

July 23, 2003

Members Present: Dorothy Hill, Charles LaMuniere, Marguerite Purnell.

Members Absent: Helen Gray, Mark Picton.

Alternates Present: Anthony Bedini, Candace Korzenko.

Alternates Absent: Robert Weber.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Joshua Weiner, John Van Deventer, Joseph Wanag, Brian Neff, Mercedes Mestre, Peter Bonachea, Darrell Cherniske.

Dorothy Hill called the Regular Meeting to order at 7:05 p.m. on Wednesday, July 23, 2003. Members seated were Dorothy Hill, Charles LaMuniere, Anthony Bedini for Mark Picton and Candace Korzenko for Helen Gray. Mrs. Hill seated Marguerite Purnell at 7:06 p.m.

Pending Applications

Getnick, IW-03-20, 237 West Shore Road, Extend Retaining Wall & Stairs, Remove Soil.

Mrs. Hill read an application withdrawal letter dated 7-10-03, from Paula M. Getnick.

Hackney/Holiman, IW-03-28, 125 West Shore Road, Repair Stone Wall.

Mrs. Hill read an application withdrawal letter dated 7-16-03, from Shauna Holiman and Robert H. Hackney, Jr.

Leddy, IW-03-29, 82 Baldwin Hill Road, Remodel House/Enlarge Patio.

Mrs. Hill read a letter dated 7-23-03 from Barbara Leddy, which said that due to a busy time they had not prepared a drawing but will submit one as soon as possible.

New Applications

Weiner, IW-03-32 E, 114, 116 Litchfield Tnpk., Farm Pond.

Joshua Weiner was present and he submitted a report with pictures dated 7-22-03, from James E. Gillespie, Certified Forester. Mrs. Hill noted that Mr. Gillespie used the 1970 U.S.D.A. Soil Survey of Litchfield County, which gives only a broad rendering of the soils present on site; Ms. Purnell noted that additional soil borings had not been done. Mr. Weiner answered the members' questions and explained the following: 1. He did not talk to Kathy Johnson, N.R.C.S. 2. The application describes the farming project including the number of trees that would be planted. 3. Planting would begin immediately; he could not plant prior to establishing a water source. 4. He will not be selling excavated soil, which would be counter to his farming enterprise as he would then have to buy soil.

Mr. LaMuniere recommended that a 15' vegetative buffer be established between new pond # 3 and Meeker Swamp. Ms. Purnell agreed with Mrs. Korzenko that the best

way to accomplish this is to leave this border undisturbed and to let it re-grow naturally from it's own seed bank.

Weiner con't:

MOTION: To APPROVE the Exemption application Weiner, IW-03-32 E, 114 & 116 Litchfield Tnpk., Farm Pond. with the following conditions: 1. Irrigation from new pond # 3 is to be used for an ongoing farming operation in the area shown on the map, "Map of Property of Joshua M. Weiner # 110, Clifford M. Weiner # 114 & 116, Weiner Tree Farm, dated 7-23-03." 2. The area between new pond # 3 and Meeker Swamp is to be left undisturbed and allowed to stabilize naturally. 3. The time limit for

evidence of planting, as submitted, is one year. By Mr. LaMunier, seconded by Mrs. Korzenko and passed 4-1-0. Mrs. Hill voted nay as she still has reservations and questions.

Van Deventer/Maillefert, IW-03-34, 52 Roxbury Road, Wetlands Crossings.

John Van Deventer was present and he answered the members' questions and explained the following: 1. He and his sister have put the 61.982 acres on the market. The property has been partially mapped by Brian Neff, P.E.; in order to utilize the wood road for prospective buyers, they propose to install one culvert and three corduroy crossings and extend the wood road to a high point (he needs to consult with Brian Neff to determine how many feet.) 2. The optimal area to build a house is the highest point with it's sloping hillsides; they will sell the property intact and hope the buyer will do the same and build one house.

Mr. Ajello made a site visit and reported that there is an intermittent stream to cross and 3-4 drainage areas along the wood road.

The Commission will make a **Site Visit** on Tuesday, August 5, 2003 at 9:30 a.m.

Morse Estate, IW-03-33, 313 Nettleton Hollow Road, Construct Driveway.

Joseph Wanag and Brian Neff, Civil Engineer were present. Mr. Neff submitted a topographical map, " 15.904 Acres, Site Analysis Plan, Joseph Wanag, 313 Nettleton Hollow Road by T. Michael Alex, L.S., dated June, 2003." Referring to the map, Mr. Neff answered the members' questions and explained the following: 1. The house site is proposed for the western part of the property at the top of the hill; test holes are good. 2. Adjacent wetlands and watercourses located off the property are depicted on this map. 3. This map shows a preliminary lay-out for a driveway; the larger culvert would be used for crossing a watercourse and a second culvert used for crossing a spring; Nettleton Hollow Road decided the location of the first crossing and in order to keep the driveway grade under 15 %, it is necessary to cross the spring; there are unusual lot lines here with a small amount of level area to work with. It looks as if it is easier to access the house site from the top down but this decision is up to the Town.

Mr. Wanag said that he spoke to Elaine Luckey, First Selectman, about Potash Road, which is not formally closed and Ms. Luckey said that she would consider opening it.

The Commission will make a **Site Visit** on Tuesday, August 5, 2003 at 10:30 a.m.

Mestre, IW-03-35, 187 West Shore Road, Replace Dock.

Mercedes Mestre and Peter Bonachea were present. Ms. Purnell recused herself, as she sits on the Lake Waramaug Task Force with Mercedes Mestre. Mercedes and Peter answered the members' questions and explained the following: 1. They are proposing to replace an existing dock and to add a smaller, lower rowing dock (18' length,) so that

people can safely board their outriggers/sculls. The sculls would be stored right on the edge of the lake. The docks would sit apart - the taller dock would extend out 40' into the

Mestre con't:

lake and the lower rowing dock would extend out 27'-30' into the lake. 2. The docks would be built with mahogany wood and attached to existing ledge by installing expansion shields with a steel plate on top. An anchor (a small box of concrete with stainless steel rod implants) would be attached to the docks on the water side.

Mercedes followed Mrs. Hill's direction and added the mooring details to the work sequence narrative.

Ms. Purnell returned to the meeting.

Mayfair Properties, L.L.C., IW-03-36, Woodbury Road, Construct Driveway.

Brian Neff, Civil Engineer, was present and he submitted a topographical map, "Grading and Drainage Plan, Fairfield Properties Inn, Woodbury Road (Route 47,) by Brian E. Neff, L.E., dated 7-19-03."

Referring to the map, he answered the members' questions and explained the following: 1. The blue color represents wetlands. 2. The construction site for the new inn is north of the Mayflower Inn and adjacent to the tennis courts (the north side of the property is the highest point with gentle slopes) and the driveway proposed for construction would start by sharing a section of the Mayflower Inn driveway coming off of Route 47; two locations of the proposed driveway are in a regulated U.R.A.; the proposed driveway basically follows existing paths (an existing service road, an existing road to the tennis courts and an existing gravel road to the pond;) the inn construction site and septic sites (one for each building) are out of regulated areas. 3. The percentage of acreage utilized for the proposed development meets Zoning requirements. 4. There is an existing well (already drilled). The site is staked out and a silt fence is depicted on the map. This site is the best location because the rest of the property is steeply sloped; the plan includes detention systems east of the buildings to allow water run-off to filter back into the soil.

The Commission will make a **Site Visit** on Friday, August 8, 2003 at 9:30 a.m.

Mayflower Inn, Inc.IW-03-37, 118 Woodbury Road, Widen Existing Driveway.

Brian Neff, Civil Engineer, was present and he submitted a plan, "Soil Erosion & Sediment Control Plan, Fairfield Properties Inn, Woodbury Road (Route 47,) by Brian E. Neff, L.E., dated 7-18-03." He said that this is a plan to widen the Mayflower Inn driveway area along Route 47; details for this activity are depicted on the same map submitted for Mayfair Properties, L.L.C. IW-03-36.

Santoleri, IW-03-39, 240 West Shore Road, Construct Retaining Wall/Stone Terrace/Fence - Install Drainage Swale/Irrigation System.

Brian Neff, Civil Engineer, was present. He answered the members' questions and explained the following: 1. Proposed erosion controls and setbacks are depicted on the plan, "Santoleri, 240 West Shore Rd., New Preston, CT., Landscape Alterations by Carol Santoleri, dated 7-18-03." 2. There is an existing terrace of grass, which would be re-constructed with paving stone. 3. A 30" high retaining wall would be built in the north area behind the house and fill placed behind the wall to change the grade; the building code requires a railing for walls over 30". 4. A drainage swale would be installed in the front of the house and connected to an existing curtain drain, which lies above the septic system; the drainage swale would be a path for storm water flow, as there is a ponding' problem in this area. 5. Measurements for irrigation systems in the front and back yards are on the application form.

The Commission will make a **Site Visit** on Friday, August 8, 2003 at 8:30 a.m.

Duchin, IW-03-38, 6 Church Street, Construct Terraces/Fountain/Stone Steps - Re-build Fence/Wall/Steps.

Darrell Cherniske, Kent Horticultural Services, was present and he submitted pictures and a color-coded plan, "Site Concepts, Duchin Residence, 6 Church Street by Kent Designs, dated August, 2002." Referring to the plan, he answered the members' questions and explained the following: 1. Natural field stone and gravel with 6" steel edging would replace an existing bluestone terrace and light grass area (depicted in yellow;) the terrace pitch is planned for 1/8" per foot (the reason for the steel retainers;) every part of this property slopes down. Fieldstone with 3"- 4" of stone dust (placed starting at the bottom and working backward / workers would use a plate compactor) would replace another existing bluestone terrace (depicted in orange.) 2. A large landing stone staircase would be built with 4' high field stones to access the property. 3. A three tiered, closed system fountain would be installed with water cascading into a plastic base container (auto-fill / re-circulates.) 4. Ornamental boulders would be placed to shore up an area depicted in green. 5. An Adirondack style fence with cedar posts would

replace the existing aluminum fence (hollow tubing) which sits along the precipice and a large stone retaining wall would be built there in a position pulled in from the edge. 6. A silt fence is proposed along the entire lower perimeter and hay bales would be placed where applicable.

Ms. Purnell wondered if the surface of the proposed terraces was more impervious than hard-packed ground with grass. Mrs. Hill noted that the compaction occurring on a terrace would not be the same as using a driveway.

The Commission will make a **Site Visit** on Friday, August 8, 2003 at 9:00 a.m.

Pending Applications

Mann, IW-03-31, 51 Calhoun Hill Road, Enclosed Porch.

Brian Neff, Civil Engineer, was present and he said the setback between the house and the pond was approximately 92'. Ms. Purnell noted that the Commission thoroughly discussed this "almost a De Minimus application" at the last meeting and she does not see the possibility for long term impacts to occur.

MOTION: To APPROVE the application Mann, IW-03-31, 51 Calhoun Street, Enclosed Porch as submitted. By Ms. Purnell, seconded by Mrs. Korzenko and passed 5-0.

Enforcement

Hildmann, IW-03-15, 34 Popple Swamp Road, Construct Drive and Horse Riding Ring - Revision.

Brian Neff, Civil Engineer, was present. Mr. Ajello reported: 1. The Hildmanns informed him that their contractor Mr. Lowe has completed the stock pile removal and wants to install another catch basin to drain this area. 2. Some clearing has been done in the area along the road in front of the barn. Ms. Purnell requested a plan for a revision to add a catch basin and expressed her concern about directing water from a point source outlet, which increases water velocity and she recommended changing the grade as a solution. Mr. Neff will contact the Hildmanns.

New Applications

Dedell, IW-03-02 D, 45 Upper Church Hill Road, Construct Pergola, Screened Porch, Arbor / Install Pool Fence, Driveway Fence.

Mr. Ajello said that he approved this De Minimus application.

Saccomano, IW-03-04 D, 67 Christian Street, Re-route Driveway.

Mr. Ajello said that he approved this De Minimus application, which proposed a curving the driveway farther from possible wetlands and depositing gravel. Ms. Purnell thought that due diligence required the Commission to review this '30 feet' from the wetlands' activity via a full application; she said that activities considered De Minimus within 50'- 75' from wetlands could be a 'slippery slope' to a situation in which the Commission would be held liable. Mrs. Hill did not agree with Ms. Purnell and thought this activity would cause only minimal impact.

Members will make individual **Site Visits** before the next meeting.

Guliano, IW-03-03 D, 19 Winston Drive, Re-trench & Armor Drainage Swale.

Mr. Ajello said that he approved this De Minimus application.

Enforcement

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

Mr. Ajello said that Mr. Beck told him that he would remove the invasives this Autumn. Members reviewed a letter sent to Mr. Beck, dated June 30, 2003, which directed the invasives to be removed as soon as possible. Members realized Cynthia Rabinowicz, Biologist, was likely busy but they are concerned about garlic/mustard going to seed and the rose and barberry bushes going to berries, which would be spread by birds. And members expressed a determination to enforce their enforcement orders.

Mr. Ajello will send a letter to Mr. Beck telling him to comply with the Commission's letter of June 30, 2003 and to complete the work of removing the invasives by September 1, 2003.

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

Mrs. Hill said that she does not think the Commission is quite at the stage of court action and Elaine Luckey, First Selectman, agrees with her. Mrs. Hill wrote a letter to Dr. Brown informing him that the Commission will proceed with court action if he continues to ignore their requests for a professional engineering plan of his dam. Mrs. Hill will call Atty. Michael Zizka, vacationer, again.

Ross, IW-02-V4, 10 Sunny Ridge Road, Wetlands Restoration.

Mrs. Hill made a site visit today - no one was working at the time and she did not observe any sediment forming from the rain. She said that the wetland boundary stakes north of the pond come close to the wood road and trees and she wondered if the trees might be cut and the road might disappear; she wondered if there is merit to digging out this area all the way back. Mr. Ajello said that the trees would not be cut because they are standing at the original grade and he thought there would be no harm in digging back to the stakes. Ms. Purnell said that a wood road going through the wetlands existed in the past and before the filling was done.

Mr. Ajello reported: 1. The previous soil level is obvious, as soil characteristics are easily evident; the excavator is aware of his charge. 2. The grade in the field is 6' higher from the spread material and rocks are being stockpiled in the field. 4. He did not see Curtis Smith during his site visits. Mr. Ajello will call Curtis Smith to confirm his daily supervision of this work.

Fairbairn, IW-02-54, 206 Wykeham Road, Permit Violation, Construct Wetland Crossing.

Atty. Arthur Weinshank sent a letter, dated July 21, 2003 requesting the permit to be transferred to his wife's name.

MOTION: To TRANSFER Permit # IW-02-54 from Fairbairn to Deborah Weinshank. By Ms. Purnell, seconded by Mrs. Hill and passed 5-0.

MOTION: To RE-LEASE Notice of Violation Fairbairn IW-02-54, 206 Wykeham Road, Permit Violation, Construct Wetland Crossing, from the Land Records. By Mrs. Korzenko, seconded by Mr. LaMunier and passed 5-0.

Levy/Kady, IW-03-V6, 129 Wykeham Road, Deposition In or Near Wetlands.

Mr. Kady called and spoke to Mrs. Hill on the phone today; he is finding it difficult to enlist a soil scientist because of very busy schedules; she asked him to please keep the Commission informed and to push for a soil science report. Mr. Kady also called Mr. Ajello to explain his situation and Mr. Ajello encouraged a constructive climate.

Brodie, IW-03-V8, 17 Wheaton Road, Dirt Bike Track Thru Wetlands.

Goutiere, IW-03-V10, 33 Wheaton Road, Dirt Bike Track Thru Wetlands/Clearing in Regulated Area/Interruption of Water Course.

Mr. Ajello called Ms. Brodie and Ms. Goutiere this evening; they do not have a written plan but they have kept their boys out of the wetlands; ; they want to leave the logs in place for crossing in the future;

Ms. Goutiere's son cleared the stream as directed. Mr. Ajello told them that the Commission is waiting for a written plan as specified during the meeting of June 11, 2003.

Boies, IW-03-V7, 27 Cook Street, Deposition in Drainage Gorge, Erosion.

Mr. Ajello reported that there is no new information. Members discussed whether a full application is required and decided to let Mr. Boies continue with the gorge clean-up without the structure of an application.

Wertheimer, IW-03-V11, 106 Shearer Road, Logging Operation.

Mr. Ajello called Judd White, D.E.P. Forester, and faxed him copies of the original permit; Elaine Luckey, First Selectman, is preparing a logging ordinance to establish a term of one year for logging permits and an extension provision of a six months. Mr. Ajello will send a notice of violation to Mr. Wertheimer.

E.O. Report

Deveraux-Glenholm School, Sabbaday Lane.

Mr. Ajello left a message with Mr. Fitzherbert to have Brian Neff, P.E. submit a proposal.

Feldman/Frater, 123 West Shore Road.

Mr. Ajello said that they are asking if they can put in sand for a play area by the stone wall. Members said no, that the only exceptions to putting sand near the lake were for the Town beach or other similar situations.

Montessori School, IW-01-08, 240 Litchfield Tnpk.

Mr. Ajello said that the contractor is approaching the time when he will request a certificate of occupancy'. Ms. Purnell said that first the vernal pools need to be restored according to a condition of the permit; she said it was important to honor the previous Commission's directive and if it is not followed could render the permit null and void.

The Commission will make a **Site Visit** on Tuesday, August 5, 2003 at 8:30 a.m.

Knudsen 236 Nettleton Hollow Road.

Mr. Ajello reported that the pond dredging permitted four years ago is being done now and Eric Nelson, Contractor, intends to drain the pond, repair the dam and re-fill the pond slowly; He recommended a second filtration barrier to be installed in-stream and this is being done.

Madoff, IW-02-42, 241 West Shore Road

Mr. Ajello said the fence installation is a Zoning issue.

Consideration of Minutes

Regular Meeting - June 25, 2003

MOTION: To ACCEPT the Minutes of the Regular Meeting of June 25, 2003 as amended. By Ms. Purnell, seconded by Mr. Bedini and passed 5-0.

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

Regular Meeting - July 9, 2003

MOTION: To ACCEPT the Minutes of the Regular Meeting of July 9, 2003 as amended. By Mrs. Korzenko, seconded by Mr. Bedini and passed 5-0.

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

Old Business

La Verge, 226 Bee Brook Road.

Mrs. Hill said that they asked to submit the same information used for previous permit to construct a bridge; she told them to submit new copies because it is much too late for an extension.

Quatrano, IW-02-10

Elaine Luckey, First Selectman, is requesting the Commission to send a violation notice about the lake shore line activity taking place without a permit; Mrs. Hill and Mr. Ajello will write the letter.

Sheinfeld, IW-02-61 ATF.

Mrs. Hill wrote to Mr. Sheinfeld concerning the consultant fee due and asked Dirk Sabin, L.A. to talk to Mr. Sheinfeld about the address confusion (#110 or #112.)

Randall, 53 River Road, Request Release - Enforcement Order from Land Records.

Mrs. Hill said that this is a complicated business and they will address it at the next meeting.

Administration

Mrs. Hill urged members to attend this Friday night's meeting for the Plan of Conservation and Development 2003.

MOTION: To ADJOURN the meeting by Ms. Purnell. All agreed at 12:24 a.m., 7-24-03.

Filed subject to approval

Katherine Moquin, Land Use Secretary
August 1, 2003