

May 27, 2009

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: Mr. Fusco, Mr. Marchetti, Mr. Neff, Mr. Talbot, Mrs. Smith,

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: VII. Enforcement: N. Mitchell/ 12 Shinar Mt. Road/Spraying Herbicides in Wetlands. By Mrs. Hill, seconded by Mr. Wadelton, and passed 5-0.

Consideration of the Minutes

The May 13, 2009 Show Cause Hearing - Regular Meeting minutes were accepted as corrected.

Page 2: Bottom line: Change: "applicant" to "school."

Page 3: Under both Wykeham Rise, LLC. and Adams: Change: "consultant's bond" to "consultant's estimated fee."

Page 3: Under Wykeham Rise, LLC.: Change #3 to: "had granted an extension so the public hearing may be scheduled to be held on the July 8th meeting date."

Page 4: Under Facey: Mr. LaMuniere pointed out that although the text includes Mr. Bedini's statement advising Ms. Facey that any future work in the stream, clean up work, or work within 100 feet of both sides of the stream would require a permit, he thought the Commission should have made this a condition of approval.

MOTION: To accept the 5/13/09 Regular Meeting minutes as corrected. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Pending Applications

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

The school had been sent a letter asking that the application be withdrawn. There was no response, and therefore, the Commission had to act before the deadline per state statute.

MOTION: To deny Application #IW-09-07 submitted by Shepaug Valley Regional School District #12 to construct a bridge and clear brush at 159 South Street due to lack of information. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

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

Mr. Fusco, landscape architect, and Mr. Marchetti, engineer, presented the map, "Stormwater System Plan," ST101, by Marchetti Consulting Engineers (no signature, no seal), dated 5/27/09 and photos of the existing conditions on the property. Mr. Fusco reported that the plans had been revised according to comments made at the 4/22 meeting and by Land Tech and he submitted a letter dated 5/27/09, which responded to the Land Tech review dated 5/22/09. He reviewed his letter. Mr. Fusco stated that the rain gardens and plunge pools that had been proposed were an "added bonus" and were not needed for mitigation for the tennis court. He said that although they were a "more responsible way to approach the property due to erosion in the intermittent stream," because Land Tech was asking for too much data about them, the applicant was taking them off the table. He said it would be too costly to assemble

the data requested for facilities that were not needed for drainage purposes or for mitigation. Mr. Bedini asked if he had discussed this with Land Tech. He said he had not. Mr. Bedini asked if he had considered using pervious asphalt for the tennis court. Mr. Marchetti said it was not an ideal surface for tennis because it was not smooth and since it was pervious to water it could freeze and crack. The benefit of the plunge pools was discussed. It was noted they would be useful in slowing the velocity of the runoff. Mr. LaMuniere also noted the importance of the rain gardens that had been proposed at the bottom of the property because they would help the runoff to dissipate. Mr. Fusco agreed that the rain gardens would have provided a natural buffer between the lawn and the lake. The possibility of deleting the pipes from the drainage plans, but leaving the plunge pools and rain gardens was discussed. Mr. LaMuniere noted that additional information was needed before the Commission would act on the application. This included an erosion control narrative, erosion control details, and a construction sequence as this is a difficult site that requires protection. Land Tech's 5/22/09 letter was reviewed point by point. Under the section concerning erosion and sediment control, points #2 and #6 had not been addressed by the applicant. Mr. LaMuniere noted that point #7 under stormwater management would not be relevant if the pipes were removed. When revised plans are submitted and referred to Land Tech, the Commission will ask for clarification re: #9 under stormwater management. Mr. Fusco asked the Commission to approve the application with conditions, but it was the consensus that the application was not yet complete and the commissioners needed time to review all the information that had just submitted this evening.

Wykeham Rise, LLC./101 Wykeham Road/#IW-09-09/Affordable Housing:
There was no information regarding this application.

New Applications

Bardel/169, 177 Baldwin Hill Road/#IW-09-13/Install Septic System, Well, Driveway:

Mr. Neff, engineer, noted he would amend the application form to include installation of the well and driveway. The map, "Subsurface Sewage Disposal System," by Mr. Neff, revised to 5/19/09 was reviewed. Mr. Neff noted the existing barn would be converted to a residence, but the septic system was proposed on other property owned by the Bardels across Scofield Hill Road because the area surrounding the barn could not accommodate a septic system due to wetlands and shallow groundwater. The plans call for piping the effluent through wetlands, under the road, along the edge of the second lot, and to the leaching fields; a total distance of approximately 700 feet. Mr. Ajello asked if piping to the Bardel's main house lot across Baldwin Hill Road had been considered as a feasible alternative that would disturb less wetlands. Mr. Neff and Mr. Talbot, architect, thought this lot was also wet. Mr. LaMuniere said this alternative should be considered because there would be less pipe and less impact to the wetlands. Mr. Neff said he would draw a site plan of the main house property for reference purposes and to show the constraints there. It was noted the Health Dept. had not yet approved the proposed septic system and that the application had to be referred to the State Health Dept. Approval from the Selectmen/Highway Dept. will be required for the road crossing. Mr. Ajello noted that the Town needed more details on the drainage. Mr. Neff advised the Commission that he would also discuss a formal easement with the Town for the road crossing. Mr. Bohan asked if it would be possible to add to the existing main dwelling's septic system rather than to install the new proposed system. Mr. Talbot stated there was not enough room available to do so. Mr. Bedini asked if a shorter, more direct route to the proposed septic site would do less damage to the wetlands. Mr. Neff noted the proposed route was slightly drier and the more direct route would cross more wetlands. A site inspection was scheduled for Wednesday, June 3, 2009 at 3:00 p.m. Mr. Bedini noted it would be helpful to have the map of the main house property at the site inspection.

Wexler/157 Calhoun Street/#IW-09-14/Additions to Dwelling, Relocate Driveway:

Mr. Neff, engineer, explained additions were proposed to the SE and SW corners of the existing dwelling, a new driveway would be constructed, and the gravel from the existing driveway would be excavated and used on the new driveway to the north. The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 5/21/09 was reviewed. Mr. Neff said the impervious surfaces on the property would decrease with the installation of the new driveway. Mr. Ajello noted that grading was proposed on the south side of the house. A site inspection was scheduled for Wednesday, June 3, 2009 at 3:45 p.m.

Other Business

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

Mrs. Smith proposed a 6' X 8' portable metal shed and pointed out its proposed location on the site plan. Mrs. D. Hill asked how it would be accessed. Mrs. Smith said there was an existing driveway. Mr. LaMuniere asked if the shed would have a foundation. Mrs. Smith said it would be placed on blocks. She noted it would be bolted together and carried up to the site. Mr. Bedini said there would be no soil disturbance. Mrs. Smith said there would be no storage of chemicals or hazardous materials in the shed.

MOTION: To approve the request of Mrs. Smith to revise Permit #IW-06-24 to include the erection of a shed at 35 East Shore Road. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

Andersson/45 Gunn Hill Road/#IW-09-12E/Install, Repair Fences, Stonewalls:

The property survey map showing the location of all of the existing walls and highlighting the proposed new walls and fences was reviewed. Mr. LaMuniere stated the fences are required as part of a legitimate farming operation and so he thought an exemption was warranted. Mrs. D. Hill thought the plan lacked the necessary details because it did not differentiate between the proposed fences and walls and did not provide any measurements. She wanted an accurate map. Mr. Ajello said there might be small areas of wetlands within 100 feet of the new fences/walls.

MOTION: To approve Application #IW-09-12E submitted by Mr. Andersson to install and repair fences and stonewalls at 45 Gunn Hill Road as an exemption. By Mr. Bohan, seconded by Mr. LaMuniere, and passed 5-0.

Enforcement

Adams/233 West Shore Road:

It was noted that other than the proposed tennis court, all of the other structures on this property had been previously approved. Mr. Bedini hoped the applicant would submit the revised plans in time for Land Tech to review them prior to the next meeting.

Kessler/West Mountain Road:

Mr. LaMuniere asked how the suspension of work would impact the five year permit. Mr. Ajello said all work must be started within 5 years or if not, the Kesslers would have to reapply to the Commission. Mr. LaMuniere asked if all disturbed areas had been stabilized. Mr. Ajello reported that 90% were stable. Mr. LaMuniere asked Mr. Ajello to inspect the site and to report at the next Meeting.

Mitchell/12 Shinar Mountain Road/Report of Spraying of Herbicide in Wetlands:

Mr. Bedini reported that Mrs. Forge, owner of the property adjacent to the Mitchells, had called him to complain that the Mitchells had sprayed Round Up in the wetlands on the Forge property. She was concerned because she gets her drinking water from the spring on the property. It was noted the issue of trespassing was a civil matter between the two neighbors. Mr. Ajello will phone Mrs. Mitchell to find out what was sprayed. Mr. LaMuniere thought the application of an herbicide in wetlands was a regulated activity, and therefore, this was a violation. He thought it was important that the public be made aware that this was a regulated activity. This matter will be discussed again at the next meeting.

when more facts are available.

Administrative Business

Mrs. J. Hill circulated “Ten Tips for New Commissioners,” which she had copied from Welcome to the Commission: A Guide for New Members, by The Planning Commissioners Journal, edited by Wayne Senville. She recommended it as a good review on how to properly serve as an effective commissioner.

MOTION: To enter Executive Session to discuss the mediation for the Wykeham Rise, LLC. appeal. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

MOTION: To end Executive Session at 9:35 p.m. By Mr. LaMuniere, seconded by Mrs. Hill, and passed 5-0.

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

Mr. Bedini adjourned the Meeting at 9:36 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator
