 4) Installation of air conditioning condensers next to the garage: A small part of the hillside will be excavated and a retaining wall built. Mr. Picton asked for silt fence, but Mr. Neff stated the work area is so small it would be difficult to work with silt fencing in place. Mr. Ajello will inspect the site to determine whether erosion controls are necessary here. 5) Installation of propane tank: Mr. Churchill

will provide specs. It was noted plans should eliminate the potential for leaks by use of double wall construction, geotextile fabric lining, etc. 6) Installation of power to the dock for recreational purposes and to operate a bubbler in the lake: It was noted the Lake Waramaug Task Force was going to conduct a study concerning the ecological impacts of bubblers. The proposed conduit would be in concrete near the waterline. 7) Extension of dock: A U shaped dock is proposed. Mr. Picton asked for design specs. Mrs. Korzenko advised Mr. Churchill to study the revised Zoning Regulations concerning docks. Mr. Churchill said, in addition, the driveway must be regraded and drainage installed. Mr. Picton asked that a narrative of all the proposed work be submitted prior to the next meeting so there will be time to review it beforehand.

Matthews/142 Upper Church Hill Road/#IW-04-70/First Cut, Construct Driveway: The application was submitted on 11/9/04. Mr. Neff, engineer, and Mr. and Mrs. Matthews were present. The map, "Proposed Site Development Plan," by Mr. Neff, dated 11/5/04 was reviewed. It is proposed to divide the 55.87 acre parcel into two lots with a lengthy driveway within the regulated area to the interior lot. Ms. Purnell asked for the percentage of wetlands on each of the proposed lots. Mr. Neff noted a shorter alternative driveway route from Sunset Lane, had been considered, but would have required a wetlands crossing. A site inspection was scheduled for Wednesday, November 17, 2004 at 3:30 p.m.

Other Business

Washington Montessori School/240 Litchfield Turnpike/Progress Report: Mr. McNaughton submitted a cover letter dated 11/10/04 and progress report, which included a turf management plan and water test results. The letter stated how the school had complied or was in the process of complying with the conditions of its permit. He asked for guidance on how to clean the eastern vernal pool because due to its difficult access and the type of plant material in it, it was not possible to remove the silt using the method originally approved by the Commission. He circulated photos to show the condition of this pool. It was the consensus the pool could be cleaned by machine and by hand, that it was OK to remove the saplings growing in the middle, but some vegetation should be left around the perimeter. Mr. McNaughton noted all 33 catch basins had been pumped out in October. He proposed to plant around the vernal pool and plunge pool area and to specify an area not to be mowed in the future. He advised the Commission he would request the release of the school's bond upon the completion of the cleaning of the remaining vernal pool.

New Application

Ross/10 Sunny Ridge Road/#IW-04-69/Clear Trees, Deposit Stones in Roadway: Mr. Picton asked if the actual driveway location had been drawn on the map. Mr. Ajello noted the driveway was not being applied for; only the after-the-fact work in the "pass through." The Commission was not sure what was meant by the "pass through." Mr. LaMuniere questioned why a map had not been submitted. A site inspection was scheduled for Wednesday, November 17, 2004 at 3:00 p.m.

Enforcement

Arciola/9 Dark Entry Road: Mr. Ajello reported the property had been mulched except for the swale, which has a very gentle grade. Mr. Picton recommended that except for areas under water, all disturbed areas be mulched and vegetated.

Brodie/Bee Brook Road.#IW-02-06: It was noted the equipment used to construct the bridge had forded the stream.

Fowler/138 Nichols Hill Road/#IW-04-05: Mr. Ajello reported there has been no activity since he last inspected the property on 9/29. The citation fine was paid. Mr. Ajello will write another follow-up letter regarding what specific work must be done to correct the violation.

Gatto/155 Woodbury Road/#IW-04-01: A deck has been added to the rear of the dwelling, but this was not included in permit #IW-04-01. It was noted Mr. Ajello had sent Mr. and Mrs. Gatto a Notice of Violation on 11/3/04 and had received a letter dated 11/10/04 in response. Ms. Purnell did not think the Commission would have approved the construction of a deck cantilevered over the brook because there would have been feasible and prudent alternatives. Mr. Ajello noted the plans approved by the ZBA to raise the roof of the dwelling had not included the deck, either. Ms. Purnell will review the file for the reasons cited for the record why the deck was not included in the approval. It was thought the Commission should act in a consistent manner and not respond to any threat of a lawsuit. The course of action to be taken will be discussed at the next meeting.

Gutierrez/13 Dark Entry Road: Mr. Ajello reported the replacement of a wall or a fence to its original specs does not require a zoning permit. A conduit had been installed at the front of the property, but did not appear to affect the wetlands.

Kilbrith/Tinker Hill Road: It was noted Mr. Kilbrith had installed a pressure treated dock, which did not conform to the revised Zoning Regulations for the Lake Waramaug Residential District.

Leddy/82 Baldwin Hill Road: Mr. Ajello was asked to inspect the property to make sure the silt fence had been properly installed.

Matthews/89 Lower Church Hill Road: Mr. Ajello reported the property owner wants to blast Judson rock for his foundation, but various people in Town are working to determine whether the rock has any historical or archeological significance.

O'Toole/46 Kielwasser Road: Mr. O'Toole wants to add a dormer that was not included in any of his initial permits. He has been advised to apply for a variance due to the building's proximity to the stream.

Pullaro/23 Calhoun Street: Mr. LaMuniere pointed out that runoff now flows down the paved driveway to Canoe Brook. Mr. Ajello said a finish card has not yet been submitted and that more filling and edge work will be done.

Mr. Bedini left the meeting at this point.

Beck/132 Calhoun Street/#IW-02-V1: Mr. Ajello reported the invasives had been sprayed, but the Notice of Violation would remain on the Land Records.

Sasson/4 East Shore Road: A new application with supplemental information is expected. Mr. Ajello will write to the owner to advise him that unless the application is submitted by the next meeting, an enforcement order will be issued to remove the platform from the lake, pulling it back to the point where a wall is shown on an older survey map as the previous extent of the structure.

Other Business

Beck/129 Calhoun Street/#IW-04-06/Request to Revise Permit: A modified site plan dated 10/13/04 was submitted. It was noted the proposed lot lines were the same, but the density calculations had been revised and the conservation easement area extended to include most of the hay field. It was the consensus to accept the modified site plan.

Consideration of 2005 Calendar: The usual calendar with two meetings per month, except for August and December with only one meeting

each, was discussed. Mrs. Hill suggested the first meeting in July be deleted so that July would only have one meeting as well. This will be discussed at the next meeting.

The Gunnery School/South Street/#IW-00-63/Request to Extend Permit: It was noted in February 2004 the Gunnery had been told it was premature to file for an extension because the permit would not

expire until the latter part of 2005. The Gunnery has now asked again informally for an extension. It was noted that although Wetlands had approved the driveway, Zoning had denied it. It was also noted The Gunnery was anxious to have an extension or it would have to begin working on development plans. Ms. Purnell stated the driveway had been approved for a specific use. After a review of Section 11.9 of the Regulations, it was the consensus the permit would most likely be renewed unless there was a significant change, but that it would be renewed for only two years from the date of request.

MOTION: To adjourn the meeting. By Mr. LaMuniere.

Mr. Picton adjourned the meeting at 11:29 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By Janet M. Hill, Land Use Coordinator