

June 10, 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: Mr. Fusco, Mr. Neff, Mr. Szymanski, Mr. Neff, Mr. Talbot, Mr. Jontos, Mr. Solley, Mr. Sabin, Mr. Lyon

Mr. Bedini called the Meeting to order at 7:02 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton.

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

IV. New Applications:

B. Charvillat/ 96 Roxbury Road/#IW-09-17/Dredge Pond, Replace Pipe

C. Bowman/44 Plumb Hill Road/#IW-09-18/Demolish, Reconstruct Dwelling, Install Pool and Underground Utilities, Construct Garage-Poolhouse, Reconfigure Parking Area, etc.,

VI. Other Business:

A. Referral from the Town of Roxbury/Repairs to Picket Road.

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

Consideration of the Minutes

The 5/27/09 Regular Meeting minutes were accepted as corrected.

Page 3: First paragraph: last line: Insert: "been" before "submitted."

Under Wykeham Rise, LLC.: Insert "new" before "information."

MOTION: To accept the 5/27/09 Regular Meeting minutes as corrected.

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

MOTION: To accept the 6/3/09 Bardell site inspection minutes as written.

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

The 6/3/09 Wexler site inspection minutes were accepted as corrected.

3rd line: The correct spelling of driveway was noted.

5th-6th line: Change: "...falls just outside the 50 ft. setback..." to "...is more than 50 ft...."

MOTION: To accept the 6/3/09 Wexler site inspection minutes as corrected.

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

New Applications

Town of Washington/59 East Shore Road/#IW-09-16/Phase II - Town Beach:

Mr. Lyon, First Selectman, Mr. Solley, Selectman, and Mr. Sabin, landscape architect, discussed the Phase II plans for the Town beach property, which include renovation of the beach house, reconfiguration of parking, and improvements in stormwater management.

The preliminary review map, "Proposed Renovations at the Town Beach," by Oakwood Environmental Consultants, dated 6/8/09 and the plan, "Conceptual Design Study for Proposed Renovation at the Town Beach," by Mr. Sabin, dated 1/15/07 were reviewed.

Mr. Solley said the final plans would be ready for the June 8th meeting. He briefly reviewed the major components of the proposal. The renovation of the beach house will require pouring a new foundation. The existing structure is only 10 feet from the shoreline. By removing an existing porch, this distance will be increased to 25.5 feet. Also the building will be lifted to get it out of the flood plain and the

footprint will decrease by 85 sq. ft.

A variance from the ZBA will be required to increase the height of this non conforming building 4.5 feet.

Mr. Solley explained that in addition to the proposed drainage plans, the Town has requested that the state DOT redirect the “leak off” from the state highway, which now flows through the property and causes erosion problems. It was not known how long it would take the state to review this matter.

Mr. Sabin compared a photo of the existing view shed to a sketch of what it would be after the improvements were completed. He detailed plans for restoration of the shoreline;

- a) a pea stone ramp for the airboat would be installed for access to the garage
- b) varied, large “naturalistic” stones would be placed along the eroded sections of shoreline
- c) a bio filter basin would be installed.

The sheet flow across the property would be directed to an infiltration trench, which would lead to the native plant lined bio filter basin to be installed slightly above the level of the beach. This system would look like the natural shoreline, but would be a major drainage improvement and would help to preserve both the shoreline and the quality of the lake.

A bio filter was also proposed at the West Shore Road end of the property near the proposed kayak dock.

Mr. Sabin stated the functions of all existing facilities would be retained and there would be the same amount of “useable areas” for the public.

Changes in the configuration of the parking area and driveway entrance were noted, as were proposed trees and ornamental plantings. In short, he said the property was being restored with minimal impact, the existing conditions would be improved, and the current erosion problems would be addressed.

Mr. Solley noted a project narrative and construction sequence would be submitted.

It was the consensus that the Commission and the general public were familiar with this property due to several past applications and so it would not be necessary to conduct either a site inspection or a public hearing.

The deeded right of way on the west end of the property was briefly discussed.

Mr. Bedini asked that all outstanding documents, including the final engineered plans, project narrative, and construction sequence be submitted a week prior to the July 8 meeting so that the commissioners would have an opportunity to review them.

Pending Applications

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

Mr. Fusco, landscape architect, submitted his 6/10/09 letter in response to Land Tech’s review. He also noted an email dated 6/10/09 from the Lake Waramaug Task Force had been received, and said he would respond to it, too. Mr. Fusco reviewed Land Tech’s 6/10/09 letter point by point, detailing how each of Land Tech’s concerns had been addressed. He noted that the Task Force’s main concern had been the removal of all of the bio retention features and the rain gardens. He assured the Commission these would not be deleted from the plans. He noted that in the remote possibility that the Storm Tech units failed, the overflow would travel down to the two bio retention areas that were not needed to handle normal runoff and so had not been included in the drainage calculations. Maintenance of the drainage system was briefly discussed. Although the Task Force recommended a maintenance plan be included in the proposal and the Commission agreed this would be a good idea, the commissioners noted that it would be unenforceable. Mr. LaMuniere thought the proposed drainage system with swales and plantings was a vast improvement over the existing conditions. He noted, however, that the latest revised maps did not show the location of the intermittent streams. Details on Sheet #ST102 were briefly discussed and Mr. Fusco said Mr. Marchetti would call Mr. Ajello for clarifications about the turbidity barrier.

MOTION: To approve Application #IW-09-08 submitted by Mr. Adams for a tennis court and stormwater management system at 233 West Shore Road per the maps, "Landscape Site Plan," by Louis C. Fusco Landscape Architects, revised to 6/10/09 and "Stormwater System Plan," 2 sheets, by Marchetti Consulting Engineers, dated 6/10/09 subject to the following conditions:

1. the Land Use Office shall be notified 48 hours prior to the commencement of work so the Enforcement Officer can inspect the erosion controls,
2. the permit shall be good for 2 years, and
3. the applicant shall submit a revised map showing the location of the intermittent streams.

By Mr. LaMunier, seconded by Mr. Wadleton, and passed 5-0.

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

Mr. Szymanski, engineer, submitted the 6/10/09 letter of withdrawal.

Bardell/166, 169 Baldwin Hill Road/#IW-09-13/Install Septic System, Well, and Driveway:

Mr. Neff, engineer, presented the revised plans, "Subsurface Sewage Disposal System," by Mr. Neff, revised to 6/10/09.

The new proposal was for the septic system to be installed at 166 Baldwin Hill Road, across Baldwin Hill Road from the dwelling unit proposed in the existing barn at 169 Baldwin Hill Road. Compared to the original plans, this new plan required less piping and did not have to cross wetlands.

Mr. Neff stated that the state Health Dept. would have to approve the plans and the easement because the septic system was proposed on a separate property.

Mrs. D. Hill asked if a soil scientist would delineate wetlands at 166 Baldwin Hill. Mr. Neff said the area where the system was proposed appeared to be high and dry and drained toward the road and that he did not think there were any wetlands within 100 feet.

Mr. Bedini asked how future owners of 166 Baldwin Hill would know about the restrictions on the property. Mr. Neff said they would be on file in both the Health Dept. and Wetlands office.

Sheet #2 with the erosion controls, construction sequence, and project narrative was reviewed. Mrs. D. Hill noted that both the well and driveway proposed at 169 Baldwin Hill Road were within the regulated area. Mr. Neff detailed drainage plans. The driveway will be raised so there will be clearance for a culvert pipe with rip rapped outlet at the entrance.

It was noted that specifications for the driveway fill had been provided. Mr. Neff revised the application form to include the well and driveway. He noted that pending state approval, the 6/10/09 map was final.

It was noted that the 166 Baldwin Hill Road property owners had not signed the application, but Mr. Neff pointed out that the septic proposed for that property was not a regulated activity.

MOTION: To approve Application #IW-09-13 submitted by Mr. and Mrs. Bardell to install a septic system at 166 Baldwin Hill Road and to install a well and driveway at 169 Baldwin Hill Road per the map, "Subsurface Sewage Disposal System," by Mr. Neff, revised to 6/10/09 subject to the following conditions:

1. the permit shall be good for 2 years and
2. the applicant shall notify the Land Use Office 48 hours prior to the commencement of work so the Enforcement Officer can inspect the erosion controls.

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

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

Mr. Neff, engineer, represented the applicant. The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 5/21/09 was reviewed. He pointed out the driveway to be abandoned, the proposed driveway, which would be shorter, would reduce the possibility of impact to the wetlands, and would decrease the lot coverage, and the location of the two proposed additions. Mr. Bedini stated that no problems were noted on the site inspection. Mr. Neff said that the existing catch basin would be grassed

over because it would result in more disturbance to remove it.

MOTION: To approve Application #IW-09-14 submitted by Mr. Wexler for two additions to the existing dwelling and to relocate the driveway at 157 Calhoun Street subject to the following conditions:

1. the permit shall be good for 2 years and
2. the applicant shall notify the Land Use Office 48 hours prior to the commencement of work so the Enforcement Officer can inspect the erosion controls.

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

New Applications

Herrmann/90 East Street/#IW-09-15/Single Family Dwelling:

Mr. Szymanski, engineer, represented the applicant. He said a single family dwelling is proposed on the 14.5 acre lot, 1.3 acres of which would be disturbed. He pointed out the location of two drainage outlets from East Street; one flowing to wetlands on the property and the other to the pond on the map, "Site Development Plan," by Arthur H. Howland & Assoc., dated 5/20/09. He stated the closest activity to the wetlands was 56 feet away, but located on land, which actually drained away from the wetlands. He noted that the soil scientist had verified that there were no wetlands on the property to the south and he submitted drainage calculations for a 100 year storm event.

Mr. Szymanski stated a construction fence would be erected to limit clearing and the erosion control narrative had been revised at the request of Mrs. J. Hill to include the person responsible for replacing any damaged erosion controls and to state that 48 hrs. notice would be given prior to the start of work so the WEO could inspect the erosion controls. A site inspection was scheduled for June 29, 2009 at 3:00 p.m.

Charvillat/96 Roxbury Road/#IW-09-17/Dredge Pond, Replace Pipes:

Mr. Neff, engineer, presented the map, "Pond Repair Plan," by Mr. Neff, dated 5/18/09. He explained the proposed work was to dredge the pond to remove the organics and phragmites and said the pond would not be enlarged. He stated that approximately 1.5 feet of organics would be removed, plus another foot of dredging would be necessary to get rid of the phragmites.

All excavated material will be trucked off site. Also the crushed inlet and outlet pipes would be replaced. A site inspection was scheduled for Monday, June 29, 2009 at 4:15 p.m.

Bowman/44 Plumb Hill Road/#IW-09-18/Demolish, Reconstruct Dwelling, Install Pool and Underground Utilities, Build Garage- Pool House, Reconfigure Parking Area, etc.:

Mr. Neff, engineer, pointed out all the work proposed on the map, "Proposed Site Plan," by Mr. Neff, dated 6/1/09. He stated the wetlands had been flagged and that many of the proposed activities were not within the regulated area. He noted the location of the limit of disturbance line, parking area for construction vehicles, and stockpile areas.

Mrs. J. Hill asked if it had been determined where the existing shed would be relocated. Mr. Neff said it had not. She then noted how close the curtain drain outlet was to the property line and asked if water flowing from the pipe could impact the adjoining property. Mr. Neff did not think so due to the contour of the land, but said he would look into it on the site inspection.

Mr. Ajello recommended an anti-tracking pad at the driveway entrance and silt barriers along the driveway at the wetlands crossing.

Mr. LaMunier asked if the proposed activities could be moved farther from the wetlands. Mr. Neff explained that this was not possible because the lot was very tight and there were minimum required health and zoning setbacks to meet.

The site inspection was scheduled for June 29, 2009 at 3:45 p.m.

Enforcement

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

Mr. Jontos, biologist representing Mrs. Brose, presented a proposed site plan and photos of the existing conditions on the property. He detailed the unauthorized activities:

- 1) in wetlands: Eighteen trees were cut and the shrub layer completely removed, but there was no evidence of soil erosion.
- 2) in the transitional zone: Fifty-nine trees and the understory were cut. The duff layer remained and there was no evidence of erosion.

Mr. Ajello disagreed and pointed out an area where he had observed an erosion problem. Mr. Jontos contrasted the disturbed areas to the uncut portions of the property that could be observed in the photos and also pointed out the patio, wall, and stairs that had been constructed between the wetlands and the house. He presented a preliminary restoration plan, which included a list of proposed species; flowering herbaceous plants for the wetlands, some hardwood trees and conservation seed mix for the transition zone, and an erosion control mix for the disturbed uplands. He asked the commissioners if this plan was “on the right track.” A lengthy discussion ensued.

Mr. LaMunier noted that the 2005 condition of approval for the garage and septic system on this property specified that there should be no activities beyond the limit of disturbance line. Therefore, he said that the restoration plan should not address only vegetation, but also the removal of the patio, stairs, and wall so that wetlands system would function as it did before Mrs. Brose disturbed it. Mr. Jontos said the plan that he presented would restore the wetlands function and enhance species diversity, but that it would take time.

Mr. LaMunier saw this as a two part problem:

- 1) the technical issue of restoring the forest and protecting it from further damage and
- 2) the owner’s complete disregard of the terms of the original permit.

Mr. Jontos spoke in more detail about the planting proposed for both the wetlands corridor and the upland areas.

It was the consensus that the restoration plan for the wetlands was a good one.

Mr. Bedini asked if Mrs. Brose would submit an application to correct the violation. Mr. Jontos said she was waiting for direction from the Commission.

Mr. LaMunier asked if the construction of the structures had any impact on the wetlands function. Mr. Jontos said they were inert in relation to the system and its operation.

Mr. LaMunier thought Mrs. Brose should be ordered to remove the illegal structures, but was concerned that the court might not uphold an appeal as Mr. Jontos did not think they adversely impacted the function of the wetlands.

The use of organic fertilizers was briefly discussed.

Mr. Bedini asked if the restoration area should be enlarged to include the land surrounding the structures. Mr. Jontos stated that ornamentals had been planted in these areas, but Mr. Ajello noted that they were not as thickly planted as the natural vegetation had been.

Mr. Jontos offered to extend the planting of native vegetation farther back up the hill.

Mr. LaMunier thought the more land replanted, the stronger the environmental recovery would be.

Mr. Bedini asked what restoration measures would be implemented above the patio. Mr. Jontos said the existing shrub border could be enhanced and extended to join the existing band of shrubs, which would create a 30 ft. wide buffer.

Mr. Bedini asked that as much planting as possible be done.

It was noted that 77 trees had been cut and 44 were proposed in the restoration plan.

Mr. Ajello talked briefly about the zoning violations as a result of the construction of the structures.

It was the consensus that the Inland Wetlands Commission should not base its action on what enforcement measures the Zoning Commission might take, but should instead strive for the best restoration plan possible.

It was noted that Mrs. Brose had received a citation and had paid the fine.

Sheinfeld (Chin)/10 Lower Church Hill Road:

Mr. Ajello reported that the pool and pool equipment do not impose on the easement area. Mrs. D. Hill noted that the easement area should be inspected regularly.

Referral from the Town of Roxbury/Improvements to Pickett Road:

Mr. Ajello said he had reviewed the plans and inspected the site and found the water in this area drains away from Washington. The Commission voiced no concerns.

Schiesel/6 Wheaton Road/Agent Approval:

Mr. Ajello noted he had approved work 60 feet down grade from a stream and that he was waiting for proof the applicant had published the legal notice as required.

Administrative Business

The use of Start and Finish cards was discussed.

Mr. LaMunier thought they were useful and should be used, but feared the Commission could not require them because they were not included in the Regulations.

Mr. Bedini thought if the IWC was going to have a policy to require Start and Finish cards, it had to be enforced. Otherwise, he thought the Commission should establish a more effective procedure.

Mrs. Hill listed the ways that she and Mr. Ajello have been trying to bring the Start and Finish card requirement to the applicants' attention and get them submitted prior to the start of work:

- 1) hand them out at meetings upon approval of the application,
- 2) include a paragraph in the approval letter that submission 48 hours prior to the start of work is required,
- 3) require a note on the plan or in the construction sequence that submission is required 48 hours prior to the start of work, and
- 4) keep a stack of them in Mr. Ajello's office so that he can fill them in if notice is phoned in and the contactor can fill one in if he comes in to give notice in person.

Mrs. D. Hill suggested that Mr. Ajello should also carry the cards with him when he conducts inspections.

Mrs. J. Hill said the only other idea she had was to print up a more official looking card that applicants would not be so likely to ignore.

It was the consensus that this was a good idea and official cards should be printed.

Mr. Bedini asked Mr. Ajello to make sure that upon completion of each permit he inspects the site to make sure the work was done per the approved plan, makes notes, if applicable, takes photos to document the completion, and signs off.

Mr. LaMunier also asked Mr. Ajello to put a note in each file that the erosion controls and limit of disturbance line had been inspected, were found to be properly installed, and permission had been given for the work to begin.

There was a brief discussion about how to handle cases where Start cards are not submitted. It was the consensus that this would be a violation and the applicant should be fined.

Mr. Ajello was advised to make up a start card himself for a notice given by phone and to put it in the file.

The need for thorough recording keeping was stressed.

There was no need to hold an Executive Session.

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

Mr. Bedini adjourned the Meeting at 10:08 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill
Land Use Administrator

**INLAND WETLANDS COMMISSION
SITE INSPECTION REPORT**

I. APPLICATION #: IW-09-13

INSPECTION DATE: 3 June '09

TIME: 3:00pm

II. NAME: Bardel

III. PROPERTY ADDRESS: 169, 177 Baldwin Hill Road

IV. REASON FOR APPLICATION: Install septic system, well and driveway

V. MEMBERS PRESENT: Dorothy Hill, Steve Wadelton, Tony Bedini

STAFF PRESENT: Mike Ajello

OTHERS PRESENT: Mr. Peter Talbot, Architect; Mr. Brian Neff, Professional Engineer

VI. OBSERVATIONS:

The properties are located at the intersection of Baldwin Hill Road and Scofield Road. The subject property is located in the southwest quadrant of the intersection of these roads.

We arrived at the site at 3:00pm and were met by Mr. Peter Talbot and Mr. Brian Neff. Using the map titled Subsurface Sewage Disposal System, The Bardel Barn House, dated 05-01-09, revised 05-19-09 by Brian Neff, we reviewed the proposed route for the sewer line from the barn house to the leaching fields. The pumped system is proposed to travel in a northwesterly direction from the barn house towards the intersection of Baldwin Hill and Scofield Road. It would cross under Scofield Road and travel along Scofield road in a southwesterly direction, between Scofield Road and an existing wetland, for approximately 430 feet to the primary leaching field. The total length of the proposed line would be approximately 750 feet. The pump chamber and holding tanks are in a regulated area off the southwest corner the barn house. A portion of the parking lot is in a regulated area. Currently the proposed parking area is a hayfield considered a wetland area. The proposed well is situated south of the parking lot.

In an attempt to reduce this extremely long run of pipe and disturbance to existing wetlands, to reduce costs and develop a more manageable system, another avenue is being explored. The main house is located across Baldwin Hill Road from the barn house and slightly elevated above the barn house elevation. It would be a much shorter run, perhaps 200 feet, to locate the primary septic system in a relatively flat area in the yard of the main house. The preliminary soil testing by Brian Neff indicate a favorable location for the primary leaching fields. Boring under Baldwin Hill Road would also be easier because of the way the land drops off from Baldwin Hill road towards the barn house. Brian still needs to get approval from the Health Department for the septic location and the State of Connecticut for the easement required to locate the septic on property not owned by the barn house owner. This alternate plan would cause a minimum of wetland disturbance compared to the original plan and make the system more manageable and serviceable.

We left the area at 3:35pm.

Respectfully submitted,
Tony Bedini

**INLAND WETLANDS COMMISSION
SITE INSPECTION REPORT**

I. APPLICATION #:IW-09-14

INSPECTION DATE: 3 June '09

TIME: 3:40pm

II. NAME: Wexler

III. PROPERTY ADDRESS: 157 Calhoun St

IV. REASON FOR APPLICATION:

Additions to dwelling, remove current driveway and regravel old abandoned driveway path with materiel removed from existing driveway, modify existing barn for use as two vehicle garage. Two additions to the existing dwelling, and installation of a 4" pvc pipe to connect the garage to existing septic system.

V. MEMBERS PRESENT: Dorothy Hill, Tony Bedini, Steve Wadelton

STAFF PRESENT: Mike Ajello

OTHERS PRESENT: Mr. Brian Neff, Professional Engineer

VI. OBSERVATIONS:>

We arrived at the site at 3:40pm, and using the map titled Soil Erosion and Sediment Control Plan, Wexler Residence Addition, dated 05-21-09, by Brian Neff, we reviewed the driveway to be removed, and the old abandoned driveway path to be restored.

There is a slight deviation from the old path proposed in order to break the line of sight from Calhoun Street for privacy, and also the addition of a gate. Much of this route falls just outside the 50 ft setback from wetlands, and all but a section to the North of the house where an entry court is planned, falls within the 100 ft review area.

Some excavation will be required north of the barn/garage to provide access to the building by vehicles which is also within the 100 ft review area.

The proposed addition to the west end of the house is outside the 100 ft review area, however the small addition to the southeast corner is not. Additionally, excavation within the 100 ft review area for the installation of a 4" pipe from the garage to the existing septic tank, as well as two proposed soil stockpiles will be required.

We left the area at 4:15pm.

Respectfully submitted,
Steve Wadelton