

April 22, 2009

Regular Meeting

7:00 p.m., Land Use Meeting Room

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

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

ALSO PRESENT: Ms. Purnell, Mr. Neff, Mr. Churchill, Mr. Fusco, Mr. Klauer, Mr. Szymanski, Mr. Charles, Mr. Jontos, Mr. Marchetti, Ms. Facey

REGULAR MEETING

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

MOTION: To add the following subsequent business to the Agenda:

V. New Applications:

B. Harrison/ 19 Kielwasser Road/#IW-09-10/Garage-Guest House Addition and Septic System,

C. Facey/151 Litchfield Turnpike/#IW-09-11/Addition to Existing Dwelling,

VI. Other Business:

A. Peloquin/10 New Preston Hill Road/Farmers Market,

B. Aquatic Pesticide Permit Application/Canal/Sabbaday Lane, IX.

Communications:

A. Report on Shepaug River Project by Mrs. Purnell.

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

Consideration of the Minutes

MOTION: To accept the 4/8/09 Regular Meeting minutes as written. By Mr. Bedini, seconded by Mrs. Hill, and passed 4-0-1.

Mr. LaMuniere abstained because he had not been present. The 4/20/09 Adams site inspection minutes were accepted as corrected.

Line 3: Insert: "pool" after "swimming."

Line 4: Clarify that the direction is south. Change: "planned" to "proposed."

MOTION: To accept the 4/20/09 Adams site inspection minutes as corrected. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Pending Applications

Shepaug Valley Regional High School District #12/159 South Street/ #IW-09-07/Construct Bridge, Clear Brush:

Mr. Koerner had been advised to submit a letter of withdrawal. If this is not received, the Commission will deny the application because it is incomplete.

Adams/233 West Shore Road/#IW-09-08/Tennis Court, Bio Retention, Stormwater Management:

Mr. Fusco, landscape architect, Mr. Marchetti, engineer, and Mr. Churchill, contractor, were present.

They presented a mounted site plan and photos of the property. Mr. Fusco reviewed the proposal. He explained that the entire site was within the regulated area. The plans call for infiltration chambers beneath the tennis court, which would direct the runoff to rain gardens that would then flow into bio retention areas below. This stormwater management system would be sized for a 25 year storm event.

Mr. Fusco noted it would be a major improvement in terms of filtering stormwater before it empties into Lake Waramaug. Mr. Bedini asked if a pervious surfaced court had been considered. Mr. Churchill

stated this would be too porous for a sports court. Mr. LaMunier noted that the eastern intermittent stream has violent flows during major storms and expressed his concern that the rain garden system could be breached by the intermittent stream. The engineer noted the two drainage flows would be separate and said the proposed system would increase the ability to retain stormwater on site. He said he would clarify the plan profiles to make this clear. Mr. Bedini recommended that given the severe slope and amount of water that drains across the property, the Commission have its consultant review the application. Mr. LaMunier was not sure that the two proposed rain gardens at the bottom of the system were large enough to handle both the runoff from the property and from Tinker Hill Road. It was noted that the rain gardens would overflow and flood the existing lawn area, but that the proposed system would delay the flow to the catch basin that empties into the lake. Mr. LaMunier asked if the applicant had considered installing a swale rather than the proposed pipe. He noted that a swale would slow the velocity of the stormwater. Mr. Marchetti said a rip rapped swale could be implemented instead. Mr. Bedini said silt should be prevented from flowing onto the road and into the lake. It was the consensus that Land Tech would review the plans.

New Application

Wykeham Rise, LLC./101 Wykeham Road/#IW-09-09/Affordable Housing:

Mr. Szymanski, engineer, and Mr. Klauer, owner, were present. Using the map, "Overall Site Development Plan," by Arthur H. Howland & Assoc., revised to 4/21/09, Mr. Szymanski pointed out activities proposed within the regulated areas. These included 1) renovating the existing structures in the northern part of the property, 2) repairing the tennis court, 3) repairing the retaining wall on the north side of the tennis court, 4) driveway work at the Bell Hill Road entrance including installation of culverts, and 5) renovating building #6 and installing pavement to accommodate underground parking. He said other proposed activities that would have no direct wetland impact included 1) ancillary grading downhill of detention pond #1, 2) installation of a large rain garden to handle the runoff for building #7 and its parking area, and 3) construction of two sediment basins and two detention ponds. He said the applicant tried to reduce impacts to the greatest extent possible within the regulated areas. Mr. Szymanski also noted that the size of the proposed detention ponds had been changed since the original inn application and that the ponds would be wet ponds holding at least 18 inches of water at all times. He said they were in the preliminary stages of reviewing the existing septic system and whether it would be possible to expand it, although its expansion was not included in this application. He pointed out that erosion controls would be installed on the downhill side of all the structures to be renovated and that full drainage calculations still had to be submitted. Mr. Bedini asked if any of the buildings would be torn down. Mr. Szymanski said, no, the existing structures would be utilized. Mr. Bedini asked if changes to the bridge were proposed. Mr. Szymanski said only sight line improvements to the north side of Wykeham Road were proposed. He also noted that the two discharge points into the brook by wetlands flag #3 and the east side of the driveway would remain and that the peak runoff flows would not increase as a result of the proposed development. Mrs. D. Hill asked that the site plan be revised to show the 100 ft. wetlands setback in red. Mr. Bedini noted that due to public interest, a public hearing would be held. The date for the hearing will be determined at the next meeting. Mr. Charles asked Mr. Szymanski if he could provide information from the DEP regarding the approval of the septic system at the hearing. Mr. Szymanski declined to answer until the question is raised at the hearing.

Harrison/19 Kielwasser Road/#IW-09-10/Additions to Dwelling and Garage, Septic System:

Mr. Neff, engineer, presented the map, "Soil Erosion and Sediment Control Plan," dated 4/7/09. He noted that the tank and some of the piping for the proposed septic system were within the regulated area, but the leaching fields would be at least 100 feet from the wetlands and the intermittent watercourse. It was also noted that the proposed 24 ft. X 24 ft. garage addition was totally within the

regulated area. He said the additional septic system was required for the guest house, which would be located on the second floor of the garage. Detached buildings require separate septic tanks and fields per the state health code. A site inspection was scheduled for Tuesday, April 28, 2009 at 3:00 p.m.

Facey/151 Litchfield Turnpike/#IW-09-11/Addition to Existing Dwelling:

Ms. Facey detailed her proposal to construct an addition on piers on the south end of the existing dwelling. She said the excavated material would be temporarily stockpiled on site and then either used for gardens or trucked off the property. The map, "Property Survey," by Berkshire Engineering, dated 12/16/08 did not show any erosion controls, but Mr. Facey said she would install either hay bales or silt fence to protect the wetlands, which were flagged 25 ft. from the proposed addition and would leave them in for the duration of the construction. Ms. Facey said she had recently removed trash from the stream, which had increased the velocity of its flow, resulting in erosion of the banks and sedimentation. She proposed check dams to slow the flow. Mrs. J. Hill asked if these had been added to the application and she said they had. (Note: Per staff review on 4/28/09 there was no information about the proposed check dams with the application.) A site inspection was scheduled for Tuesday, April 28, 2009 at 3:30 p.m. The commissioners asked that the location of the addition be staked prior to the inspection.

Other Business

Shepaug River Project/Report by Ms. Purnell:

Ms. Purnell submitted her 4/22/09 report on the field work, which will be done during the next few months in Washington and Roxbury, to obtain baseline data on the Shepaug River before additional water is released per the settlement with the City of Waterbury. She presented a map of the Shepaug watershed and photos of the insects and animals that are indicators of water quality and will be searched for. It was noted there will be 8 times more water released this summer than in years past and that the data collected now will help Rivers Alliance, HVA, and NRCS to determine the impact this has on the river. Other data that will be collected includes information on fish, flow, level of dissolved oxygen, and water temperature. Ms. Purnell said that volunteers are needed for the field work and would receive two hours of training before working a half day to collect data.

Peloquin/10 New Preston Hill Road/Farmers Market:

The possibility of a farmers market on the Peloquin property was briefly discussed. It was the consensus that this was a zoning issue and that a farmers market would not impact the Aspetuck River.

Canal/Sabbaday Lane/Aquatic Pesticide Permit Application:

Mrs. Hill reported that a copy of the DEP approval had been received. She wrote to Mr. Canal to inform him that an Inland Wetlands permit from the Washington Inland Wetlands Commission is also required before the chemicals may be applied to the pond. It was noted that a similar application by Mr. Canal had been denied last year.

Enforcement Brose/213 Roxbury Road/Unauthorized Clearing, Structure/#IW-08-V5:

Mr. Ajello circulated photos showing the property as it had been and how it appeared now with the current violations. The immediate areas along both sides of the brook had been cleared and mowed and a masonry patio had been installed, and both were located beyond the limit of disturbance line shown on previously approved site development plans. Mr. Ajello read the 10/05 motion of approval, which stated that the entire area below the limit of disturbance line must be allowed to regrow to restore the natural vegetation and understory. He said he had sent Mrs. Brose a notice of violation. After a lengthy discussion it was agreed to send Mrs. Brose a citation for \$500, send her a cease and desist order, and to schedule a show cause hearing for the May 13th meeting. Mr. Ajello was requested to research sample cease and desist orders to make sure this one was properly worded as it would most likely be filed on the Town Land Records and because enforcement of this violation could possibly go to court.

Commissioners disagreed on whether the order issued should be only to cease and desist with an order to restore issued only after the cease and desist order is upheld or whether just one order should be issued to include both an order to cease and desist and to restore. It was the consensus that the unauthorized work done was in total violation of the permit that had been issued. Mr. Bedini said that an application to correct the violation would be required so that the Commission could enter the site to inspect it and the property owner would be responsible for hiring a consultant to draft a remediation plan, paying for the Commission's consultant to review it, and for implementing the approved restoration plan. Mr. Ajello said a draft enforcement order would be available for review before May 4th.

Wright/59 Scofield Hill Road/Unauthorized Clearing, Soil Disturbance:

Mr. Ajello said he was waiting for the disturbed areas to be completely stabilized before this item is removed from the agenda.

Andersson/35-45 Gunn Hill Road/Unauthorized Clearing, Trenching in Wetlands:

Resolution of this violation is slowly progressing. Possibly remedial work will begin in May.

MOTION: To go into Executive Session at 9:23 p.m. to discuss the following pending Litigation: Howard and Brown. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

MOTION: To end Executive Session at 9:46 p.m. By Mrs. Hill, seconded by Mr. Bohan, passed 5-0.

Brose/213 Roxbury Road/#IW-08-V5:

The commissions made a formal motion regarding the Brose violation.

MOTION: Regarding Brose/213 Roxbury Road/#IW-08-V5/ Unauthorized Clearcutting and Structure: To issue a citation per Ordinance #720 and an enforcement order and to schedule a Show Cause Hearing at 6:30 p.m. on May 13, 2009. By Mr. LaMuniere, seconded by Mr. Bedini, passed 5-0.

MOTION: To adjourn the Meeting. By Mrs. Hill.

Mr. Bedini adjourned the Meeting at 9:48 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill Land Use Administrator