

December 10, 2003

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

Alternates Present: Candace Korzenko.

Alternates Absent: Anthony Bedini, Robert Weber.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Atty. Ann Martindale, Arthur Howland, Bruce Bennett, Regine Laverge, Atty. Robert Fisher, Brian Neff, Dorothy and Raymond Bolek, Peter Marcucio, Kimberly Allen, Ross Gentile, Maria Taylor, Hank Randall.

Regular Business

Dorothy Hill called the meeting to order at 7:10 p.m. and seated members Dorothy Hill, Helen Gray, Charles La Muniere, Mark Picton and Alternate Candace Korzenko for Marguerite Purnell.

MOTION: To ADD to the Agenda, 1.Randall - 53 River Road to Enforcement and 2.Washington Montessori School - IW-01-08 to Other Business. By Mrs. Gray, seconded by Mrs. Korzenko and passed 5-0.

Mrs. Hill seated Marguerite Purnell when she arrived at 7:13 p.m. and thereby un-seated Candace Korzenko.

Pending Applications

Ficalora, IW-03-54, 13 Winston Drive, Construct Dwelling.

Atty. Ann Martindale and Arthur Howland, L.S.& P.E., and Pasquale Guiliano, neighbor, were present. Mrs. Hill requested a live signature on the authorization letter, dated 12-9-03. Atty. Martindale pointed out Lot 59 A was purchased in 1972 along with three other lots in this subdivision with a family purpose in mind. Mr. Howland submitted revised plans, "Alternative C", Proposed Sanitary Disposal System, Church Hill Corp. Lot 59A, Church Hill Road by Arthur Howland, L.S.& P.E., dated July 25, 2003 and revised 12-9-03." He said that he addressed the drainage coming from the bordering Guiliano property by repositioning the proposed driveway, shortening the footprint of the house and installing a culvert under the proposed driveway approximately halfway down; water would no longer flow to the building site; 500 square feet at the back corner of the proposed house site would still remain in wetlands; four cubic yards of material would be added. During a site inspection, Mr. Picton observed the stream (flowing east-west along the border of the Guiliano property) originating from the lower corner of a hayfield/lower corner of a stone wall and continuing in a well established and hardened channel and containing a collection of rocks - in the area at the exit point of Mr. Guiliano's 4" pvc pipe, there is a deposition of silt which directs water onto the Ficalora property and creates a new stream (roots are still showing) which runs down toward the proposed house site. Mr. Picton thought the water should be re- established in its natural and Historical path along the border. Mr. Guiliano said that he is concerned about a solution which would wash out his driveway on Fiddlehead Lane and he submitted a letter, dated 12-10-03. Mr. Howland pointed out the contours of the property direct subsurface water from one-half of the proposed house site (situated at a high point) toward Fiddlehead Lane and flows the other way from the other half of the house site. Members agreed that Mr. Ficalora cannot fix a stream on Mr. Guiliano's property. Mr. Picton advised installing a spreader at the outlet of the newly proposed culvert under the driveway to decrease the velocity of water into a sheet-flow and possibly constructing a 30' armored swale on the Ficalora property on the downhill side to direct water back into the original stream bordering the Guiliano property.

Members agreed that a three bedroom house is better suited for this lot and would require a shallower

septic system, less fill and a decrease in the use of water by 150 gallons of water per day. Mr. Howland said the Health Dept. has approved a septic system for a four bedroom house.

Mr. Picton thought the Commission should look at the original subdivision approval to determine if there were any stipulations or limitations. Atty. Martindale submitted a copy of the deed, Volume seventy eight, pages 159-163, and members reviewed the deed re the third parcel. And they reviewed a portion of the re-subdivision map # 356, dated 1974 without finding any restrictions.

Mrs. Korzenko thought a review of the above cited plan by another expert opinion is in order. Members agreed to consult Bob Oley, P.E., at Land Tech Consultants and have Mr. Howland do his revisions first, including a clearly delineated limit of disturbance. Members hoped that the neighbors could agree to work together to clean out the silt from the stream on the Guiliano property; Atty. Martindale said that if any such agreement is reached, she will submit the details.

Auchincloss, IW-03-57, 5 Kielwasser Road, Cut Trees & Brush, Stabilize Stream Banks, Planting.

Bruce Bennett, Kent Greenhouse, was present and he submitted a work sequence, a portion of a map, "Inland/Wetland Proposal for 5 Kielwasser Road by Kent Greenhouse-n.d." and photos. He decreased the number of trees proposed for removal from thirty six to twenty six and stones, blocking the front of the culvert, would be removed and packed by hand onto the banks for twenty feet upstream of the culvert. Invasives would be removed in an area on the side of the driveway and native species would be planted. During a site inspection Mr. Picton observed ten dead ash trees and ten more with weak tops. He said that his idea is to save the canopy and take out ten to twenty trees by hand without a machine and do this just in one area, check for progress in one to two years before proceeding to a previously un-managed area. Ms. Purnell pointed out the winter is a good time to work because it provides conditions for less disturbance.

MOTION: To APPROVE the application, IW-03-57, submitted by Auchincloss to cut trees and brush, stabilize stream banks and re-plant the listed native species at 5 Kielwasser Road and with the following conditions: 1. Only the mostly dead and damaged trees are to be cut; heavy operating equipment is not to be used - sections of logs can be carried out by hand. 2. The only area to be cleared is the previously cleared/managed area; the limit of management is to be the westernmost stream. 3. Invasives are to be removed only by hand-held equipment and with a preference that invasive plants not be grubbed out; but if grubbing is done, a weed wrench or other hand-held equipment is to be used. Invasives are to be removed only in the area outlined in yellow on the section of map, "Inland / Wetland Proposal for 5 Kielwasser Road by Kent Greenhouse" submitted at tonight's meeting (12-10-03) and are not to be removed below the driveway. 4. Riprap armoring is to be done only on the stream banks 20' (twenty feet) up-stream of the culvert closest to the house. 5. The Commission will make a Site Inspection during the 2004 Summer. By Mr. Picton, seconded by Mr. La Muniere and passed 5-0.

Mr. Picton expressed his concern about seeing so much destruction of woodland.

Laverge, IW-03-62, 228 Bee Brook Road, Stream Crossing.

Regine Laverge and Atty. Robert Fisher were present. Mr. Fisher said that re the alternative approach proposed during the 11-25-03 meeting, he found out the new driveway route requires a substantial retaining wall and a lot of fill; Brian Neff, P.E., agreed to review the plans and make suggestions. Ms. Laverge pointed out the ZBA Commission would also have to approve fourth party use of the existing driveway and the neighbors would have to agree to this. Members wondered if the alternative approach decreased the impact to wetlands and watercourses. Mr. Picton pointed out that several structural drainage issues would need to be included in the plans for the alternative approach; slopes would need to be stabilized during construction, a 150' long gutter installed along the driveway, the engineer to consider more culverts installed every 150' and riprap added to the outlets of the drainage pipes. Mr. La

Muniere would like to see the gutter ripraped as well.

Mrs. Hill did not see a problem with how the previous plan, "Plan & Profile, Regine Laverge, Lot 2, Bee Brook Road by C.C.A., Inc., dated Dec. 14, 1994" was engineered and Mr. Picton agreed it was well done. Mrs. Hill said the members could act on the previous plan tonight but thought the substantial requests for the alternate plan should be addressed by the engineer first.

Neuhaus, IW-03-64, 147 Kinney Hill Road, Drainage Installation.

Brian Neff, P.E., submitted a revised plan, "Yard Drainage Plan, Lee Neuhaus, 147 Kinney Hill Road by Brian E. Neff, P.E., dated 11-10-03 and revised 12-5-03." He moved the piping and riprap apron north to an area outside the 100' review area; the wetlands were flagged, the perc tests done and another survey done; the original subdivision map is filed in the Town Clerk's office, record #245, but a site plan for a house is not recorded. Mr. Neff said the western side of the lot is very wet and he chose a compact area for development close to Kinney Hill Road; a swale would be installed along the north border to catch the flow of water coming from the bordering property and direct it to the rear of the property with the outlet at the edge of the tree-line.

MOTION: To APPROVE the application, IW-03-64, submitted by Neuhaus to install drainage at 147 Kinney Hill Road per the revised plan, "Yard Drainage Plan, Lee Neuhaus, 147 Kinney Hill Road by Brian E. Neff, P.E., dated 11-10-03 and revised 12-5-03" and with the condition that prior to house construction an application is to be submitted to the Inland Wetlands Commission. By Mrs. Hill, seconded by Mrs. Gray and passed 5-0.

Ms. Purnell noted every effort had been made to minimize the impact to wetlands and watercourses and requests had been addressed. She said water would now be flowing east of the wetland.

Bolek, IW-03-65, 83 East Shore Road, Dock, Sea Wall, Retaining Wall, Deck.

Dorothy and Raymond Bolek submitted a revised plan, "Proposed Dock Improvements,

Raymond Bolek, Conn. Route 45 by C.C.A., L.L.C., dated 12-8-03;" Ron George, P.E., added a wall curve. Mr. Ajello, E.O., submitted a photo. Members reviewed photos of the dock in 1961 and Mr. and Mrs. Bolek submitted copies of these photos. Mr. Bolek said their purpose is to replace what was there and to stabilize the shoreline; the wall protects the shoreline from heavy summer wave action and the wall wings create an area of shallow water for their grandchildren.

Ms. Purnell pointed out the property is on a State right of way; an application needs to be submitted to the State Highway Dept. and the D.E.P. Mr. Bolek said the State wants to see an application filed with the Inland Wetlands Commission first.

Members are concerned with the continuous armoring of the lake and the Bolek's proposal to use cement blocks instead of natural armoring such as boulders. Members asked for supporting facts for the claim that the same footprint would be used; the historical dock needs to be clearly depicted on the plans as the basis for the right to re-build. Members also requested a plan that doesn't increase the permanent structural area - could have the wall wings curve out within the footprint of the deck and they requested the fence be included on the plans.

Marcucio, IW-03-66, 45 Dark Entry Road, Construct Swale.

Peter Marcucio said David Beers, prior E.O., requested the existing detention basin. Ms. Purnell said it made sense to have a detention basin on the other side. Mr. Ajello pointed out the existing basin is located immediately adjacent to the wetland and if the primary basin is placed on the other side, then there would be less material going to the existing basin and less incentive to clean it out; gravel and sandy material is in the existing basin now. Members advised Mr. Marcucio to not clean out the

existing basin and to allow it to re-vegetate and to then maintain the new basin on the other side.

MOTION: To APPROVE the application, IW-03-66, submitted by Marcucio to construct a swale at 45 Dark Entry Road and with the condition that the secondary detention basin indicated on the drawing, "Dark Entry Road, Lot NO. 3, dated 11-25-03" be constructed to a size approximately 6' x 8' (six feet by eight feet) and 2'-3' (two to three feet) deep. By Ms. Purnell, seconded by Mr. Picton and passed 5-0.

Mrs. Hill noted that the Commission does not expect the existing detention basin to be cleaned out.

Gentile, IW-03-68, 38 Winston Drive, Construct Dwelling.

Kimberly Allen and Ross Gentile submitted revised plans, "Plot Plan and Grading Plan, Ross Gentile, 38 Winstone Road by Trinkus Engineering, L.L.C., dated October 30, 2003 and revised no date." Mr. Gentile said they decided to flip-flop the house and put the driveway on the other side to avoid the large amount of cutting and fill required on the steep side; he said they are also concerned about the existing ledge and the zoning limits. Mr. Picton pointed out they do not know the location of the wetlands and he suggested an alternate course for the driveway, following the contour line, which would be a much better driveway and less likely to erode. Mr. Ajello suggested using the well-formed existing driveway, which is away from the wetland; he said the house could be 15' back and rotated to have easier access to the garage; Mr. Picton agreed the house could be moved away from the stream, the driveway moved away from the outlet of the stream and the house re-oriented. Mr. Picton also pointed out that moving the septic tank was not expensive.

Mrs. Hill suggested the Commission hire a consultant to verify if any wetlands exist on the site. All the members agreed.

New Applications

Wadsworth, IW-03-70, 12 Winston Drive, Construct Dwelling.

Brian Neff, P.E., said this application offers a three bedroom house, which would involve a smaller area of disturbance; both the footing drain and curtain drain above the driveway intercept surface and sub-surface water and direct water to two places with spread aprons at both outlets; the house footprint remains the same and the deck makes sense at the back of the house where there is a steep drop-off because it would not require fill. Mr. Picton requested: 1) The tree line be clearly indicated on the plans as the limit of disturbance and language included to further emphasize that the area beyond the limit is restricted from any changes. 2) Re-graded contours be shown on the plans. 3) Submit what would be done to grade around the house.

Taylor, IW-03-71, 38 New Preston Hill Road, 2-Lot Subdivision.

Maria Taylor and Brian Neff, P.E., were present. Mr. Neff said the site would be subdivided for potential development on Lot 2; the existing house is situated on 7.6 acres; Lot 2 would contain 10.2 acres, outside of the 100' review area and clear of streams; there is a conservation easement area on the east side; the wetlands are flagged.

The Commission will make a **Site Visit** on Thursday, January 8, 2004 at 9:00 a.m.

Enforcement

Mrs. Hill recused herself, as she is a longtime neighbor.

Randall, IW-03-V12, 53 River Road, Disturbance of Wetlands/Mowing in Wetlands

Hank Randall said that only certain areas in the field are wetlands and other areas are allowed to be lawn and that he needs to resolve this situation because of a long-awaited upcoming closing to sell his house. Ms. Purnell pointed out to Mr. Randall that documentation needs to be presented to back up his

claim of permitted areas of lawn. Mr. Ajello submitted a time line of events, covering the basic features and including after-the fact activities and violations, one of which was recorded on the Land Records in November 1999 because there had been no response to enforcement letters sent regarding the mowing of this wetland field. Mr. Ajello said the most recent violation has been restored as much as possible and the area seeded and mulched; also the stone wall was approved, so the only issue remaining is enforcing the restriction to mow the meadow only once per year. Ms. Purnell noted Mr. Randall received a permit in 1993 to enlarge the pond with the condition the meadow be limited to mowing once per year, so there has been ten years of mowing against the agreement. Ms. Korzenko pointed out that Mr. Randall cannot mow this time of year, cannot do a restoration this time of year and cannot mow in the future if he doesn't own the house after the closing.

Mr. Ajello suggested the members ask Mr. Randall to have his lawyer draw up a deed restriction to follow the Land Records for future owners, which would limit the mowing of the wetland meadow to one time per year and leave the meadow as a natural wetlands habitat and allow no further clearing of the woodland. All agreed. Mr. Picton volunteered to speak to Mr. Randall's attorney about this and also request the deed restriction be enforced by the Inland Wetlands or the Conservation Commission. Members agreed to let Mr. Picton resolve this so Mr. Randall can sell his house.

Pending Applications

Meyers, IW-03-58, 5 West Church Hill Road, Clean Silt Basin.

Ms. Purnell said she doesn't have a problem with this maintenance. Mr. Ajello reported the difficulty in accessing the basin with equipment; he will measure the pond and call Mr. Meyers to ask for clarification of the pond dimensions and ask how the equipment will reach the pond.

Meyers, IW-03-59, 5 West Church Hill Road, Re-build Stone Wall.

Mr. Ajello reported that this is a basic job and he sees no problems; half of the wall has been done. Members decided to add the clarification that the wall be two feet high.

MOTION: To APPROVE the application, IW-03-59, submitted by Meyers to re-build a 2' (two foot) high stone wall at 5 West Church Hill Road. By Mr. Picton, seconded by Ms. Purnell and passed 5-0.

Town of Washington, IW-03-63, 59 East Shore Road, Install Fence.

Members agreed the possibility of impact to the lake is minimal.

MOTION: To APPROVE the application, IW-03-63, submitted by the Town of Washington to install a fence at 59 East Shore Road. By Ms. Purnell, seconded by Mr. La Muniere and passed 5-0.

Town of Washington, IW-03-60, Tinker Hill Road, Drainage Installation.

Mrs. Hill noted they are waiting for an engineered plan.

Katz, IW-03-67, 136 Nichols Hill Road, Repair Wall.

Mr. Ajello reported this proposal involves more than a wall - there is a dam downstream of the wetlands and the pond measures on tenth of an acre or more. He noted the application is lacking in detail. The Commission will make a **Site Visit** on Thursday, January 8, 2004 at 9:45 a.m.

Pending Applications

Morse Estate, IW-03-69, 313 Nettleton Hollow Road, Construct Driveway.

Mrs. Hill noted that no plans had been submitted to review.

Enforcement

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

Mr. Ajello reported that Mr. Beck told him the invasives would be removed this week if possible. Mr. Ajello observed timber harvesting occurring in a pine forest and informed Janet Hill who will consult with the selectmen.

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

Mrs. Hill noted that requested information has not been submitted to date. Members agreed to consult their attorney, Michael Zizka, after the holidays.

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

Mrs. Hill noted that requested information has not been submitted to date. Mr. Ajello reported that Mr. Ross sent a letter, dated 11-24-03, in response to Mr. Ajello's letter, dated 11-17-03. Members agreed that their understanding is that Mr. Ross does not intend to complete the restoration as directed and they agreed to consult Attorney Michael Zizka after the holidays.

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

Mr. La Muniere said the requested restoration to remove fill to the depth of the original surface has only been done in the area adjacent to the stream; Mr. Picton said the fill has been removed from an area 12' back from the stream and it appears that the fill has not been removed to 25' back from the stream as directed. Mrs. Hill, Mrs. Gray, Mrs. Korzenko, Mr. Picton and Ms. Purnell agreed the restoration needs to be completed, otherwise they are not doing their job. Mrs. Hill will ask Land Tech Consultants to provide a soil scientist to determine the original surface level.

Enforcement Officer's Report and Actions Taken

Mr. Ajello reviewed his 12-10-03 report. Updates on Daley Alldredge, IW-03-44 D, Gentile, IW-03-68 and Bolek, IW-03-65 were included.

Other Business

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

Ms. Purnell said that she has nothing new to report.

Consideration of Minutes

The minutes of the regular meeting of November 25, 2003 were accepted as amended.

Page 1, under also present, add Dorothy and Raymond Bolek.

under motion, 1st line- add 1) before IWC; 2nd line - add 2) before Marcucio; 3rd line - add 3) before Washington.

Page 2, under motion, 5th line - delete passed and insert failed.

under Ficalora, heading - delete 10 Sunrise Lane and add 13 Winston Drive.

number 7) - delete The soil scientist thought the water would probably return to non-wetland soil.

9th line up from bottom - add well before water.

10th line up from bottom - add including those down-slope after wetlands.

11th line up from bottom - add undated before letter.

12th line up from bottom - delete dated and insert received.

Page 3, 1st line - add when he arrived after Picton and add and Mr. Bedini was thereby un-seated after p.m.

under Ficalora, last line - delete would and insert will and delete nor and insert or.

under Laverge, 3rd line - delete one of

4th line - delete her and correct spelling of fourth.

5th line - delete the existing bridge and.

9th line - delete The roadway over the bridge is considered a highway right of way and belongs to the State.

last line - delete to modify and insert to explore modifications to

Page 4, under Bolek, 7th line - delete per and insert by.

above Marcucio - add Anthony Bedini recused himself as he is a neighbor.

under Gentile, 6th line - delete requested and insert suggested.

Page 5, 3rd line - delete post and insert from the date of .

under Enforcement Officer's Report, 3rd line - correct spelling of Pearlstine.

under Ross, 1st line - add is after Picton and add ing after will.

Page 6, under Beck/Brown, 1st line - delete requests and insert requested information.

heading of Wertheimer and 3rd line - correct spelling of Wertheimer.

under Randall, 1st sentence - delete bulldozer and insert track loader.

Page 7, under motion to adjourn - add at 11:50 p.m.

MOTION: To ACCEPT the November 25, 2003 Regular Meeting minutes as amended. By Mr. Picton, seconded by Mrs. Gray and passed 5-0.

The minutes of the regular minutes of November 12, 2003 were re-accepted as amended.

Page 5, under Armstrong, 9th line - delete garage and insert building.

Page 6, under motion, 5th and 6th line - delete garage; setback from the wetlands not to be any closer than 12 feet on either side of the building and insert building; bringing the setback of the building on both ends 12 feet closer to the wetlands.

MOTION: To ACCEPT the November 12, 2003 Regular Meeting minutes as re-amended. By Mrs. Hill, seconded by Mrs. Gray and passed 5-0.

The minutes of the special meeting re Ficalora, IW-03-54 of December 3, 2003 were accepted as amended.

Correct spelling of Guiliano throughout.

MOTION: To ACCEPT the December 3, 2003 Special Meeting minutes re Ficalora - IW-03-54 as amended. By Mrs. Hill, seconded by Mr. Picton and passed 4-0-1. Mr. La Muniere abstained as he did not attend this meeting.

The minutes of the special meeting re Gentile, IW-03-68 of December 3, 2003 were accepted as amended.

MOTION: To ACCEPT the December 3, 2003 Special Meeting minutes re Gentile - IW-03-68 as

amended. By Mrs. Hill, seconded by Mr. Picton and passed 4-0-1. Mr. La Muniere abstained as he did not attend this meeting.

The minutes of the special meeting re Marcucio, IW-03-66 of December 3, 2003 were accepted as written.

MOTION: To ACCEPT the December 3, 2003 Special Meeting minutes re Marcucio - IW-03- 66 as written. By Ms. Purnell, seconded by Mrs. Hill and passed 4-0-1. Mr. Picton abstained as he did not attend this meeting.

Administration

Sheinfeld, IW-02-61 ATF, Record Conservation Easement and Mylar Map.

Mrs. Hill said that she is working on this matter.

Administration Meeting

Members scheduled an administration meeting on Wednesday, January 7, 2004 at 6:30 p.m.

MOTION: To ADJOURN the meeting by Mrs. Hill. All agreed at 1:10 a.m., December 11, 2003.

Filed Subject To Approval

Respectfully submitted,
Katherine Moquin, Land Use Secretary
December 19, 2003