

## February 26, 2003

**Members Present:** Dorothy Hill, Helen Gray, Marguerite Purnell.

**Members Absent:** Charles LaMunier, Robert Weber.

**Alternates Present:** Candace Korzenko, Mark Picton.

**Alternates Absent:** Anthony Bedini.

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

**Also Present:** Anthony DiBenedetto, Joseph Kistela, Brian Neff, Dirk Sabin, and Susan Branson.

Dorothy Hill called the meeting to order at 7:07 p.m., Wednesday, February 26, 2003. Members seated were Dorothy Hill, Helen Gray, Marguerite Purnell at 7:15 p.m., Candace Korzenko for Robert Weber and Mark Picton for Charles LaMunier.

**MOTION:** To ADD Steep Rock Assoc., IW-02-13 to the Agenda under New Applications. By Mrs. Hill, seconded by Mrs. Gray and passed 4-0.

**MOTION:** To ADD Fairbairn, IW-02-54 to the Agenda under Enforcement. By Mrs. Hill, seconded by Mrs. Korzenko and passed 4-0.

### IV. Pending Applications

#### **DiBenedetto, IW-03-04, 212/214 Calhoun Street, Remove Invasives & Cut / Prune Dead Trees.**

Anthony DiBenedetto was present and submitted a section of the map, "Site Analysis Plan, Anthony DiBenedetto, Eileen DiBenedetto, 214 Calhoun Street by T. Michael Alex, L.L.S., dated April 2000," with the wetland boundaries marked in red and showing six brush piles.

Mrs. Hill seated Marguerite Purnell at 7:15 p.m.

Mr. DiBenedetto explained: 1. The blue marking on the above cited map indicates the upland areas and the white marking indicates the wetland areas. 2. There will be no grubbing done. The invasives will be removed now while the ground is frozen. Then the dead trees will be marked and cut. Ten percent of the dead trees will be left as snags (tops broken off.) Native species will be planted in the Spring to create a shrubby wetland border. 3. All the work in the review area will be done by hand. A brush hog will be used on the 10-12 feet of apron, which has been mowed for years. It is not possible to use the brush hog to mow elsewhere, as the land drops down and there is a seasonal volume of water from road run-off, the top of the hill and the big field. Even upland borders are not amenable to mowing. A weed whacker will be used to cut the multi-flora rose 4-5 times during the growing season. 4. The work will be done, in the areas marked #12 and # 15 on the above cited map, as a pilot project ( an acre out of 12 acres ) for the rest of the property. If the work is done to the satisfaction of the Commission, then he will submit a new application for another quadrant of the property to continue in the same manner. The invasives are out of control and removing them will allow him to walk on and use his property. The invasives are also compromising a nice wooded area.

Ms. Purnell made the following points: 1. There are management guidelines for some invasives. Mowing is indiscriminate, so selective pruning is best. A hand-held weed winch can be used for woody invasives. 2. This intermittent stream is actually perennial, as the flow continues to trickle in the summer. 3. There is a beautiful field across the street as well as a beautiful area around the house. She is concerned about clearing all the way up to this wetland habitat without leaving a buffer margin. A previous contractor hired to clear section # 12 denuded that area.

Mr. Picton said he is interested in having a rough and varied border around the wetlands and in having the work done gradually using only hand tools and not using a brush hog.

Mrs. Hill said she wants a buffer area left along the side of the intermittent stream and she advised Mr. DiBenedetto that approval to do the work proposed in this application did not necessarily translate into approval for future applications.

Mr. DiBenedetto explained: 1. He hired a different and highly skilled contractor for his work. 2. The amount of planting will be limited by space since the roots will be left in place. 3. The invasives will be put on the brush piles and eventually chipped.

**MOTION:** To APPROVE the application DiBenedetto, IW-03-04. 212/214 Calhoun Street, Removal of Invasives and Cut Dead trees/ Prune Trees in sections 12 and 15 of the map submitted, which is entitled "Site Analysis Plan, Anthony DiBenedetto, Eileen DiBenedetto, 214 Calhoun Street by T. Michael Alex, L.L.S., dated April 2000" and with the following conditions: 1. Wetland boundaries are to be marked with red tape and **no** work is to be done in the Wetlands. 2. A six foot wide area, along the intermittent stream on the eastern portion of the property, is to be left **untouched** as a buffer area. 3. Dead trees to be removed are to be marked and then inspected and approved for removal by the Enforcement Officer, Michael Ajello. Ten percent of the dead trees are to remain. 4. Invasives are to be cut during this coming growing season and during the beginning of the next growing season, 2004, the Inland Wetlands Commission will inspect and evaluate the effectiveness of the work done for consideration in the renewal process. 5. Brush piles will be located where they are indicated on the copied section of the above referenced map submitted at tonight's meeting on 2-26-03. By Mrs. Korzenko, seconded by Mrs. Hill and passed 4-1-0. Ms. Purnell voted nay, as she thinks the Inland Wetlands Commission's responsibility is to this wetland area and to the surrounding wetland areas and she believes there will be the following impacts from these activities: 1. Sediment going into this wetland area. 2. Thermal issues occurring with more light reaching this wetland area. 3. Loss of root structure binding the soil in this wetland area.

**Kistela, IW-03-08, 73 Dark Entry Road, Construct Dwelling.**

Joseph Kistella and Brian Neff, Civil Engineer were present and submitted a revised plan, "Subsurface Sewage Disposal System, Mr. & Mrs. Joseph Kistela, 73 Dark Entry Road by Brian E. Neff, L.E., dated 7-20-02 and revised 2-25-03" and a revised construction description / sequence, dated 1-27-03 and revised 2-25-03. Mr. Neff explained: 1. He added rock to be placed along the edge of the driveway to slow down run-off coming off the driveway and prevent material from going into the regulated area. 2. 75 cubic yards of fill is proposed to be added to a portion of the driveway where it drops off. The stone wall will hold it up.

Ms. Purnell noted that Mr. Kistela had submitted text addressing his decision to make a change on the location of the house from the feasibility plan previously approved by the Commission.

Mr. Kistela said his house may be eight feet smaller than the original footprint and per Mrs. Hill's direction, he added a sentence to the above cited text stating the maximum size of the house footprint will be the same or no larger than that shown on the above cited plan. Mr. Picton recommended the limit of clearing and brush cutting in the direction of the wetland be the same as the limit of disturbance for the site work.

**MOTION:** To APPROVE the application Kistela, IW-03-08, 73 Dark Entry Road, Construct Dwelling per the map submitted, which is entitled "Subsurface Sewage Disposal System, Mr. & Mrs. Joseph Kistela Residence, 73 Dark Entry Road by Brian E. Neff, L.E., dated 7-20-02 and revised 2-25-03" and with the following condition: The limit of disturbance, indicated on the above referenced map, is also to be the limit of cutting vegetation in the direction of the wetlands. By Ms. Purnell, seconded by Mrs. Korzenko and passed 4-0-1. Mrs. Gray abstained as she did not visit the site or study this application.

**Maury/Cady, IW-03-10, 67/79 Carmel Hill Road, Property Line Revision & Site Development.**

Dirk Sabin was present and he submitted two more copies of the maps and four more copies of the written plans, as requested. He said he is talking to Hank Gruner, Conn. Science Center, about making a site inspection and reporting on the vernal pools.

## **V. New Applications**

### **Lecher, IW-03-11, 47 West Shore Road, Shoreline Planting.**

Dirk Sabin was present and he explained: 1. Mr. and Mrs. Lecher agreed to the language in their deed concerning the creation of a model vegetative buffer by the Lake Waramaug Task Force and they are open to how this will be done. 2. The Lecher shoreline frontage is 650 feet plus and the goal is to create a natural buffer with some bio-filtration for the surface sheet of water flowing off the lawn. Hopefully, when people see this area, they will see it's merits compared to a lawn going all the way down to the lake. 3. Plans include an informal parking area for access to the lake and some lawn for fly casting. 4. Almost the entire width between the road and the lake will be planted with native trees and shrubs, forming a dense thicket. There will be a shade sitting area and native ferns and foxglove, among others, planted in this woodland area. 5. There will also be a flowering meadow buffer area and a marsh type garden in a lowered center of the lawn area. The marsh garden will pick up road side swale drainage. 6. If approved, some work will start this Spring, however the project will continue long term. 7. Silt fences will be put in place for grading and left in place until the area is stabilized. The ground will be dug to 18 inches to add compost for planting. Anything removed will be flush cut. 8. There will be an apron of lawn along the road for site lines required by D.O.T. and for a flat use area. This apron will be seeded with blue stem turf type fescue, which is tough and does not need fertilizing. 9. Mr. Sabin will be consulting with the Natural Resource Conservation Service.

The Commission will visit the site individually before the next meeting.

## **IV. Pending Applications**

### **Brown, IW-03-09, 96 Romford Road, Permanent Dam Repair.**

Mrs. Hill said that she took file material to Land Tech Consultants for them to review.

## **VI. Enforcement**

### **Hildmann, 34 Popple Swamp Road.**

Mr. Ajello reported the following: 1. During a site inspection, he discovered three catch basins; one by the road on the west side of the barn, which seems to be connected to two more holes with grates to the east. This underground drainage was not approved but seems to be necessary given the large size of the barn. 2. There is a pile of hay bedding and manure near the catch basins, which is a problem. 2. He will investigate this further, when the snow and ice melt.

Ms. Purnell said that it is amazing how much sub-surface flow exists.

Mrs. Korzenko noted the Hildmanns had previously informed the Commission that they were going to sell the manure to a mushroom farm.

Mr. Picton and Mrs. Korzenko recommended the Hildmanns bring in a subsurface drainage system plan.

Mr. Ajello will send a notice of inquiry to ask for additional information.

### **Beck, IW-02-V1, 132 Calhoun Street, Cutting & Clearing in Wetlands.**

Mrs. Hill noted the Commission expects a report from a botanist in May and she will call Mr. Beck.

### **Brown, Longview Landing Inc., IW-02-V3, 96 Romford Road, Dam Failure.**

Mrs. Hill said that she took file material to Land Tech Consultants Inc. for them to review.

**S.M.R.Partners, IW-03-V5, 103 Baldwin Hill Road, Permit Violation, Deposition of Materials.**

Mr. Ajello noted that the present weather conditions prohibited any work on the driveway.

**Fairbairn, IW-02-54, 206 Wykeham Road, Permit Violation.**

Mr. Ajello reported: 1. He spoke to Attorney William Fairbairn today and was told the Easement had been filed and recorded with the Town Clerk in November 2002. 2. He submitted a copy of the easement for Lot 1 and a copy of the map filed and also a copy of an easement for Lot 2 to the Town filed in December 2000.

Ms. Purnell noted that there was a five lot subdivision originally with substantial drainage plans and these kept being changed to separate functions, so that it now doesn't function as a whole. Mr. Picton noted the Lot 2 Easement does not place an obligation on Fairbairn to maintain the rest of Nova Scotia Road.

Mr. Picton pointed out the map shows the use of a right of way' which the Commission specified **not** to be used. The right of way permitted is from Lot 2 to Lot 1. He said the correct map is not recorded and the map the Commission referenced needs to be the map recorded by the Town Clerk. Attorney Fairbairn also needs to file a corrected deed. Mrs. Hill will talk to William Fairbairn.

**V. New Applications**

**Steep Rock Assoc., IW-02-13, 124 Christian Street, Revision to Permit, Demolition of Buildings.**

Susan Branson, Executive Director, was present and submitted a memo, dated 2-26-03, with two alternatives to the permitted plan. She explained: 1. Originally she imagined a pile of crushed cement twice the size of what is now sitting on the slab of the big barn. So now they want to break up the slabs and remove all of the debris off the property, restoring the land to it's natural state. 2. She is thinking of bringing in topsoil. 3. The slabs are 6 inches high, maybe less. 4. This will extend the time length of the job.

Mr. Ajello reported that the contractor did well isolating the job from the wetlands, with the machine perched above to do the demolishing and stock piling. He said the silt fence had not been affected.

The members requested more information be submitted to the file and talked about the items needed.

**MOTION:** To APPROVE the Revision to the Permit for Steep Rock Association, IW-02-13, 124 Christian Street, Demolition of Buildings per the memo submitted at this meeting on 2-26-03 and with one condition: The following information is to be submitted into the file: 1. A map showing the stockpile location in front of the large barn. 2. The estimated quantity of material, concrete and asphalt, to be removed off the property. The thickness of the slabs and time period for the materials to be stockpiled. 3. A more detailed description of the manner in which the material will be removed and language explaining how these proposed activities will not compromise Bee Brook. By Mrs. Hill, seconded by Mrs. Gray and passed 5-0.

**VII. Consideration of Minutes**

**Regular Meeting - February 12, 2003**

**MOTION:** To ACCEPT the Minutes of the February 12, 2003 Regular Meeting, as amended. By Ms. Purnell, seconded by Mrs. Korzenko and passed 5-0.

The corrected / amended minutes (relevant pages) are attached to the end of these pages.

**Site Inspection - February 24, 2003, re: Kistela, IW-03-08.**

**MOTION:** To ACCEPT the Minutes of the February 24, 2003 Site Inspection re: Kistela, IW-03-08, as amended. By Mrs. Hill, seconded by Mrs. Gray and passed 5-0.

#### **VIII. Administration**

Mrs. Hill informed the other members that the Attorneys for the other Commissions have advised them that any consultant fees charged to the applicants should be mandated by Town Ordinance. She said she will call and ask Atty. Mike Zizka his opinion.

The members discussed the estimated fees for hiring Dr. Michael Klemens, Herpetologist, which are very high and are to be paid by the applicant. Members expressed reluctance to subject an applicant to this much expense but feel Dr. Klemens expertise is very important. Mrs. Hill will review the amount of work requested and re-negotiate fees with Dr. Klemens.

**MOTION:** To ADJOURN the meeting by Ms. Purnell. All agreed at 10:35 p.m.

Katherine Moquin Land Use Secretary  
March 7, 2003