

May 9, 2012

7:00 p.m. Land Use Meeting Room

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

ALTERNATES ABSENT: Ms. Cheney, Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Neff, Mr. Sarjeant, Mr. Wolff, Mr. Talbot, Residents

Mr. Bedini called the Meeting to order at 7:01 p.m. and seated Members Bedini, Bohan, LaMuniere, Papsin, and Wadelton. There was no subsequent business to add to the agenda.

Consideration of the Minutes

MOTION:

To accept the 4/25/12 Regular Meeting minutes as written.

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

Regarding Smith/22 Parsonage Lane/#IW-11-48, Mr. LaMuniere asked whether the Commission had approved the revised plans that were reviewed at the last meeting. Mr. Bedini stated the Commission had not made a motion to do so because the revisions were insignificant and had been a reduction in the scope of the work.

Pending Applications

Community Table Restaurant, LLC./223 Litchfield Turnpike/#IW-12-13 Additional Parking:

Mr. Neff, engineer, presented his map, "Soil Erosion and Sediment Control Plan," dated 4/25/12, which showed the additional parking spaces proposed. He noted the greenhouse had been removed from the plans. Five parking spaces were added on the Wilbur Road side of the property, paving for five more spaces was added nearer the restaurant, and the existing parking was reconfigured. Mr. Neff explained there were a lot of wetlands on site, but that due to complaints about employee parking along Wilbur Road and safety issues, it was determined the additional spaces were needed and the plans kept them as far from the wetlands as possible. He noted that much of the wetlands on site had been previously disturbed and was now grass. Mr. Bedini asked if the additional spaces would be enough to alleviate the problem. Mr. Neff said the applicant was adding as many as possible without going too far into the wetlands. Mr. Talbot noted the original plan showed 17 spaces, while the revised plan had 32. Mr. Talbot pointed out the location for dark sky lighting. Mr. LaMuniere saw no significant impact to the wetlands, but was concerned that the paving off Wilbur Road was so close to the leaching galleries. It was noted those parking spaces had been moved as close to the septic system as possible to keep them away from the wetlands on the other side. Mr. Neff stated that concrete galleries would be installed and could be driven over if necessary. Mr. Neff discussed the proposed dry wall along the edge of the Wilbur Road parking area, saying it would reduce the amount of grading required within the regulated area. He said this parking area would require a curb cut permit from the Town and that paving to the

property line was usually required. He also noted the drainage from this parking area would flow towards the wetlands. Mr. Ajello recommended that this parking area have a pervious surface to provide some filtration before the runoff reaches the wetlands. Mr. Neff and Mr. Talbot thought that would be a maintenance problem. Mr. Neff explained that runoff now flows to the tall grass area behind the restaurant; a very flat area, which slows it down so that sediment is dropped as it flows towards the pond and he added that the proposal would not radically change the hydrology of the area. Mr. LaMuniere agreed with Mr. Ajello that a pervious surface that would allow infiltration would be better. Mr. Ajello recommended either crushed stone or a layer of stone covered with gravel. Mr. Wadelton did not think this request was justified because the parking area was relatively small, the area was flat, it had been previously compromised, and it would create a maintenance problem. Mr. Bedini noted the apron would have to be paved. Mr. LaMuniere thought infiltration would help to prevent ponding near the septic system. Mr. Papsin thought a pervious surface would be the better solution. Responding to a question from Mr. Talbot, Mr. Bedini noted that if the restaurant wanted to pave this parking area in the future, an IV permit would be required.

MOTION:

To approve Application #IW-12-13 submitted by the Community Table Restaurant, LLC. for additional parking at 223 Litchfield Turnpike per the map, "Erosion and Sediment Control Plan" by Mr. Neff, dated 4/25/12; the permit shall be valid for two years and is subject to the following conditions:

1. the five parking spaces off Wilbur Road shall be covered with pervious material and this note shall be added to the map,
2. 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,
3. the property owner shall give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
4. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

Lilac Hill, LLC./156 East Shore Road/#IW-12-14/Slope Stabilization and Remediation:

Mr. Wolff, engineer, reviewed his plan, "Slope Stabilization and Remediation Plan, revised to 5/9/12. He proposed to construct a 24 ft. long, 19 in. high dry stack stonewall to stabilize the steep slope at the edge of Rt. 45 just above the existing boathouse and dock. The wall would be constructed on a 6 in. base of crushed stone and backfilled with crushed stone. The top of the wall would tie in with a boulder on the south end and the existing boathouse foundation on the north end. Mr. Wolff explained there would be 2 in. diameter weep holes for drainage and that no work was proposed in the lake. He read his 5/9/12 letter to Mrs. Hill in response to her 5/7/12 application review. Mr. Bedini asked what the existing hillside cover was. Mr. Wolff said it was forest litter and would not be disturbed. He pointed out the limit of disturbance line on the map. He also noted the existing stairs would be used to access the site and all work would be done by hand. He also submitted the topo map, DEP reporting form, letter of authorization, and signed conservation easement form. Mr. Papsin asked if there would be room for under planting. Mr. Wolff said the owner would be open to that if the Commission recommended it. The commissioners will inspect the site on their own prior to the next meeting.

Sarjeant/28 Tinker Hill Road/#IW-12-15/Repair Stonewalls and Dock Foundation on Shoreline:

Mr. Sarjeant submitted a more detailed sketch map than the one originally submitted with the

application, 1" = 10', no date, photos of the existing site, and additional written details about the work proposed. He said he thought he would do all the work by hand, but was not sure at this time. He said he had researched the use of hydraulic cement, but had not decided yet whether he would use it. He noted the installation of a coffer dam to work on the end of the pier would be prohibitive. Mr. Sarjeant noted he had included stockpile areas and the limit of disturbance on the more detailed sketch plan. He said he hoped to put any disturbed materials back in place on a daily basis and said if additional stone for the wall repair was needed, it is available elsewhere on his property. Mr. Sarjeant stated he would like to complete the project as inexpensively and as properly as possible and that he would keep all the trees he could. Mr. Bedini asked Mr. Sarjeant to go over Mrs. Hill's review again to see if he could improve the application further, especially regarding the narrative for the sequence of construction. A site inspection was scheduled for Wednesday, May 16, 2012 at 5:30 p.m.

Distel and Comer/191 Roxbury Road/#IW-12-17/Pond Site Improvements:

Mr. Neff, engineer, noted there is an existing pond on the property and that four activities were proposed in its general location: 1) rebuild the curtain drain on the east side of the pond, 2) install a 10' X 20' dry stone patio on the NE side of the pond, 3) install an aerator in the pond to improve water quality and install a compressor in a nearby existing shed, and 4) replace the existing dock on the SE corner of the pond with a floating dock. The map, "Proposed Pond Site Improvements," by Mr. Neff, dated 4/5/12 was reviewed. Mr. Neff noted that excavation of the pond was not proposed. Mr. Ajello asked if the pond was fed by surface water. Mr. Neff said the curtain drain handles subsurface water flowing to the pond. Mr. Bohan asked why the stockpile area was needed. Mr. Neff said the material excavated from the old curtain drain would be placed there. Mrs. Hill noted that she had reviewed the application and it was complete. It was the consensus there was no need for a site inspection. Mr. Wadelton noted for the record that Mr. Distel owns property adjacent to his, but said he has no interest at all in this application.

McAdam/231 Romford Road/#IW-12-16/Pesticide Application:

Mr. Ajello stated he had written to the property owner a month ago to ask if he would consider removing the cattails by hand, but the response was that he preferred to use chemicals. It was noted the Commission had received notification from the DEEP that a state permit had been issued. Mr. Wadelton questioned the jurisdiction of the local Commission in this and other similar cases. Mr. LaMunier pointed out the purpose of the local permit requirement was to make sure the proposed application was done in the least harmful way with special attention paid to potential downstream impacts and to educate property owners on other methods to control weeds and algae. Mr. Ajello said he thought the Commission had the right to deny pesticide applications if adverse impacts were found. Mr. Bedini recommended the Commission draft a letter to its attorney to ask for advice on the proper procedure for handling these applications. He thought if the Commission had no legal right to review or to condition the DEEP permits, it should not waste its time reviewing them. Mr. LaMunier thought the Commission had the legal obligation to review them for potential adverse impacts. Mr. Wadelton did not think the Commission should regulate what it has no authority to regulate. Mr. Ajello agreed with Mr. Bedini that the Commission should find out the extent of its jurisdiction.

Other Business

Sullivan-Ahern/7 Warren Road/Request to Renew Permit #IW-10-23/ Dredge Pond, Repair Weir,

Remove Invasives:

Mrs. Hill said she had advised the property owners to send in a written statement that they would follow the original approved plans and the \$25 fee. The Commission will act when the documentation is received.

Enforcement Report

Brown/127 West Shore Road:

The restoration work is progressing. The required planting on the east side is done, but not on the west side. Mr. Ajello will measure the canoe access to make sure it is only 6 ft. wide.

Lautier/56 June Road:

Mr. Lautier has reduced the size of the proposed garage and hopefully it will be moved as far as possible from the ledge. Mr. Sanford of Milone and MacBroom is scheduled to inspect the site on 5/11. Mr. LaMuniere noted the Commission had been concerned about the area where 4 ft. of the "road" had collapsed. Mr. Ajello said that happened some time ago and that Mr. Lautier was now proposing to place stones there.

Costa/Hinkle Road:

Mr. Ajello briefly spoke about plans for timber harvesting on a 5 acre property. The landing area will be well away from any intermittent streams and the work will not impact any wetlands or wetlands canopy.

It was noted there was no reason to hold an Executive Session.

MOTION: To adjourn the meeting

. By Mr. LaMuniere.

Mr. Bedini adjourned the meeting at 8:40 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator