

June 12, 2013

7:00 p.m. Upper Level Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

MEMBER ABSENT: Ms. Cheney

ALTERNATE PRESENT: Mr. Davis

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Atty. Fisher, Mr. Law, Mr. Wren, Mr. Szymanski Mr./Mrs. Condon, Atty. Coploff, Mr. Angiollo, Mr. Harris, Mr. Charles, Mr. Neff, Mr./Mrs. Pope, Residents

Mr. Bedini called the meeting to order at 7:03 p.m. and seated Members Bedini, LaMuniere, and Wadelton.

MOTION:

To add the following subsequent business to the Agenda:

V. New Applications:

D. Harris/ 193 West Shore Road/#IW-13-20/Construct Boathouse, Landscaping.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 3-0.

Consideration of the Minutes

MOTION:

To accept the 5/22/13 Show Cause Hearing – Regular Meeting minutes as written.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 3-0.

At 7:06 p.m. Mr. Papsin and Mr. Davis, Alternate, arrived and were seated.

Pending Applications

Steep Rock Assn./91 Bee Brook Road/#IW-13-12/Replace Culvert:

Mr. Wren, engineer, and Mr. Law, Steep Rock Executive Director, were present. Mr. Wren reviewed the plan, "Drainage Improvement Plan," by Indigo Land Design, LLC., revised to 6/5/13. He noted the DOT had required the replacement of the culvert and explained the pipe would be 50 feet shorter so it would outlet 20 feet outside the wetlands. The pipe would have a 2% grade, which, he said, was the minimum slope for a self cleaning velocity, and would have a flared end section at the outlet with an 18 inch deep rip rapped plunge pool. Mr. Wren stated the outlet end would be level with the flow line of the culvert so it would act as a level spreader allowing the water to sheet flow to the river whenever the plunge pool filled up. He said this would improve the drainage process and decrease the disturbance in the wetlands and noted the soils report indicated this would be an environmental benefit. At the point of discharge, a biodegradable fiber erosion control blanket would be put down and the area seeded with an erosion control restoration mix. In response to questions from the commissioners, Mr. Wren said the old pipe would be removed and the new one installed in the same location, a nearby tree would not have to be taken

down, and he discussed the specifications of the fiber blanket. Mr. Wren also explained that the water would not back up in the new culvert, noting that only two catch basins on the highway would be connected so there would be low flow. Mr. Wren said he would mail the Commission another copy of the revised plan.

MOTION:

To approve Application #IW-13-12 submitted by Steep Rock Assn. to replace the culvert at 91 Bee Brook Road in accordance with the plan, "Drainage Improvement Plan," by Indigo Land Design, LLC, revised to 6/5/13; the permit shall be valid for two years and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. Wadeldon, seconded by Mr. LaMuniere, and passed 5-0.

Hayden/11 Loomarwick Road/#IW-13-14/Application to Correct a Violation:

It was noted that all questions had been answered at the last meeting.

MOTION:

To approve Application #IW-13-13 submitted by Mr. Hayden to correct a violation at 11 Loomarwick Road per the plans, "Restore and Enlarge Existing Stone Wall," 4 sheets, by Mr. Hayden, revised to 5/22/13.

By Mr. LaMuniere, seconded by Mr. Wadeldon, and passed 5-0.

HORSE of CT./43 Wilbur Road/#IW-13-14/Construct Indoor Arena:

Mr. Bedini noted that at the last meeting the Commission had asked for four revisions:

- 1) that a realistic limit of disturbance line be shown on the plan,
- 2) that a note be added that filter fabric will be placed on the access to control ruts,
- 3) that silt fence will be installed along the lower section of the access be added to the erosion control plan, and
- 4) that a note be added to the construction sequence that if the access deteriorates, the necessary material will be brought in to stabilize it.

These had not been addressed to date and so the Commission tabled further discussion to the next meeting.

New Applications

Ficalora/10 Sunrise Lane/#IW-13-17/Construct Dwelling w/Appurtenances:

It was noted that Mr. Ficalora had requested an extension of his existing permit, but the maximum extensions had already been granted. Mr. Ajello said the only proposed work in the regulated area was the installation of a drainage swale, but said he would compare the approved plan with the current application prior to the next meeting. Mr. Szymanski, engineer, presented the plan, "Proposed Sanitary Disposal System Plan Prepared for Church Hill Corp. Lot 56A," by Arthur H. Howland and Assoc., revised to 11/17/03 and made two handwritten revisions: 1) he crossed out the words, "possible," which had described both the house and driveway locations, and 2) he added the note that the Land Use Office would be notified at least 48 hours prior to the

commencement of work so that the WEO can inspect and approve the erosion control measures. The commissioners had no questions. Mr. LaMuniere noted that since almost all of the proposed activities were outside the regulated area and the property did not have much of a slope, he did not think a site inspection was necessary.

Bennett/80 East Shore Road/#IW-13-18/Shoreline Repairs:

The map, "Property/Boundary Survey," by Mr. Alex, dated April 2008 was reviewed and five photos of the existing site conditions were circulated. Mr. Ajello noted the application was to replace the wood deck on the existing dock and to rebuild the existing stonewall and stairs to the same dimensions. The work on the wall would be done first with a tarp spread on the deck to catch any debris. When that is completed, the surface of the dock will be replaced, not increasing the dock's size. A hand drawn cross section and plans for the stonewall were reviewed. It was noted the length of the stonewall was not on the plans, but was needed. It was also noted a sequence of construction had been submitted.

Silverman/341 Nettleton Hollow Road/#IW-13-19/Dredge Pond:

Mr. Neff, engineer, presented his plan, "Pond Cleanout Plan," dated 3/19/13 for cleaning out both the silt basin and the channel downstream from the mill. Mr. Neff noted that Sprain Brook flows through the pond so the work would be done mid summer in the dry weather. He proposed to partially dewater the pond, dredge 500 cubic yards of material, mostly sand, stockpile it on the property near West Mountain Road, and truck it off site once it has dewatered. Also, rocks, wood, sand, and other debris that has flowed over the spillway will be removed from the channel. He noted there is an existing access road to the work area. Mr. LaMuniere recommended a site inspection, which was scheduled for Wednesday, June 19, 2013 at 6:00 p.m.

Noting that Mr. Laird had to leave early and Mr. Wadelton would recuse himself for the Strawman discussion, the order of the agenda was changed so there would be a quorum for Strawman. Mr. Wadelton recused himself.

Other Business

Strawman, LLC./135 Bee Brook Road/Request to Amend Permit #IW-09-44/Temporary Bridge:

Mr. Ajello stated this permit to cross Chapel Brook had been approved three years ago and said he had asked for a new application. Mrs. Hill said that since there were no plans for a timber harvest operation and the revisions were minor, she had advised the property owner to request a revision of the permit. Mr. Ajello said it was not fair to the new members to have to absorb the whole application at this time. Mrs. Hill pointed out the proposed changes would not impact the brook. Representing the applicant, Mr. Charles stated the Commission had originally approved a box culvert crossing, but his client had proposed a bridge because it would do more to protect the environment and would have less impact on the wetlands. He explained the request was to revise the order of the construction sequence to allow the owner to install a portion of what the Commission had already approved, a temporary bridge consisting of telephone poles spanning the brook and flood plain area, to allow small equipment needed for clearing and further soil testing to cross the brook. He said all of the "stages" approved in the construction sequence would be done, that the project would be staked by a surveyor to ensure all of the work was done in the right of way, and that Town and Aurell would install the bridge and seepage envelope. Mr. Bedini noted the driveway would come up a steep bank. Mr. Charles stated the temporary bridge would be

placed as approved, in the center of where the permanent bridge would be located, and taken down when the permanent bridge is installed. Mr. LaMuniere also noted the steep slopes and asked where cutting would be done. Mr. Charles said the cutting would be out of the regulated area, that four cords would be cut, and that he would submit the forester's plan if the Commission required one. Mr. Bedini asked what equipment would be used. Mr. Charles said a pick up truck and if the seepage envelope was installed at this time, a small bulldozer. He asked whether the Commission would OK a corduroy bridge over the seepage area for this part of the project or if the complete seepage envelope should be installed. Mr. Ajello noted the original approved temporary bridge would not have been in for long and the current proposal was reformatting attempts to cross the brook and so required a new application. Mr. LaMuniere thought the temporary bridge could not be installed for an indefinite period of time and so recommended the Commission get legal advice. Mr. Ajello read the 6/11/13 letter from Mr. Charles, which he said indicated the request was for an open ended temporary bridge. He said the plans were inadequate, but did not explain what was missing when asked by Mr. Charles to do so. Mr. Bedini thought the Commission should check with its attorney to find out what it can legally do, to ask if the proposed resequencing could be done under a revision to the permit, and to give the new members time to inspect the site. Mr. Ajello noted the approval of the permanent bridge was conditioned on the posting of a \$20,000 bond and asked that it be posted prior to work on a temporary bridge. Mr. Charles again asked the Commission to clarify the issues that must be addressed and noted the temporary crossing was being requested in order to do activities beyond the regulated area. Mr. Bedini noted the temporary bridge had originally been approved to get construction equipment to the other side, but was now proposed for a longer period and for an additional use. Mr. Ajello stated that the right to access the property would be the only reason the Commission would permit an activity with a significant impact, but that did not mean the owner had the right to access the property by a substandard crossing. Mr. Charles responded that the crossing was not substandard as it had been designed by a certified engineer and by Town and Aurell. He asked for the answers to two questions: 1) whether the construction sequence could be revised and the temporary bridge installed for a limited period of 6 weeks to 6 months and 2) whether while the temporary bridge is in place a corduroy road or a seepage envelope should be installed at the second wetlands crossing. Mr. Ajello asked if the Commission would vote to deny the request and require a new application. Mr. Bedini said the request to revise the permit would be tabled until the Commission's attorney reviews the matter. The three commissioners who are not familiar with the site will decide upon a mutually agreeable time to conduct a site inspection and a notice will be filed once that has been determined.

Mr. Davis left the meeting at 8:35 p.m.

Mr. Wadelton was reseated.

New Applications

Harris/193 West Shore Road/#IW-13-20/Construct Boathouse and Landscaping:

Mr. Harris presented the map, "Planting Plan," by Studer Design Assoc., Inc., dated 5/28/13 and circulated two photos of the property. Mr. Ajello said he would bring better photos to the next meeting. Mr. Harris proposed to put rocks up against the existing retaining wall to form a dry wall of native stone and to build steps. He also proposed to build a boathouse on piers on the same site where a shed was previously located and to cut into the bank near the road to plant vegetation. Mr. Bedini asked if the existing concrete wall would remain. Mr. Harris said it would. Mr. LaMuniere

asked how much top soil would be brought in. Mr. Harris was not sure, but said not much would be needed. Mr. LaMuniere asked Mr. Harris to mark the extent of the proposed stone work on site. Mrs. Hill asked Mr. Harris to check to make sure he had given the correct street address. A site inspection was scheduled for Wednesday, June 19, 2013 at 6:45 p.m.

Stiles/15-16 Tinker Hill Road/#IW-13-16/Application to Correct a Violation – Unauthorized

Clearing, Soil Disturbance: Mr. Szymanski, engineer, Atty. Coploff, and Mr. Angiollo were present. Mr. Szymanski presented many photos, which showed that approximately 400 additional plants had been put in and the disturbed areas were now densely planted. He noted that on the steep slope next to Tinker Hill Road pachysandra had been planted and that the photos had been taken from many different angles and none indicated any signs of erosion. He added that the site had been monitored after every storm event. Regarding the installation of curbing along Tinker Hill Road and the concern that it was redirecting runoff, Mr. Szymanski said he had met with Mr. Smith, Director of the Highway Dept., and Mr. Duffy, who put in the original driveway. Photos of the curb along the road were circulated. Mr. Smith had been aware of the ongoing erosion problem that had occurred when the swale at the end of the driveway had been paved over. He noted there was an area where he recommended a shallow grassed swale be reinstalled to treat runoff before it enters the Town drainage system. Mr. Szymanski said that Mr. Smith would oversee this work. Mr. LaMuniere referred to the section of Mr. Allans's 5/29/13 letter regarding concern about the stability of the mulch and the potential for washouts. Mr. Szymanski said there was currently no evidence of erosion and Mr. Angiollo responded that once the grassed swale was installed as recommended by Mr. Smith, erosion at the end of the curbing would no longer occur. Mr. LaMuniere questioned the use of sweet peet, saying its nutrients could leach into the lake. Mr. Szymanski noted that Mr. Allan had written that any leaching would be non toxic and there would be no impact except for discoloration of the runoff. Mr. LaMuniere said this would only be true if the irrigation was controlled. Mr. Angiollo said the irrigation system would be turned off unless it was extremely dry. Mr. Szymanski informed the commissioners that no fertilizer, pesticides, or herbicides had been used. Mr. LaMuniere stated Mr. Allan's recommendation was for a long term goal of a self sustaining, natural vegetative buffer. Mr. Ajello complained that plants requiring yearly maintenance had been installed. Mr. LaMuniere questioned whether the canopy would be adequately restored. Mr. Szymanski listed the trees and shrubs already planted that would grow to at least 10 to 12 feet high to provide a canopy. Mr. Ajello noted that Mr. Allan had written that the Commission may want to require the addition of native plants and a canopy that would not require yearly maintenance. Mr. Szymanski offered winterberry, red twig dogwood, and mountain laurel. Mr. Papsin requested more plants with a small canopy in the area where Russian sage had already been planted. Mr. Angiollo thought trees could not survive there due to shallow soil conditions, but offered to plant 5 gallon sized shrubs, plus more pachysandra under the oak. Mr. Papsin asked for a planting plan to be reviewed at the next meeting. Mr. LaMuniere suggested that Mr. Papsin be appointed to approve this plan and oversee the planting prior to the next meeting. The commissioners agreed.

MOTION:

To add the discussion of drainage problems at the Pope property at 68 Painter Ridge Road to the agenda.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 4-0.

Other Business

Pope/68 Painter Ridge Road/Drainage Problem:

Mr. and Mrs. Pope said there was a culvert near the well heads behind their garage that empties into their yard and freezes in the winter. They showed a photo. Mr. Ajello said this area had a history, there was a file addressing it, and the property owners should discuss the problem with Mr. Lyon. Mrs. Pope stated the problem was storm drainage. Although it was noted there were wetlands to the rear of the property, Mr. Ajello was not sure the current drainage problem was a wetlands issue. Mr. Bedini recommended they consult with Mr. Smith in the Highway Dept. Mr. Pope was concerned the runoff flowed over the wells. Mr. Ajello said that surface water should not be able to get into the well and that perhaps a shallow trench could be dug to divert the runoff towards the pond. He will inspect the site prior to the next meeting.

Geurts/117 East Shore Road/Request to Renewit #IW-11-10/Mooring and Abutment:

Mr. Ajello read the 5/28/13 letter from Mr. Geurts, which stated there would be no change to the scale or scope of the approved work. MOTION:

To approve the request for a 5 year extension of Permit #IW-11-10 issued to Mr. Geurts for a mooring and abutment at 117 East Shore Road.

By Mr. LaMuniere, seconded by Mr. Wadelton, and passed 4-0.

Enforcement

Complaint re: Town of Washington/Application of Herbicide to Knotweed Along the Shepaug River:

Mrs. Hill said she had asked Mr. Lyon for an update, but had not yet received one.

Mr. Ajello's 6/12/13 Enforcement Report was briefly discussed.

Administrative Business

Mr. Bedini noted he had sent all the commissioners a copy of the most recently updated Regulations, which include Section 11A. Regarding the reference in 11A.4.d to stone walls of "similar" height, length, and width, Mr. LaMuniere objected to this language because he said the width would vary depending on the retention strength required. He recommended that "width" be removed. The other commissioners thought this was basically a guideline and the use of the word, "similar" gave the Commission some latitude regarding requirements for the construction of stable walls.

Mr. Wadelton spoke briefly on the recently passed PA 13-186 regarding interveners, who will now be required to substantiate their claims prior to filing a verified pleading.

The process for revising the Regulations was reviewed. The exact language must be drafted, it must be referred to the DEEP, a public hearing must be conducted, and finally the Commission acts to approve or deny.

MOTION:

To adjourn the meeting. By Mr. LaMuniere.

At 10:02 p.m. Mr. Bedini adjourned the meeting.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator