

October 23, 2002

Members Present: Dorothy Hill, Helen Gray, Charles La Muniere, Marguerite Purnell, and Robert Weber.

Alternates Present: Mark Picton.

Alternates Absent: Candace Korzenko, Mark McGowan.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Darrell Cherniske, Christina James, Mark DePecol, Dennis McMorrow, Julian Beck.

Dorothy Hill called the meeting to order at 7:10 p.m., Wednesday, October 23, 2002. Members seated were Dorothy Hill, Helen Gray, Charles La Muniere, Marguerite Purnell, and Robert Weber.

MOTION: To **ADD** Croasdaile, 67 River Road, IW-02-66, Clear Detention Pond to the Agenda IV. New Applications and Bedini, 43 Dark Entry Road, IW-02-25, Pave Existing Driveway to VI. Administration. By Mrs. Hill, seconded by Mr. Weber and passed 5-0.

II. Consideration of Minutes

Regular Meeting, October 9, 2002.

MOTION: To **ACCEPT** the minutes of the Regular Meeting - October 9, 2002, as amended. By Ms. Purnell, seconded by Mrs. Gray and passed 5-0. The corrected minutes (relevant pages) are attached to the end of these pages.

Special Meeting, Site Inspection, October 17, 2002, Re: Goutiere IW-02-60, Duchin IW-02-68 and Rizzo/James IW-02-69.

MOTION: To **ACCEPT** the minutes of the Special Meeting, Site Inspection - October 17, 2002, Re: Goutiere IW-02-60 and Duchin IW-02-68 and Rizzo/James IW-02-69 as amended. By Ms. Purnell, seconded by Mr. La Muniere and passed 4-0-1. Mrs. Hill abstained as she did not attend this meeting.

Special Meeting, Site Inspection, October 22, 2002, Re: Montessori School IW-01-08

MOTION: To **ACCEPT** the minutes of the Special Meeting, Site Inspection - October 22, 2002, Re: Montessori IW-01-08 as amended. By Mr. La Muniere, seconded by Mrs. Gray and passed 3-0-1. Mrs. Hill and Ms. Purnell abstained as they did not attend this meeting.

III. Pending Applications

Duchin, 6 Church Street, IW-02-68, Build Retaining Wall & Steps, Clearing, Construct Parking Pull-off.

Darrell Cherniske, Kent Greenhouse, was present and submitted a revised drawing, "# 6 Church Street, New Preston by Kent Designs, dated Aug.-02" with a color code and key. He explained the following: 1. He did not have additional soils type information. 2. The trees, with a 5 inch diameter trunk or over, though not tagged will remain, in order to avoid mistakes. The smaller trees were tagged to remain. 3. Mr. Duchin is aware of Mr. Cannavaro's report on work to be done on the nearby bridge. 4. He obtained information about a biodegradable porch cleaner, which is not acid based and does not contain bleach.

Per the Commission's request, Mr. Cherniske added "Extending Back To The Montessori Parking Lot Property. DJC, 10-23-02" to the letter, "# 6 Church Street, New Preston, Ct., Brushclearing Parameters, dated 10-22-02" and added "Bank Planting Where Existing Bed Has Had Perennials Removed, * Existing Bed Has Adequate Planting Depth For Plant Material So No Major Filling Or Addition Of Material To Be Required" to the estimate, "Estimate, New Preston Property, dated 8-22-02, # 2160."

Mr. Charles La Muniere explained the following: The southern portion of the property, adjacent to the

stone wall wall by the road, indicated for brush clearing, is a steep slope. There are 2 to 4 inch diameter hardwood saplings in this area. The existing heavy canopy will stop these saplings from leafing out. An existing cherry tree, with an odd angle, does not add support to this slope. There is not a large amount of erosion in this area.

The Commission requested the following: 1. Mr. Ajello to do a photo documentation and to work with Mr. Cherniske on the site, in the steep slope area indicated for clearing, to reduce the amount of proposed clearing.

MOTION: To **APPROVE** the application Duchin, #IW-02-68, Build Retaining Walls and Steps, Clearing, Construct Parking Pull-off at 6 Church Street per the plan, "Site Concepts, Duchin Residence, 6 Church Street, New Preston by Kent Designs, dated Aug.-02" and per the revised drawing, "# 6 Church Street, New Preston by Darrell Cherniske, dated 10-22-02" and with one condition: Mike Ajello, E.O. will make a site visit and work with the applicant's agent to reduce the amount, proposed to be cleared, on the steep slope area, at the southern edge of the property, which is adjacent to the stone wall by the road. By Mr. La Muniere, seconded by Mrs. Gray and passed 5-0.

Ms. Purnell noted the amount, of proposed clearing, is moderate. **Rizzo/James, 129 Bee Brook Road, IW-02-69, Construct Shed, Build Retaining Structure.**

Christina James was present and submitted a new proposal for the retaining structure, "To: the Wetlands Commission, From: Rizzo-James property at 129 Bee Brook Rd., dated 10-23-02" and per the Commission's request, lawn terrace lines depicted on a survey map, "Harold J. Wellings, 129 Bee Brook Road by T. Michael Alex, dated March 1993." She explained the following: 1. The new proposal is to create a riprap wall with gabions (mesh wire holding rocks) and plant ivy in-between the rocks. 2. She is meeting with Brian Neff, engineer and Mr. Nelson, Garden Paths tomorrow for a consultation. 3. Estimates from contractors to construct a stone wall were very costly. Mr. Ajello explained the following: 1. This new proposal is a closer match to his recommendations, which are in his report of 10-23-02, because stone provides a greater mass and longevity. Rooty spikes between boulders placed on top of crushed stone and designed by an engineer, would be an excellent alternative. 2. The stream did not appear to be causing erosion. The Rizzo/James' goal is to terrace the bank in order to be able to walk along the stream.

Ms. Purnell said using live willow roots between boulders is a novel, bio-engineering plan for bank stabilization and recommended the boulders be placed only at the top of the bank.

Mr. Picton explained the following: 1. He thought the stream bank and lawn were not a rapidly eroding situation. Leveling the lawn by adding fill is not a good idea and adding soil on top of the bank would not help to stop erosion. 2. Storm water run-off, from the driveway and roof, going across the lawn, seem to be the cause of erosion. This storm water run-off will still erode through the boulders and needs to be managed by directing the water, away from the bank, with terrain contouring, designed by an engineer and gravel in the driveway, instead of hard packed dirt, would help. 3. Natural boulders look better than gabion and is probably less expensive.

The Commission requested the following: 1. All work on the bank is to cease. 2. The footprint of the garden room and proposed deck depicted on the plan. 3. Put all the proposals on one plan. 4. Obtain a plan from Brian Neff, engineer for two main issues: 1. Ameliorate the storm water run-off from the roof and driveway. 2. Stabilization of the stream bank.

IV. New Applications

Cass/DePecol, 46 June Road, IW-02-65 E, Construct Dwelling.

Mark DePecol and Dennis McMorro, Engineer were present and submitted a revised plan, "Site

Development Plan, Prepared for Mark DePecol, June Road by Berkshire Engineering & Surveying, LLC., dated 10-15-02."

Mr. DePecol explained the following: 1. There are no wetlands on the property. 2. The new plan has one less driveway switchback and shows the extension of the driveway to the accessory cottage. Access to the cottage is required by Zoning regulation to come off the same driveway used for the main house. 3. He submitted a Zoning application today. 4. He did not want to build the main house in the area of the existing cottage. 5. Trees are proposed to be cut from an area, approximately 340 feet by 310 feet, located below the main house site, for the purpose of a view. The stumps and all of the undergrowth and any tree, not blocking the view, will remain. The trees to be cut are unknown at this time, pending the construction of the house. 6. The total size of the property is 23 acres. 7. He is planning to pave the driveway.

Mr. McMorrow explained the following: 1. The topography for approximately 7 acres, which accommodates the proposed driveway, had been done. 2. This driveway switchback design, with one less switchback and a longer distance running along the contour, is better because every switchback entails more cuts into the hill and more fill. 3. Culverts are placed every 200 feet and shown on the plan and he added a plunge pool to each flat riprap pad. The goal is to prevent surface and Spring weep water from crossing the driveway by taking away the energy of the down flow and also preventing scouring. He did not add a plunge pool to the existing 15 inch pipe under the existing driveway, which goes to the cottage. 4. Ten feet is the maximum cut, which is in the northeast section, at the base of swale side. 5. Seven feet of fill will be put down in the northwest section. 7. There is ledge but they dug deep holes which were 6-8 feet deep and then designed the layout to avoid ledge for the most part. Some blasting might have to be done.

Mr. Ajello, E.O. pointed out the following: 1. The new field topo plan is accurate, with two foot increments in the contour line. 2. There are no watercourses on site. The only stream of water, he observed, is coming down along the trail to the pinnacle. He expected only seasonal scouring to occur. 3. He did not think this site warranted a full application. Ms. Purnell pointed out the following: 1. The Town of Washington includes within its jurisdiction sites beyond the 100 foot review area having a steep slope or the expectation of a large degree of soil disturbance. There is a significant run-off down two existing driveways, under construction, on June Road. 2. Intermittent watercourses and seeps are sometimes overlooked without field observation. A soil science report is definitive. The soil survey map is very general and not exact.

Mr. La Muniere said he estimates a lot of water coming down this hill and wondered if the riprap pads offered enough protection.

Mr. Picton made the following points: 1. The new plan has two right and two left bends, with lengthened arms extending across more of the hill, instead of the three right and three left bends in the original plan. The original plan had the outlets lined up, creating more of a sluiceway. 2. It is important to develop temporary basins, while roughing in the driveway to catch silt from the construction site. He recommended these stipulations: a. Modify the plan so the riprap pads are installed in stages to stabilize one section before continuing to another section. b. Limit clear cutting to the depicted triangle area necessary for the driveway. c. The area below the house is to remain wooded. d. Temporary silt basins are to be created during construction. e. Getting the drainage, rough grading and conduit installed first.

Mr. Weber made the following points: 1. He thought the longer cut, along the contour, offers a bigger drainage problem than with multiple switchbacks, because the long arm is going to collect a lot of water. 2. During the winter the swales will seal up causing the water to ice over the driveway. And he asked how the water will be directed into the crossings and caught in the swales. Mr. McMorrow said the pipes are lowered to catch the water.

Mrs. Hill requested two copies of the site plan be submitted into the file.

The Commission will make a **Site Visit** on Tuesday, October 29, 2002 at 4:00 p.m.

Ms. Purnell and Mrs. Hill thought it appropriate to inform the Conservation Commission about this application and site visit.

V. ENFORCEMENT

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

Julian Beck was present and submitted a report by Cynthia Rabinowitz, Soil Scientist, dated 10-17-02 and an attached drawing, "Wetlands LC, Approximate Wetland Limits, Area 1, Area 2, Area 3, dated 10-22-03." Ms. Rabinowitz recommended planting deciduous saplings and noted the re-growth of the stumps and very little damage to the undergrowth.

Mr. Beck submitted a project agreement with Brautigam Land Surveyors, P.C. and said the survey is now planned to be done on 10-30-02 and asked why a survey is necessary. The Commission noted the reasons a survey is important: 1. All the small saplings and undergrowth were cleared out of an entire wetlands, which increased sediment reaching the watercourse and also increased the temperature of the water. 2. The goal is to officially flag the wetlands area on a map, so that when the flags disappear in the field, the Commission and the property owner can know precisely where the wetlands are located. 3. Wetlands are a crucial and important natural resource in need of future protection

The Commission will decide about the recommended planting after the survey is submitted and a following site inspection is done.

Beck, 132 Calhoun Street, IW-02-31, Free-cut Lot Split, Construct Driveway w/ Wetlands Crossing.

Mr. Ajello reported the following: 1. There is a fabric filter installed under the crossing roadbed. 2. The added boulders, used as an anchor and for directing the water, were well placed. 3. The top of the wall does not blend well into the grade. 4. Driving over the crossing, the width felt comfortable. 5. He recommended leaving the 20 foot pipe in place.

Ms. Purnell pointed out the following: 1. The decision to have the pipe cut back to the approved 18 feet, is a short term versus a long term impact issue. 2. Every additional foot of culverted stream is consistently degrading the whole environmental picture of Washington. 3. This driveway was constructed for a potential house, not a house in the planning stage and sometimes a potential house never happens and then the culverted stream exists without purpose.

Mr. Weber and Mr. Picton pointed out the following: 1. 18 or 20 feet is relatively the same size. The standard size for a culvert pipe is 20 feet. 2. Any driveway on a side slope requires greater width. 3. Property owners have a right to access the back of their property, even if it's to bring hay to their horses.

MOTION: To **ACCEPT** the overage (11% excess length) of the culvert from 18 feet to 20 feet for Beck #IW-02-31, Free-cut Lot Split, Construct Driveway w/ Wetlands Crossing at 132 Calhoun Street. By Mr. Weber, seconded by Mr. La Muniere and passed 4-1-0. Ms. Purnell voted nay because of the cumulative effects.

III. PENDING APPLICATIONS

Brown, Landview Landing, Inc., IW-02-V3, 96 Romford Road, Dam Reconstruction.

Mrs. Hill noted there is nothing new submitted to date and engineering plans for a permanently stable dam had been expected by tonight's meeting.

Goutiere, IW-02-60, 33 Wheaton Road, Clear Brush & Cut Cherry Tree in Pasture. The Commission noted the following: 1. During a site visit on 10-17-02 they observed two existing places for the horses to access the stream with no additional clearing necessary. 2. The bushes, trees,

wildflowers and grasses provide protection for the stream.

Mrs. Gray noted the cherry tree can cause intense colic to horses.

MOTION: To **APPROVE** part of the application Goutiere, #IW-02-60, Clear Brush, Cut Tree in Pasture at 33 Wheaton Road as follows: Be allowed to cut down any remaining cherry trees but **DENY** any additional clearing. By Mrs. Gray, seconded by Ms. Purnell and passed 5-0.

Mr. Ajello will take photos of the site. **Sheinfeld, IW-02-62 ATF, In-ground Pool, Modify Deed Restrictions.**

Mrs. Hill noted there were no new submissions to date. **IV. NEW APPLICATIONS**

Croasdaile, IW-02-66, 67 River Road, Clean Detention Basin.

Mr. Ajello reported the following: 1. This is a man-made detention pond. 2. There is a minimal deposit of sediment and a lot of vegetation, which is tending to block the culvert. 3. The end of the culvert goes all the way down to the river. 4. A stone header makes a turn at the culvert and collects water from the hillside in the back of the property, which is well vegetated and stable, so little sediment is generated. 5. The emergency spillway goes west. 6. This is a dry basin for most of the summer. 6. The contractor will take the material out of the detention pond and put it on a truck and move it off-site. There is no other choice, because of the existing landscape.

Mr. Picton summed up the situation: The purpose of cleaning the basin is to keep the streambed, culvert and spillway clear (culvert management.)

Ms. Purnell requested Andy Carollo, Contractor to specify taking the material off the site in the work description. She wondered if there were any invasive species, which should be destroyed before being dumped in another location.

V. ENFORCEMENT

Ensign, Jr., IW-02-71 D, 45 Upper Church Hill Road, Build Pole Barn.

Mr. Ajello reported the following: 1. This De Minimus application was approved by Janet Hill, Authorized Agent on 10-17-02. 2. The barn site is located where the old driveway existed (now grass,) between two wetlands areas, with a distance to one wetlands on the long side of 100 feet and a distance to the other wetlands 100 feet. 3. Access will be from the driveway. 4. There are no drains with a pole barn.

DePecol, Bee Brook Road.

Mr. Ajello said Mark DePecol informed him of the following: 1. He is going to dig deep hole tests on a 40 acre site. 2. He cannot use the Newman Bridge to cross over Bee Brook and the existing, old wood bridge is collapsing. He plans to take a truck flatbed and roll it back in position across the brook and then put down the ramps to provide a temporary crossing. Mr. Ajello asked for an advance notice for when this will happen. He said this sounds like a good plan and pointed out the stream banks are steep at this location.

Mr. Picton requested Mr. DePecol ask permission to use Old Duncan Road (old logging road) as access.

Bohan, IW-99-16, 72 Mygatt Road, Driveway Paving.

Mr. Ajello said good erosion controls are in place and he plans to re-visit the site.

Daly/Alldredge, IW-02-51, 300 West Shore Road.

Mr. Ajello said he prepared a letter, concerning the storage of gasoline and fuel on other sites on the

property, which requests cooperation in protecting lake water quality.

Fairbairn, IW-02-54, 206 Wykeham Road, Wetlands Crossing.

Mr. Ajello reported the following: 1. There is no culvert installed or roadbed constructed to date. The crossing is a mire. 2. He called Brian Neff, Applicant's Agent to inform him of the situation.

Mrs. Hill noted the easement, requested by the Commission as a permit condition, had not been submitted to date.

The Commission will send a notice of violation pertaining to the permit and conditions of the permit.

VI. ADMINISTRATION

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

Mrs. Hill noted the Commission's site inspection on 10-22-02.

The Commission agreed to extend the work period but with stipulations attached.

MOTION: To **APPROVE** the Extension of the work period, for the permit Montessori School, #IW-01-08 Construct School at 240 Litchfield Tnpk., for one year until October 23, 2003 and with stipulations: 1. Temporary measures be developed during construction, to direct storm water to sediment and erosion controls and to trap sediment. 2. Direct storm water run-off and road drainage into existing silt / detention ponds, wherever possible. 3. Permanent road drainage facilities and road gravel be installed as soon as possible (by the end of November '02.) By Mrs. Hill, seconded by Mr. Weber and passed 5-0.

Hartley/Schlosstein, IW-02-38, 97 Lower Church Hill Road, Construct Addition.

Mrs. Hill noted the Zoning Board of Appeals Commission turned down Hartley/Schlosstein's application.

V. ENFORCEMENT

Finch, Mt. Tom Road.

Mr. Ajello explained the following: 1. The wetlands crossing was installed last year. 2. The silt fences are still in place. 3. The service trench will be dug before the crossing is top dressed with gravel.

Fraley, 130 Popple Swamp Road.

Mr. Ajello explained the following: 1. The DEP officer was out looking for poachers and discovered a material deposited in wetlands' violation. 2. There are pallets set up as a fence at the site. 3. He will make a site visit with Janet Hill, calling Mr. Fraley first. There may also be obvious Zoning violations.

Newman, IW-02-45, 20 Painter Ridge Road, Porch & Fireplace Addition.

Mr. Ajello explained the following: 1. The Newmans did not pick up their IWC permit. They know an approval was granted, because they attended the IWC meeting. 2. The remodeling work continues with no risk to the wetlands.

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

Mr. Ajello explained the following: 1. The culvert header was constructed as planned. 2. Construction debris had been removed. 3. Mr. Kincaid planted on the bank of the pond, not on the grassy area per the condition of the approval. The roots are well placed to stop erosion. Mr. Ross is willing to put in more plants and leave the bank planting in place.

Ms. Purnell will make an individual **Site Visit**.

Mrs. Hill noted the Commission expected the restoration plan to be submitted by tonight's meeting. Mrs. Hill will call Mr. Ross tomorrow.

Surnow/Kyte, IW-02-55, 170 Church Hill Road, Clean Pond.

Mr. Ajello said a start card had not been submitted and no activity is taking place. The Commission is concerned about pending weather conditions and asked Mr. Ajello to speak to Mr. Surnow and Mr. Kyte about cleaning the pond as soon as possible.

Brown, Landview Landing Inc., IW-02-V3, Dam Failure.

The Commission will send a letter to Dr. Brown regarding the engineering plans, which have not been submitted.

VI. ADMINISTRATION

Bedini, IW-02-25, 43 Dark Entry Road, Pave Existing Driveway.

Ms. Moquin said Mr. Bedini asked the Commission about the seeded conservation mix (a condition of the permit), which is not expected to come up until the middle of next summer.

Mr. Ajello said Mr. Bedini submitted a finish card and mulch had been put down and the area is stable.

Kirk, 34 Sunset Lane, Construct Dwelling.

Mr. Ajello explained the following: 1. The house is staked out. 2. He found a wetlands flag and the distance from the wetlands to the nearest two corners is 102 feet, using a tape measure. 3. There is a gentle slope with grass and hedgerow. 4. In order to supply a work area around the foundation, the construction will encroach into the 100 foot review area to a small degree.

Ms. Purnell noted Popple Swamp is nearby this site and thought a De Minimus application would be okay.

Mr. Ajello will ask Joanne and Peter Kirk to file a De Minimus application.

Hochberg, Iw-02-46, 15 Couch Road, Clean Silt from Pond & Spread in Non-wetlands Area.

Mrs. Hill noted a letter had been submitted from Mr. Hochberg, dated 10-10-02, in response to the Commission's decision to deny his application.

MOTION: To ADJOURN the meeting by Mrs. Gray. All agreed at 11:07 p.m.

Katherine Moquin
Land Use Secretary
November 1, 2002