

July 8, 2009

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

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

STAFF PRESENT: Mr. Ajello, Mrs. Shade

ALSO PRESENT: Mr. Lyon, Mr. Solley, Mr. Sabin, Mr. Clark, Mr. Szymanski, Brian Neff, Mr. Paredes, Mr. Papsin, Mr. Leitz, Mr. Klauer, Mr. and Mrs. Delancey

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

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

V. New Applications:

A. Schein/245 West Shore Road/#IW-09-19/Repair steps and retaining wall.

B. Papsin/30 Mygatt Road/Construct additions.

C. Mahan/54 Sunny Ridge Road/Single family dwelling addition.

D. Leitz/337 Romford Road/Install garden shed. E. Wykeham Rise LLC/101 Wykeham Road/Construction of affordable housing.

F. Cohen/64 Calhoun Street/Aquatic pesticide application.

VI. Other Business:

A. Cohen/64 Calhoun Street/Aquatic pesticide permit from State DEP.

By Mr. Wadelton, seconded by Mrs. Hill and passed 4-0.

Consideration of the Minutes

Mr. Bedini deferred consideration of the 6/10/09 minutes until the August meeting.

MOTION: To accept the 6/29/09 Herrmann site inspection minutes as written. By Mrs. Hill, seconded by Mr. Bedini and passed 4-0.

The 6/29/09 Bowman site inspection minutes were accepted as corrected:

1st line: "b" left out of Plumb.

3rd paragraph, line 1: change where the proposed.... to for the proposed.....

MOTION: To accept the Bowman site inspection minutes as corrected. By Mrs. Hill, seconded by Mr. Wadelton and passed 4-0.

MOTION: To accept the 6/29/09 Charvillat site inspection minutes as written. By Mrs. Hill, seconded by Mr. LaMuniere and passed 4-0.

Pending Applications

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

Mr. Lyon, First Selectman, Mr. Solley, Selectman, Mr. Sabin, Landscape Architect and Mr. Clark, Engineer, Oakwood Environmental Associates, were present to discuss the application.

Mr. Sabin read through his Project Summary for the proposed renovations at the Town Beach. Repairs and renovations have been done to update the facility. The significant change in this plan is dealing with storm water runoff which had never been done before - it was just allowed to run into the lake. The commissioners looked at the Landscaping Plan(Rec'd 7/2/09). Mr. Sabin pointed out where two bio-filters are to be located; one by the canoe launch and the other near the parking area and house. As part of the landscape plan, boulders will be put in place as a natural buffer for the shoreline. Some fencing will be replaced and a gravel path installed to the kayak/canoe launch. He said work will start this fall and be completed, ready to open in the spring. Mr. Sabin said they do not expect any significant impact to the wetlands.

Mr. Clark described erosion controls. He said water coming off the parking lot will be directed to bio-filters. They have added new sand and built a berm that goes around the entire beach to keep water from running across the beach area. They are trying to limit the amount of drainage that comes off the highway by directing the flow to continue down to the State drain. Mr. Bedini asked if anything had been done about the problem of water run off from the road. Mr. Clark said the Town had repaired the erosion in that area and put in a berm to keep water from running down and causing further erosion. Mr. Bedini asked about the height of the berm protecting the beach. Mr. Clark said they want to match existing conditions and create a rolling berm so water will go around the beach instead of through it. Mrs. Hill asked if the erosion sequence is included in the construction sequence. Mr. Sabin replied it is included. The commissioners briefly discussed how long this project will take. The work is expected to begin this fall and be completed in the spring before the summer beach season.

Mr. Bedini asked the members if they had any additional questions or comments. There were none.

MOTION: To approve Application #IW-09-16 submitted by the Town of Washington for Phase II at the Town Beach, 59 East Shore Road as depicted on the "Overall Plan", 4 pages by Oakwood Environmental Assoc.(rec'd 7/1/09) along with "Landscaping Plan"(rec'd 7/2/09) and the "Project Summary"(rec'd 7/8/09); both by Dirk Sabin, Landscape Architect, 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. LaMuniere and passed 4-0.

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

Mr. Szymanski, engineer, represented the applicant. He referenced the site inspection that took place on 6/29/09. Mr. Szymanski discussed the 6/3/09 revision to the proposed Sediment & Erosion Control Plan by Arthur Howland & Associates, to be clear on how it would be implemented and incorporated into the construction sequence. He said they are providing for treatment of run-off and have offered to place orange snow fence(approx. 3ft tall) within 100ft of wetlands and staked hay bales closest to the wetlands. Mr. LaMuniere asked if Mr. Szymanski thought hay bales were sufficient. He replied yes – especially with the erosion control blanket. Mr. LaMuniere noted the septic is located 30ft below the house and wondered how a truck could get there to pump it out. Mr. Szymanski said the truck could just drive to the garage and the hose would be long enough to pull down to the septic area.

Mr. Bedini asked if there were any additional questions or comments. There were none.

MOTION: To approve Application #IW-09-15 submitted by Mr. Herrmann, 90 East Street, to construct a single family dwelling per the "Site Development Plan" by Arthur H. Howland & Associates dated 5/20/09 and revised 6/3/09, 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 Mr. Lamuniere, seconded by Mrs. Hill and passed 4-0.

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

Mr. Neff, engineer, represented the applicant and discussed the proposed maintenance work on the existing pond. Mr. Neff was unable to be at the site inspection on 6/29/09. He noted that the outlet pipe is pretty well rusted out and the water level has dropped significantly. Mr. LaMuniere said it is completely rusted out, the members had trouble finding it. Mr. Neff said the inlet pipe is also scheduled to be replaced, as the suction has been crushed. Mostly PVC pipe will be used. Mr. Neff said this is definitely a man made pond and is very close to the house. There is no proposal to enlarge it. The commissioners discussed the process. Mr. Neff said approximately 1½ft of materials will come out;

mainly organics and silt. It will be de-watered and trucked off site. Mr. LaMuniere asked how long the job will take. Mr. Neff replied about 1½ weeks to do the entire job; trenching will take no more than a day.

Mr. Bedini asked for any questions or comments. Mrs. Hill asked if there were any cattails in the pond. Mr. Neff said he didn't see any. Mostly there are some phragmites. If there are any cattails they will be removed along with the phragmites. Mr. Ajello commented that, on previous visits, he had seen grass clippings in the pond. Mrs. Hill pointed out that people are planting iris along ponds now – but the yellow ones are invasive. Mr. Ajello said the blue flag iris is a nice addition. Mr. Neff said the iris will create a buffer around the pond. Mr. Bedini noted the Commission would like to encourage them to plant as much iris as possible in order to avoid mowing down to the water. Mrs. Hill asked who would be responsible for the iris planting. Mr. Neff replied it is part of the plan and is listed on the sequence of construction around the entire perimeter. It will be a nice buffer. Mr. Ajello noted that phragmites roots can be as deep as 2ft. Mr. Neff said they will dig deep enough to take them out. Mr. Bedini asked if there were any other comments or questions. There were none.

MOTION: To approve Application #IW-09-17 submitted by Mr. Charvillat, 96 Roxbury Road, to dredge a pond and replace pipe per the "Pond Repair Plan" by Brian E. Neff, Engineer, dated 5/18/09, 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. Wadeldon and passed 4-0.

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, represented the applicant. He said the plan is to demolish the existing house, build a new house with a similar footprint; just a little bigger. Also included is a pool and garage. Mr. Neff explained most expansion activity is outside the regulated 100ft area. Activities within the regulated area include removal and reconstruction of the house. The septic will remain as is. Mr. Neff said he staked out the septic area and location of the well. An area by the driveway will be used as a staging area and used for contractor parking, stock piling of stones for rebuilding of the walls. Mr. Neff said he also spoke with the owners about moving some plants to that area in order to protect them from construction activity.

Mrs. Hill asked if the area around the pond is mowed. Mr. LaMuniere said that area is very spongy – like a bog. Mrs. Hill asked Mr. Neff if there is any vegetation along the stream. He replied there is none. Mr. LaMuniere suggested the owners be asked to mow in that area once a year to allow the wetland to reestablish itself. Mr. Ajello said, given the nature of the area, a better alternative would be to suggest appropriate wetland plantings in that area. Mr. Neff said the owners are working with a landscape designer. He will bring a planting plan in when it is prepared.

Mr. LaMuniere asked about the demolition. Mr. Neff said the dumpsters will be placed in the driveway and then hauled away. It should be a clean operation. The members discussed all the truck traffic that would be on site. Mr. Ajello suggested silt fences should be placed along the driveway and Mrs. Hill said, in addition, anti-tracking pads should also be installed as part of the approval. Mr. Neff agreed erosion barriers along the driveway would be needed. Mrs. Hill commented that Mrs. Janet Hill had a concern about the curtain drain outlet. Mr. Neff said he did go back and look at that area. He said the water should run down toward the water course itself. There is no danger of water going onto adjacent property.

Mr. Bedini asked if there were any additional questions or comments. There were none.

MOTION: To approve Application #IW-09-18 submitted by Mr. Bowman, 44 Plumb Hill Road, to demolish and reconstruct dwelling, install pool and underground utilities, build garage-pool house, reconfigure parking area, etc., subject to the following conditions:

1. install 50ft anti-tracking pad at driveway entrance,
2. install E & S controls along driveway on both sides in vicinity of wetlands,
3. use either native plantings or let wetlands return to natural ecosystem and mow once a year
4. the permit shall be good for 2 years, and 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.

New Applications

Schein /245 West Shore Road /Repair Stone Steps, Repair Handrail, Build Stone Retaining Wall /#IW-09-19

Jose Paredes, contractor, represented Mrs. Schein. Mr. Ajello read a letter from Mrs. Schein dated 6/28/09, authorizing Jose Paredes to act on her behalf. The members looked at photos taken from the dock and concrete pier by Mr. Ajello on 6/26/09. It was noted that the application form is an old one and Mr. Bedini said they should be asked to fill out one of the new forms.

Mr. Ajello said rocks had been rolled down the hillside and disturbed the dirt and vegetation. Mr. Bedini asked if he had requested the contractor to stop work. Mr. Ajello replied he had. Mr. Bedini looked over the application and asked if that was everything that had been submitted. Mr. Ajello said yes, that was all he got. Mr. Bedini stated the application was incomplete and the map should be more detailed. A discussion ensued over whether to send a Cease and Desist and have a Show Cause Hearing in August. It was decided they should issued a citation to Mrs. Schein.

Papsin /30 Mygatt Road /Construct Additions

Mr. Papsin told the commissioners that his driveway is directly across from the Quarry Ridge Condos. He said there is a swale on the edge of his property – 2½ft wide and 3ft deep. He explained they would like to put a family room off the back of his ranch house, remove the existing deck and extend the kitchen, family room and mudroom off of that. Mr. Bedini asked if there were any wetlands other than the stream. No, there are none. Mr. Papsin said he had the plans for the house. Mr. Bedini said the commission did not need to see elevations but they did look at the site plan.

Mr. Bedini asked the members if they could see anything other than the stream as a problem. They did not. He said it does not appear that they need to do a site walk. He asked the members if they need anything else. Mr. LaMuniere asked to see the addition plans. Mr. LaMuniere said he did not see a problem, it is clear enough from the design. Mr. Bedini asked the members if they want the sequence of work revised. Mr. Ajello said he would work with Mr. Papsin.

Mahan /54 Sunny Ridge Road /SFD Addition

Mr. Neff, engineer, represented Mr. Mahan. Mr. Neff told the commissioners that this property is part of the old Potter farm. He presented his Soil Erosion & Sediment Control Plan dated 7/5/09 which also includes the project narrative and sequence of construction. In addition, he also submitted a soil report by Michael Temple of Nutmeg Soil Services dated 6/20/09.

Mr. Neff said this is just an addition to an existing dwelling. Mr. Ajello said he met with Atty. Rob Fisher. The proposed additions do not conflict with any conservation easements held by Steep Rock Association. Mr. Neff said no one is living in the house so the members could easily go have a look. Mr. Bedini asked if there were any more questions or anything else Mr. Neff needs to do? Mrs. Hill said it is pretty straightforward – each member can go individually.

Leitz /337 Romford Road /Install Garden Shed

Mr. Leitz told the commissioners that his house does not have a garage and he needs the storage space. The members looked at the site plan dated 9/2/04 for Michael Velseboer, the former owner. The shed is

to be 12'x12'. It will be built of wood from trees on his property that were lost in a storm. There will be no foundation. The shed will sit on gravel. Mr. Bedini said a site walk would not be necessary.

Mrs. Hill asked if this could not have gone through as an agent approval. A brief discussion followed. Mr. Bedini said he did not see any problems with doing an agent approval – there is no excavation, no impact. All agreed. Mr. Ajello said he would help Mr. Leitz with the agent approval and legal notice if he chooses to do so.

Wykeham Rise LLC /101 Wykeham Road /Construction of Affordable Housing

Mr. Klauer was present. Mr. Ajello said he received a check from M. Klauer, two maps dated 2/20/09, a letter from Land Tech dated 5/6/09. A new application form will need to be filled out.

Mr. Bedini asked Mr. Klauer if he was ready to schedule a Public Hearing. Mr. Klauer replied that Mr. Szymanski (A.H. Howland Assoc.) had not yet finished all the paperwork. He said they would like to move the tennis courts far away from their present location. Mr. Bedini asked what they intend to do with the old tennis courts. Mr. Klauer said they will just restore the grade – no construction in that area. Mr. Bedini asked if there will be a fence around the tennis court. Mr. Klauer said yes, a wire fence. Mr. Bedini said the commission would like to know what they are going to do about the demolition of the tennis courts and prefer they stay 100ft away from wetlands.

Mr. Bedini stated that the commission would like all relevant information at least 1 week prior to the Public Hearing so all of the members can look at it. This would also give the consultant time to look at it. Mr. LaMuniere said he would like to go with what Mr. Bedini said - unless we have the completed information as requested, the Public Hearing will have to be postponed. Mr. Bedini asked when Mr. Klauer expects to have the information from Mr. Szymanski and Land Tech. Mr. Klauer replied 1 week from this coming Friday (7/17/09). Mrs. Hill suggested they put off the Public Hearing until September 9. The members discussed scheduling the Public Hearing. They will decide at the August 12 meeting.

Cohen /64 Calhoun Street /Aquatic Pesticide Application

Mr. Gambino will be at the next meeting to represent Mr. Cohen who wants to put these pesticides in his fire pond. Mr. Wadelton asked if this pond had an outlet. No it does not. Mr. LaMuniere said if there is no egress he does not have a problem. Mr. Bedini said the commission has no reason to deny this. Mr. LaMuniere suggested they get a protocol on the pesticide Mr. Cohen is using. Mr. Bedini asked if the State gives any guidelines for using this pesticide. Mr. Ajello said Mr. Gambino just tells them what he wants to do and they approve. Mr. LaMuniere asked if there will be an interface with the chemical and groundwater. Mr. Ajello stated the pond has a 3-layer rubber liner. Mr. Ajello will tell Mr. Gambino not to be at the August meeting because the members have no problem with this pond.

Enforcement E.O. Report: Mrs. Hill noted that Bardel has 1 “I”.

Delancey /79 Litchfield Turnpike Clearcutting /#IW-08-V7

Mr. and Mrs. Delancey were present. They asked if they could find out who reported them. Mr. Ajello said he did not know – someone just complained anonymously. He showed the commission photos taken on 6/17/09. Mr. Delancey said even after a rain, it is dry enough for his kids to play and ride bikes. Mr. Bedini asked Mr. Delancey what his plan is for the wood he cut. Mr. Delancey replied it is to heat his house.

Mr. Delancey asked the members what they want him to do. Mr. Ajello said they could have the soils tested – these are wetland soils. Mr. Bedini proposed that Mr. Delancey do his log splitting in another area near the driveway. Get out of the wetlands and let it restore itself. Mr. Delancey does not consider the area wetlands. Mr. Bedini stated it is not what it looks like – it's how the soils test. That is what the Statutes say and that is what the Commission has to abide by. Can you find another area to do this work? We need to find a solution.

Mr. Ajello told Mr. Delancey he cannot use an ATV in the wetlands. Mrs. Hill suggested contacting the Conservation District (Sean Hayden) to come take a look and perhaps have a suggestion. Mr. Bedini asked Mr. Ajello to contact Mr. Hayden to see if he can help Mr. Delancey and he asked Mr. Delancey to go home and try to decide how this problem can be fixed. Mr. Delancey agreed. Mr. LaMunier said he would like to visit Mr. Delancey's property and have a look around. Mr. Bedini said if that is acceptable, that's what they will do. He asked Mr. Delancey to come to the August meeting.

Action Taken by Wetlands Agent

Schiesel /6 Wheaton Road: Agent Approval

Fornasier & Condon /57 Findley Road: Agent Approval

MOTION: To go into Executive Session at 10:26PM to discuss Howard/99 West Shore Road/Unauthorized work on shore line, Brown/127 West Shore Road/Unauthorized work along shore line and Wykeham Rise LLC/101 Wykeham Rise/Appeal by Federer. By Mrs. Hill, seconded by Mr. Bedini and passed 4-0.

MOTION: To come out of Executive Session at 10:36PM. By Mrs. Hill, seconded by Mr. Bedini and passed 4-0.

Mrs. Hill nominated Tony Bedini as Chairman and Steve Wadelton as Vice Chairman. All agreed unanimously.

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

Mr. Bedini adjourned the meeting at 10:37PM.

FILED SUBJECT TO APPROVAL

Respectfully Submitted,
Martha T. Shade
Land Use Clerk

***** SITE VISIT REPORTS *****

APPLICATION: IW-09-15

INSPECTION DATE: 06/29/09

TIME: 3:00 PM

APPLICANT: Herrmann

ADDRESS: 90 East St.

REASON FOR APPLICATION: Construct single family dwelling

MEMBERS PRESENT: S. Wadelton, C. LaMunier

STAFF PRESENT: M. Ajello

OTHERS PRESENT: Paul Szymanski, Engineer

References:

1. Field Work Print, Dated Aug 27, 2008, stamped "Preliminary"
 2. Site Development Plan, Dated May 20, 2009
- Both drawings by A. H. Howland & Assoc.

OBSERVATIONS:

Construction is proposed in the Southwest corner of a 14 +/- acre lot, and is accessed by a dirt road which goes down grade from East St. to the site for the dwelling. Grading will be required to lower and level off the building site. The material will stay on site, being moved to the East, Southeast and South for use as fill and grading.

Part of the proposed work falls within the 100' URA, however the wetland involved is at a higher elevation than the planned limit of disturbance, and therefore should not be adversely affected by this plan. Respectfully submitted,
Steve Wadelton

APPLICATION: IW-09-18

INSPECTION DATE: 06/29/09

TIME: 3:00-3:30 P.M.

APPLICANT: Bowman

ADDRESS: 44 Plumb Hill Road

REASON FOR APPLICATION: Demolish/Reconstruct Building; Construct Garage/Pool House; Install Pool and Underground Utilities; Reconfigure Parking Area

MEMBERS PRESENT: S. Wadelton, C. LaMuniere

STAFF PRESENT: M. Ajello

OTHERS PRESENT: Mrs. Bowman

OBSERVATIONS:

Site participants entered the applicant's property from Plum Hill Road and drove east along the long gravel driveway that leads to the house's present entrance and parking area where they met Mrs. Bowman. On the way to the house, they viewed the proposed temporary construction/parking area on the southwestern corner of the property, approximately three quarters of which falls within the 100-foot URA setback.

Concentrating on the potential impact of the application on the pond, wetland and the intermittent stream that traverses it, all of which are located on the western half of the property, participants noted that the area which separates the wetland from the proposed house construction site is approximately 80 feet wide at its narrowest point and is fully stabilized. The wetland was water logged, spongy and mowed to lawn height. The culvert that links another wetland pocket to the south of the gravel driveway to the wetland under discussion was flowing freely and showed no signs of channel erosion even after a preceding, prolonged rainy period.

Participants then turned their attention to the construction area where the proposed pool, garage/pool house and septic area, which is located outside of the 100-foot URA setback in the eastern half of the property. The proposed pool is to be constructed where a shed currently sits. It appears that the erosion control measures proposed to protect the wetland and pond from the house demolition/reconstruction activities should also serve to protect them from the pool, garage/pool house, septic field and other upland-related construction activities.

Respectfully submitted,
Charles LaMuniere

APPLICATION: IW-09-17

INSPECTION DATE: 06/29/09

TIME: 4:15 PM

APPLICANT: Charvillat

ADDRESS: 96 Roxbury Rd

REASON FOR APPLICATION: Dredge pond, repair/replace inlet & outlet pipes.

MEMBERS PRESENT: S. Wadelton, C. LaMuniere

References: Pond Repair Plan, Dated May 18, 2009 by Brian Neff, PE

OBSERVATIONS:

The pond, approx 0.4 acres in size, is located just to the East of the dwelling. The plan involves removing an estimated 400 cubic yards of organics, leaf litter and invasive plants from the pond itself, and dredging to a maximum depth of 10', with a slope of 1:3. The Phragmites, which cover more than half the shoreline will also be removed, along with their root systems. Native Iris plantings around the pond are planned after dredging is completed. The pond currently supports an active amphibian population.

The existing inlet and outlet pipes will be replaced. This will require trenching, none of which will be in, or crossing wetlands. The outlet pipe will empty out to the surface, forming a watercourse, which feeds a smaller pond to the West. The water then leaves the property via a small stream. The Installation of a Sediment filter is planned in the outlet watercourse prior to it's entering the small pond.

Respectfully submitted,
Steve Wadelton