

February 9, 2011

7:00 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. Bohan, Mrs. Hill, Mr. LaMuniere, Mr. Wadelton

ALTERNATES PRESENT: Ms. Cheney, Mr. Papsin

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill

ALSO PRESENT: Mr./Mrs. Klein, Mr. Neff, Mr. Dirienzo, Mr. DePecol, Mrs. Coakley, Residents

Mr. Bedini called the Meeting to order at 7:01 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton.

MOTION:

To include subsequent business not already posted on the agenda: VIII. Administrative Business/2011-2012 Budget, X. Executive Session/Peacocke vs IWC – Docket #LLI-CV10- 6001405-S.

By Mr. Wadelton, seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

The 1/13/11 Regular Meeting minutes were accepted as corrected.

Page 1: Add that the 1/13/11 meeting had been postponed from the previous night.

Page 3: Under DePecol: Line 5 and throughout: delete: “a” and change “stream” to “streams” and Line 6 change: “it” to “they.”

Page 5: Line 6: Correct spelling is: Dr. Klemens.

MOTION:

To accept the 1/13/11 Regular Meeting minutes as corrected.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

Pending Applications

Fuchs-Lancaster/18 Sabbaday Lane/#IW-11-01/Construct Poolhouse:

Mr. Neff, engineer, presented his revised plan, “Soil Erosion and Sediment Control Plan,” revised to 1/25/11, which included the limit of disturbance line. In response to the question raised at the last meeting, Mr. Neff said the existing pool has a cartridge filter that does not require backwashing. Mr. Bedini noted the proposal had been reviewed at the last meeting and that there were no further questions.

Mr. Bohan stated he had not attended the last meeting and so asked that Mr. Papsin be seated. Mr. Bedini seated Mr. Papsin.

MOTION:

To approve Application #IW-11-01 submitted by Fuchs-Lancaster to construct a poolhouse at 18 Sabbaday Lane per the map, “Soil Erosion and Sediment Control Plan,” by Mr. Neff, dated 1/6/11 and revised to 1/25/11; this permit is 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. Bedini, seconded by Mr. Wadelton, and passed 5-0.

New Application

Klein/271 West Shore Road and 236 Tinker Hill Road/#IW-11-03/ Construct Driveway:

Mr. Neff, engineer, and Mr. Dirienzo, hydrogeologist, represented the applicants. The map, "Driveway Entrance Plan," by Mr. Neff, revised to 1/5/11 was reviewed. Mr. Neff noted that when the lot had been approved originally the driveway was located off Tinker Hill Road. He presented his map, "Alternate Driveway Plan," dated 1/20/11, which showed three alternate driveway locations from Tinker Hill, Ash Swamp, and West Shore Roads. He stated that West Shore Road was the preferred location. Mr. Neff explained that while this proposed driveway would require a wetlands crossing, it was the shortest and would require no tree cutting. The other two driveways would be longer and would require more clearing and extensive regrading. Mr. Dirienzo described the type of wetlands and the glacial till in the area of the proposed crossing and said the crossing was proposed at the narrowest point of wetlands. He explained that while the driveway would be used to access a field to grow hay and raise animals, an agricultural exemption was not proposed so that future options for the use of the property would not be limited. He noted that the drainage must be handled properly to protect the lake and adjoining property and he described the proposed swale and rain garden that would manage the runoff. As mitigation for the wetlands crossing, he recommended that the Kleins donate part of Ash Swamp to a conservation organization because it is such a valuable wetland. He thought this would be a large giveback for the small crossing. Mr. Dirienzo noted that the adjoining property owner had voiced concerns in the past regarding additional runoff flowing onto her property. Therefore, the drainage plans would direct the driveway runoff into the proposed swale and rain garden and would not direct it towards the adjoining property or onto the road. Mr. Neff noted the proposed rip rapped swale would permit some of the runoff to infiltrate and would slow the velocity of the flow. He noted, too, that the existing catch basin on West Shore Road was adequately sized to handle the additional runoff. He added that the 2 foot sumps in the catch basin and the proposed rain garden would trap sediment and help protect the water quality of Lake Waramaug. Mr. Neff noted the plans submitted showed cross sections of the driveway, the proposed cut and fills, construction details, narrative, and plant list. The location of the stockpile area at the upper end of the driveway was noted. Mr. Neff indicated the driveway would be gravel and have a 12% grade. Mr. Dirienzo explained it was not possible to avoid the wetlands crossing due to the steep slope in this area. The rain garden was briefly discussed. It would be 6 feet by 12 feet with a rip rapped apron at the outlet, and extra buffering at the outflow. Mr. Ajello asked about the paved driveway apron. Mr. Neff said it would be 12 ft. by 12 ft. and that the anti tracking pad would be 50 ft. long. No site inspection was scheduled due to the snow cover.

Mr. Bedini reseated Mr. Bohan.

Pending Application

DePecol/269 Nettleton Hollow Road/#IW-11-02/Timber Harvest:

It was noted that additional information from Mr. Lintner about the proposed timber harvest and stream crossings had been submitted. The 1/6/11 map, "Harvesting Tree Plan," and the topo map were reviewed and the location of the property noted. Mr. DePecol stated that the streams are narrow and dry in the summer and flow through hard, rocky soils. He said poles would be placed across them then they would be crossed with a skidder. The landing area was proposed 75 to 100 feet off the road, near the driveway, and on high, flat ground. Mr. Papsin asked if the work would be done now, while the ground was frozen. Mr. DePecol said he would wait until the snow was gone, but that he wanted to start as soon as possible. Mr. Ajello said there was not much frost in the ground and the work might have to wait until dry summer weather. Mr. Papsin agreed. Mr. Bedini asked the EO to look at conditions on the

property before the work starts. Mr. Ajello noted some of the clean up and reseeding could not be done until spring.

MOTION:

To approve Application #IW-11-02 submitted by Mr. DePecol for timber harvesting at 269 Nettleton Hollow Road per the map submitted, "Harvesting Tree Plan," dated 1/6/11 and 1/19/11 letter from Mr. Lintner; the permit is 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. Wadelton, seconded by Mrs. Hill, and passed 5-0.

Other Business

Proposed Cell Tower/17 Warren Road:

Mrs. J. Hill noted that Mrs. Devlin had emailed a thank you note and Mrs. Coakley thanked Mr. Wadelton for his input on behalf of the Commission at the Town informational meeting. Mr. Wadelton said he had not yet received proof in either the form of a ruling from the Commissioner of the DEP or a legislative act that AT&T is not required to apply for a permit from the IWC prior to submitting its application to the Ct. Siting Council. He said the Commission could not give the Siting Council an informed opinion unless it receives a complete application to review. He noted the plans the Commission had seen contained no best management practices, no construction sequence, no construction details, no flow data, etc. AT&T had indicated this information would be submitted to the Siting Council, but he explained that would not give the Commission an opportunity to review it before the hearing. Mr. Wadelton was authorized to discuss this matter with Selectman Solley and to request that the Selectmen include the IWC's concerns in a letter to the Siting Council. It was noted that an alternate site may be under consideration.

Smith/35 East Shore Road/Request to Revise Permit #IW-06-24/Enlarge Shed:

Mr. Neff noted the Commission had approved a 6 ft. by 8 ft. shed, but said an 8.6 ft. by 9.9 ft. shed had been installed. He circulated a site plan that showed its existing location. He noted it was a prefab metal shed. Mr. LaMuniere said the proposal increased the size by 37 sq. ft. over what had been originally approved. No one raised any concerns about the larger sized shed.

MOTION:

To approve the revision of Permit #IW-06-24 requested by Mrs. Smith to enlarge the shed at 35 East Shore Road per the plans, "Proposed Boundary Survey," revised to 2/4/11; the permit is valid for two years.

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

Enforcement

Chatfield-Schellerer/19 Tinker Hill Road:

Mr. Ajello said he was proceeding to file the enforcement order on the Land Records. He noted that neither a site development plan nor a restoration plan had been submitted as requested and it had not been proven that the property was a buildable lot. Mrs. Hill asked if both fines had been paid. Mr. Ajello noted one fine had been paid. Mrs. Hill read from the 12/8/10 minutes that Mr. Ajello had been directed to send a second fine. Mr. Bohan noted there was no bond posted for the property and he was

concerned about erosion once the snow melts.

Cruse/33 East Shore Road:

Mr. Ajello noted there had been no activity on this property during the last three years. He will notify the new owner about the restoration order filed on the Land Records.

Rosen/304 Nettleton Hollow Road/#IW-08-V2 and #IW-10-V03:

There has been no progress on these violations since the last meeting and Mr. Rosen has not paid his fines.

Mr. Ajello passed out information from the State DEP concerning snow disposal in public watercourses. He did not think this was a wise practice due to the precedent it would establish.

Administrative Business

Shoreline Protection Policies:

Mr. LaMuniere said he would like to finish this discussion and have a policy in place before applications are submitted in the spring. He asked the commissioners to review the latest draft and send him their written comments so that he can incorporate them prior to the next meeting. Discussion of the revised draft will resume at the next meeting.

2011-2012 Budget:

Mr. Bedini noted the Board of Finance had requested budget reductions. The budget line items were discussed and the following proposals made:

Contracted services:	decrease to \$2000
DEP fees:	leave at \$3000
Film, etc.:	leave at \$350
Legal ads:	leave at \$1000
Legal fees:	increase to amount to be determined
Membership/educ:	decrease to \$800
Mileage:	leave at \$1000
NWCT Con. Dist.:	leave at \$575
Supplies:	decrease to 0

Mrs. J. Hill was directed to research past legal expenses so it could be determined what amount should be proposed for legal fees.

MOTION:

To enter Executive Session at 9:15 p.m. to discuss pending litigation: Brown, Peacocke, and Giampietro.

By Mrs. Hill, seconded by Mr. Wadelton, and passed 5-0.

MOTION:

To end Executive Session at 9:30 p.m.

By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

It was noted that Ms. Cheney successfully completed the DEP Wetlands Commissioner's Training Program.

MOTION: To adjourn the Meeting. By Mr. LaMuniere.

Mr. Bedini adjourned the Meeting at 9:31 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator