

December 12, 2002

Members Present: Dorothy Hill, Charles La Muniere, Marguerite Purnell and Robert Weber. **Members Absent:** Helen Gray. **Alternates Present:** Mark Picton. **Alternates Absent:** Candace Korzenko. **Staff Present:** Michael Ajello, Katherine Moquin. **Also Present:** Dirk Sabin, Dr. and Mrs. Brown, Mark Daft, Reporter from Voices. Dorothy Hill called the meeting to order at 7:16 p.m., Thursday, December 12, 2002. Members seated were Dorothy Hill, Charles La Muniere, Marguerite Purnell, Robert Weber and Mark Picton for Helen Gray. **II. Consideration of Minutes Regular Meeting - November 13, 2002** **MOTION:** To ACCEPT the minutes of the regular meeting on November 13, 2002, as amended. By Ms. Purnell, seconded by Mr. Weber and passed 5-0.

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

MOTION: To ADD the minutes of the regular meeting on November 26, 2002 to the Agenda, II. Consideration of Minutes. By Ms. Purnell, seconded by Mrs. Hill and passed 5-0.

III. Pending Applications Sheinfeld, IW-02-61 ATF, 112 Lower Church Hill Road, In-ground Pool, Modify Deed Restrictions. Dirk Sabin, Landscape Architect, was present and noted the following submissions: 1. A letter, dated 12-10-02, from Robert Fisher, Esq. to Michael Zizka, Esq. 2. A draft of the Warranty Deed. 3. Two portions of the plan, "Site Analysis Plan, Map Prepared for Jay Sheinfeld, 112 Lower Church Hill Road, by T. Michael Alex, L.L.S., dated July 1996." showing the proposed changes in the deed restricted areas and new pool equipment location. 4. A plant material list. Dirk Sabin explained the following: 1. Mr. Sheinfeld procured the plants and these will be planted as soon as the weather permits. 2. Atty. Fisher's letter summarizes what has gone on regarding this application. 3. The pool equipment was moved without a lot of excavation, but moving the compressor would cause a lot of disturbance to the hillside. The electric conduits connecting the compressor to the house are buried about four feet down and he does not see a benefit to moving the compressor. 4. The proposals in this application are an attempt, at this point in time, to balance the aims of conservation with mitigation planting

Sheinfeld con't:

and an increase in the conservation area. Mr. La Muniere pointed out the compressor / house connection could be closed and the cable left

underground and a new trench dug in another location. This solution would leave the ground undisturbed. He noted that ledge had been blasted to prepare the pool site. Mr. Picton explained that even after Mr. Sheinfeld was notified that he had located the pool in violation of his permit, he installed the pool equipment; so even if the pool was placed in the deed restricted area unknowingly, Mr. Sheinfeld placed the pool equipment willfully and in his opinion, this is the most egregious part of the violation. Mrs. Hill explained that she understands Atty. Zizka is recommending a Conservation Easement to be accepted by the Town, because the Commissions do not have jurisdiction to accept a Conservation Easement. She said there is a draft of a Conservation Easement in the records. Ms. Purnell said that the Town does have the legal power to accept a Conservation Easement. She explained that a very important condition of the original permit is that the applicant has the responsibility to file the Deed Restriction in the Land Records, therefore, in this particular, Mr. Sheinfeld has been in violation all of this time.

Rizzo/James, IW-02-69, 129 Bee Brook Road, Build Retaining Structure.

Mrs. Hill noted the application limit of 65 days is tomorrow, 12-13-02.

Mr. Ajello explained the following: 1. He spoke to Mrs. James by phone. She said Brian Neff told her

the plans they submitted would suffice and she said they were still researching the price of gabions. 2. There is a description of the possible use of gabions in the file but not a map.

Mrs. Hill read the two letters, dated 10-8-02/10-23-02, describing plans to stabilize the bank.

Mr. Ajello will call Mrs. James to ask for a request to extend the application.

Cass/DePecol, IW-02-73, 46 June Road, Construct Dwelling & Driveway, Renovate Guest House.

The Commission received a report, dated 12-6-02, by Bob Oley and Chris Allen of Land Tech Consultants Inc. Mr. DePecol and his engineer, Mr. McMorrow are in the process of addressing this report.

Kirk, IW-02-74, 34 Sunset Lane, Install Footing Drain.

Ms. Purnell pointed out that Mr. Kirk addressed the Commission's requests from the 11-13-02 meeting during the 11-26-02 meeting but without any corresponding written submissions to the file. She said the file does not contain an accurate footprint of the house nor a description of the equipment, which will be used to install the footing drain nor the amount of disturbance expected nor the reasons the footing drain is directed to the wetlands, which counters the Inland Wetlands Commission's policy. Ms. Moquin will communicate this to Mr. Kirk.

Steep Rock Assoc., IW-02-75, RT.47, Bee Brook Road/Hidden Valley, Replace Culvert.

Mrs. Hill read a letter from Susan Branson, dated 12-11-02, containing the information requested by the Commission.

Mr. La Muniere pointed out the current condition of this crossing is dangerous and in his estimation the proposed plan is a reasonable way of proceeding.

Mr. Ajello said he advised them to bring in a bucket of gravel to put on top of the pipe, which is sitting in a depression. He said if the pipe is not covered properly, then the frost will heave it.

Ms. Purnell noted that all the information is here as requested.

MOTION: To APPROVE the application Steep Rock Association, IW-02-75, RT. 47, Bee Brook Road / Hidden Valley, Replace Culvert, as submitted and with the following condition: To bring gravel to the site and use to finish filling over the culvert as needed. By Mr. La Muniere, seconded by Mr. Picton

and passed 5-0.

Hayden, IW-02-76, 11 Loomarwick Road, Selective Removal of Trees & Bushes.

Mr. Ajello said about 50% of the trees are marked and trees along the intermittent stream will remain. He said no heavy equipment is to be used and the stumps will not be removed.

MOTION: To APPROVE the application Hayden, IW-02-76, 11 Loomarwick Road, Selective Removal of Trees and Bushes, as submitted and with the following condition: To adhere to the plan for no grubbing, no stump removing and no heavy equipment. By Ms. Purnell, seconded by Mrs. Hill and passed 5-0.

IV. Enforcement

a. Enforcement Officer's Report

Croasdaile IW-02-66

Mr. Ajello said he talked with the contractor, who wants to use a rubber tracked machine to reach in the detention basin, while the permit specifies the material be removed by hand.

Mrs. Hill told Mr. Ajello to make a note in the file.

Rising, 191 West Shore Road

Mr. Ajello explained the following: 1. The house site is outside the review area. 2. He told the contractor that the other side of the road is within the 100 foot review area and he did not have a permit to use it.

Woodruff, 3 West Shore Road

Mr. Ajello said the site is naturalizing on its own. The hemlocks are doing well and there is no activity.

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

Mrs. Hill noted that Candace Korzenko drafted a possible motion.

Ms. Purnell thought this violation should be kept on the Land Record to alert new owners of the restoration in progress. She recommended the Commission take time to review Ms. Korzenko's draft and be prepared for the next meeting.

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

Mr. Picton noted that plans had not been submitted for the permanent stabilization of the dam. He said the engineer needs to design a dam for a 50-100 year storm based on characteristics of the site's existing watershed.

Mr. La Muniere said he made a site visit on 11-26/27-02 and observed solid work done on the dam for a temporary solution and a very good spillway in place. Mr. Ajello concurred.

The Commission will communicate to Mr. Brown the following: 1. They appreciate the temporary measures done to stabilize the dam. 2. They expect permanent plans with specific calculations for their engineer to review, by January 17, 2003. 3. Point out that a lot of time has gone by and he remains in violation.

Mrs. Hill noted Dr. Brown is asking permission to clear trees damaged during an ice storm. Mr. Ajello will make a site visit and take photos.

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

Mrs. Hill noted that Dudley Ashwood will for Mr. Ross at the 1-8-03 meeting.

II. Consideration of Minutes

Regular Meeting, November 26, 2002 MOTION: To ACCEPT the minutes of the regular meeting on November 26, 2002, as amended. By Mrs. Hill, seconded by Mr. La Muniere and passed 5-0. The amended/corrected minutes (relevant pages) are attached to the end of these pages.

Special Meeting, December 3, 2002 MOTION: To ACCEPT the minutes of the special meeting, re: S. M. R. Partners IW-02-72, on December 3, 2002, as amended. By Mr. Picton, seconded by Mr. Weber and passed 5-0. The amended/corrected minutes (relevant pages) are attached to the end of these pages.

Mrs. Hill announced Mrs. Korzenko's appointment as liaison between the Conservation Commission and the Inland Wetlands Commission.

The Commission briefly discussed the 2003 Calendar.

MOTION: To ADJOURN the meeting by Mr. Picton. All agreed at 10:16 p.m. Katherine Moquin, Land Use Secretary December 23, 2002