

## December 14, 2011

7:00 p.m. Land Use Meeting Room

**MEMBERS PRESENT:** Mr. Bedini, Mr. Bohan, Mr. LaMuniere, Mr. Wadelton

**MEMBER ABSENT:** Mrs. Hill

**ALTERNATES PRESENT:** Ms. Cheney, Mr. Martino, Mr. Papsin

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

**ALSO PRESENT:** Mr./Mrs. Underwood, Ms. Von Holt, Mr. Caroe, Mr. Sabin, Mr. Smith, Mr. Neff

Mr. Bedini called the Meeting to order at 7:00 p.m. and seated Members Bedini, Bohan, LaMuniere, and Wadelton and Alternate Cheney for Mrs. Hill.

**MOTION:**

To add the following subsequent business to the agenda: VIII. Administrative Business,  
A. Approval of 2012 Calendar.

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

### **Consideration of the Minutes**

The 11/22/11 Regular Meeting minutes were accepted as corrected.

Page 1 and throughout: The correct spelling is Ms. Scodari.

Page 4: Under Griffin: The last sentence was revised to: ...to the old wall, but said the shoreline protection policy had to be corrected because the new stonewall had to be wider at its base for stabilization than the initial concrete wall.

**MOTION:**

To accept the 11/22/11 Regular Meeting minutes as corrected.

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

The 12/7/11 Gunnery site inspection minutes were accepted as corrected. The time of adjournment was changed to 4:20 p.m.

**MOTION:**

To accept the 12/7/11 The Gunnery site inspection minutes as corrected.

By Mr. Papsin, seconded by Ms. Cheney, and passed 5-0.

### **Pending Applications**

The Gunnery, Inc./22 South Street/#IW-11-40/Athletic Fields:

It was noted the public hearing had been continued to January 11, 2012 at 5:00 p.m. in the Land Use Meeting Room.

Bol/44 Slaughterhouse Road/#IW-11-43/Install Underground Propane Tank:

Mr. Neff, engineer, stated the proposed underground tank would be located in front of the house as far from the wetlands as possible. This was the only place available due to the location of the septic system and shallow ledge elsewhere on the property. The map, "Proposed Propane Tank Plan," by Mr. Neff, dated 11/4/11 was reviewed. It was noted this had been discussed at the last meeting and no questions or concerns had been raised.

**MOTION:**

To approve Application #IW-11-43 submitted by Ms. Bol to install an underground propane tank at 43 Slaughterhouse Road per the plan, "Proposed Propane Tank Plan," by Mr. Neff, dated 11/4/11; the

permit shall be valid for 9 years and is subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. the property owner shall 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. LaMunier, seconded by Mr. Waderton, and passed 5-0.

Herman/74 West Morris Road/#IW-11-45/Site Improvements:

Mr. Ajello noted in his enforcement report that neither the property owner nor the contractor had paid his citation. Mr. Neff, engineer, had revised the site plan since the last meeting. The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, revised to 12/8/11 was reviewed. Mr. Neff noted that the conduit had been moved to the rear of the wall and the size of the retaining wall, 2 ft. wide by 3 ft. high, had been added to the plan. Mr. Papsin asked if the Town had OK'd the location of the pillars that had been erected without a permit in the Town right of way. Mr. Ajello said he was waiting to hear from the Selectmen and so recommended the Commission wait until the next meeting to act because if it was determined the pillars had to be moved, that would be an additional regulated activity to include in the application. Mr. LaMunier noted the location of the pillars had no impact on the wetlands. He also thought moving the conduit to the rear of the wall and the installation of the fence were good ideas. Mr. Papsin asked if the Commission would delay action on the application since the work had begun without the required permit and the citations had not yet been paid. Mr. Bedini asked Mr. Ajello to write to the Hermans and to Mr. Randall to inform them the Commission had delayed acting on the application.

Schwartz/173 West Shore Road/#IW-11-46/Rebuild Stonewall, Repave Driveway and Entrance:

Mr. Neff, engineer, stated that a landscape architect had drawn the plans for the stonewall, but that he had written the project narrative and sequence of construction. These and the 1" = 20' scale map, "Schwartz Residence, Lake Waramaug," dated 9/21/11 were reviewed. Mr. Papsin noted he had observed drainage coming through a "broken area" of the wall. Mr. Neff said that water now flows from the wetlands behind the wall to the catch basin and would bleed over the top of the wall and then flow down to the basin once the wall was rebuilt. He said there would be no fill placed behind the wall and an opening for water to flow through could be put in one section of the wall if the Commission wanted it. Mr. LaMunier was concerned the water might pond on the road and create icy conditions. Mr. Ajello said the current drainage route would not be altered. Mr. Neff said the new wall would be less than 50% mortared and so the water could continue to flow through it as it does now. He noted that all of the work would be done by hand. Mr. Ajello asked if the DOT had been contacted. Mr. Neff said, not yet, but he understood it was required. He added that if the DOT requires the wall to be moved back from the road he would have to return to the Commission for a revision of the permit.

**MOTION:**

To approve Application #IW-11-46 submitted by Mr. and Mrs. Schwartz to rebuild stonewalls and repave the driveway entrance at 173 West Shore Road per the plans by Mr. Neff, dated 9/21/11 (and 11/18/11); the permit shall be valid for 9 years and is subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. the property owner shall 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. Papsin, seconded by Mr. LaMuniere, passed 5-0

### **New Applications**

#### Bee Brook Condo Assoc. #2/31 Bee Brook Road/#IW-11-47/Install Drainage Pipes:

Mr. Wadelton recused himself.

Mr. Condon, president of the condo association, was not present and there was no one present to represent the applicant. Mr. Bedini read Mrs. Hill's 12/9/11 review and Mr. Ajello noted that a narrative had been submitted to respond to each of her points. Mr. Bedini read the unsigned 12/12/11 narrative. Mr. Ajello noted that all disturbed areas would be mulched to prevent erosion. Mr. LaMuniere noted, too, that the rip rapped level spreader at the outlet would prevent erosion. Mr. Ajello thought it was important to approve the application now so that the work could be completed before the ground freezes. Photos of the site dated 11/17/11 and 11/10/11 were reviewed. Mr. Martino asked if there would be a critter cap installed on the ends of the pipes, and Mr. Ajello said there was no plan to do so. Mr. Ajello said there had been no impact to the watercourse as a result of the work done without a permit. MOTION:

To approve Application #IW-11-47 submitted by Bee Brook Condo Assoc. #2 to repair the footing drain and install a level spreader at 31 Juniper Meadow Road per "Footing Drain Repair and Level Spreader Plan," Sheet #2, unsigned, dated 11/18/11; the permit shall be valid for 9 years and is subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. the property owner shall 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 Ms. Cheney, seconded by Mr. LaMuniere, passed 4-0

Mr. Wadelton was reseated.

#### Underwood/99 Blackville Road/#IW-11-49/Clean Out Watercourse:

Mr. Ajello noted this was an after the fact application prompted by the enforcement of a violation. Photos of the work area were circulated. Mr. Ajello explained there was a man made channel, which has all of the characteristics of a watercourse, that requires cleaning out from time to time and that Mr. Underwood had used a small excavator to dredge an approximate 150 ft. section of this channel. He noted that the Underwoods had immediately responded to his call by stopping work, covering the piles of excavated material, and haying the disturbed edge. He did not think there had been an impact to the brook into which the channel outlets because the flow from the channel had been a "trickle" at the time the work was done. Mr. Bedini said there looked like there had been a lot of clearing done. Mr. Ajello said the area had been lawn where the excavated material had been dragged and that it would regrow. He also said the spoils would be trucked off site. Mr. LaMuniere asked how long it had taken the channel to refill with material. Mrs. Underwood said since 1985 and that it had been almost completely refilled. Mr. Bedini asked if a notice of violation had been issued. Mr. Ajello said, no, because the owners had quickly submitted their application to restore the area. It was noted the dredging had been necessary to keep runoff from flowing into the basement and ponding over the septic area. Mr. Ajello recommended that the Commission allow the remaining work to be done immediately away before the ground freezes. Mr. Bedini agreed and said the Commission would act on the application at the next meeting.

#### Smith/22 Parsonage Lane/#IW-11-48/Renovations and Addition to Existing Dwelling, Installation of Drainage System:

Mr. Caroe, adjoining property owner, voiced his concern that the proposed activity might impact his property and noted the latest plans had not been submitted well enough in advance of the meeting so that his engineer had not had time to review them and so asked the Commission not to act tonight. Mr. Sabin, landscape architect, objected that Mr. Caroe had been allowed to speak before the applicant had made his presentation, saying it could be prejudicial to the Commission. Mr. Bedini stated that Mr. Caroe's comments had not influenced the Commission. Mr. Ajello noted Mr. Sabin's plan had been submitted on 12/12, while Mr. Neff's erosion and sediment control plan was being submitted tonight. Mr. Sabin presented his plan, "Site and Landscape Plan," dated 12/5/11 and referred to a series of photos showing the location of wetlands flags on the Smith property and ponding on the Caroe property. He noted there is 4000 sq. ft. of wetlands on the Smith property, and proposed to restore them so they would be functional. He assumed the wetlands system extended off site to the Caroe property based on the location of standing water. He said a wet meadow was proposed and he listed the types of vegetation that would be planted. He next detailed the proposed drainage system, which included a series of drain inlets, recharge galleries, a rain garden, and buffers along the edge of the wetlands to provide an additional filter. Mr. Neff reviewed his plan, "Soil Erosion and Sediment Control Plan," dated 12/10/11. He described what he termed, the "straightforward" plan to collect runoff from a series of downspout inlets and catch basins, then direct it to two dry wells with overflows to the rain garden on the east side of the house. He said the system was designed for the first inch of rainfall, which contains most of the pollutants. He compared this to the existing drainage pattern, which follows the topography. The proposed system would decrease the velocity of the runoff before it flows into the wetlands. Mr. Bedini asked if the stonewalls shown on the plan are existing. Mr. Neff said the walls and a new driveway extension are proposed. Mr. Bedini asked about the existing rain gutters. Mr. Neff said they go to grade and are not part of the proposed drainage system to serve the new addition. Mr. Bedini asked if foundation drains were proposed for the new addition and if they were, how do they get to daylight. Mr. Sabin said he would look into it. Mr. Bohan asked why two dry wells were proposed. Mr. Neff responded that one was proposed to the north and one to the south of the addition to divide the drainage. Mr. Bohan asked where the existing drainage flows. Mr. Smith said it goes down the spout, onto the soil near the house, and then flows over the ground. Mr. LaMunier noted that the entire addition was within the upland review area so it was important to address all issues regarding the foundation and slabs, drainage, etc. Mr. Sabin noted the proposed work would require the removal of one tree. A site inspection was scheduled for Tuesday, December 20, 2011 at 3:30 p.m.

### **Enforcement**

Mr. Ajello reviewed his 12/14/11 report.

#### Berger/392 Nettleton Hollow Road:

Mr. Ajello has spoken with the contractor. An application to repair an eroded streambank is expected.

#### Bee Brook Condo Assoc. #2/31 Juniper Meadow Road:

Mr. Ajello said he would make sure the work was done properly.

#### Griffin/199 West Shore Road:

The new boathouse wall is completed and the disturbed area has been mulched. However, sand bags were left in the lake. Mr. Ajello will contact the contractor.

#### Hunt/25 Juniper Meadow Road:

Trenching is required to install an LP line for a fireplace.

#### Lanyi/105 West Shore Road:

Mr. Ajello noticed drainage pipes in the driveway. He will call the contractor to make sure they are temporary since the approved plans did not include them. Mr. LaMunier also asked Mr. Ajello to

remind the contractor that he should clean out the catch basin to prevent icy road conditions.

Seitz/104 Blackville Road:

The illegal shed has been taken down.

18 Titus Road, LLC./18 Titus Road:

It was noted that the streambank work done had extended several feet into the river. Not only was this not done according to the approved plan, but restrictions of the river channel are not permitted. Mr. Ajello reported that the contractor made the required corrections. He said he had measured carefully afterwards and found the work had resulted in either a minimal or no enlargement of the bank, that the natural grade was acceptable, and that the before and after distance from the building to the slope is the same. Mr. Bedini said he had searched for the official stream channel encroachment map in the Town Clerk's Office, but it could not be found. The Town Clerk will call the DEEP to find out if the map was ever issued. The property owner has been advised to contact the DEEP. Mr. Ajello said he gave the DEEP information to the job foreman, but said it could also be obtained on line. Mr. Ajello also said he thought that both local and DEEP approvals were needed prior to the commencement of work.

246 New Milford Turnpike:

This property has a new owner who will be upgrading the electrical service. Mr. Ajello said he had signed off on an agent approval for a trench across the parking lot to a new utility pole. The work should take one day and should not impact the river.

Chatfield and Schellerer/19 Tinker Hill Road:

Mr. Ajello said the disturbed areas had been mulched and would hopefully be seeded in the spring. There have been no new activities on site. The owners have not yet paid the citation and a notice of violation has been filed on the Land Records.

Spring Hill Farm/Whittlesey Road:

Mr. LaMunier noted an agricultural exemption was recently approved and asked whether the WEO would follow up and make sure the work was completed as proposed. Mr. Ajello said he would check on this when he inspects other work on the property.

Brown/127 West Shore Road:

Mr. Bohan asked if this could be taken off the agenda. Mr. Ajello said, no, because Mr. Brown had not yet made the settlement payment and because the restoration work would not be done until the spring.

**Administrative Business**

Correction/Clarification of Section 11.A.4.d/Reconstruction of Stonewalls on Lake Shore:

Mr. LaMunier had pointed out that the shoreline protection policy would have to be clarified to allow cement walls to be replaced by stonewalls with a wider base than the original cement wall. He said to get the same retention power as a cement wall, the stonewall base had to be wider and that the width required would depend on the location of the wall, height, wave action, etc. There was a brief discussion regarding whether inserting language that the replacement stonewall must be "functionally appropriate" would be adequate clarification. It was generally thought that wording was too vague and open to interpretation. Mr. Ajello said it was a general rule that the width of the base of a stonewall should be equal to its height and that the wall would narrow to the top. It was the consensus that the revision of this section was needed, but that it would be done at a later date in conjunction with other revisions.

**Correspondence**

Mr. Ajello read the 12/9/11 letter from Ms. Matteo in which she requested that the Town return her application fee for work done along her shoreline and also pay her engineer's invoice. It was the consensus that the letter should be forwarded to the Commission's attorney who will respond to it.

There was no need to conduct an executive session.

**Other Business**

Mr. Bohan asked how many acres of disturbance must there be to require the involvement of the DEEP. It was thought it was 5 acres, but Mr. Ajello said he would look up this state regulation. Mr. Bohan thought The Gunnery athletic fields application might need DEEP approval.

**MOTION:**

To approve the 2012 Calendar.

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

**MOTION:**

To adjourn the Meeting.

By Ms. Cheney.

Mr. Bedini adjourned the Meeting at 9:35 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill, Land Use Administrator