

## September 9, 2009

### Public Hearing - Regular Meeting

5:30 p.m./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. Klauer, Mr./Mrs. Federer, Mrs. Friedman, Mrs. Solomon, Mr. Charles, Mrs. McDonald, Mr. Neff, Mr. Majewski, Atty. Fisher, Mr. Gambino, Mr. Allan, Mr./Mrs. Delancy, Mr. Parker, residents

### PUBLIC HEARING

#### Wykeham Rise, LLC./101 Wykeham Road/#IW-09-23/Affordable Housing

Mr. Bedini called the public hearing to order at 5:33 p.m. and seated Members Bedini, Bohan, LaMuniere, and Wadelton. He read the legal notice published in Voices on 8/26 and 9/6/09.

Mr. Bedini briefly reviewed the history of the application and noted the following had not been submitted:

- 1) response by Mr. Szymanski, engineer, to the 8/20/09 Land Tech application review,
- 2) proof the applicant had notified by certified mail all property owners within 200 feet of the property of the public hearing, and
- 3) \$250 public hearing fee.

He then made the following motion:

#### MOTION:

Regarding Application #IW-09-23 submitted by Wykeham Rise, LLC. for affordable housing at 101 Wykeham Road, to close the public hearing and deny the application on the basis of lack of information and failure to follow the prescribed requirements in Sections 10.05 and 10.06 of the Washington Inland Wetlands Regulations, effective February 3, 2009; the Commission will waive the application fee if the same application is resubmitted, but not the \$250 public hearing fee.

By Mr. Bedini, seconded by Mr. Wadelton.

Mrs. D. Hill arrived and was seated.

A brief discussion followed.

Mr. LaMuniere stated that the Commission had been very specific when advising the applicant that all documents were required to be submitted prior to the public hearing.

Mr. Klauer agreed the Commission's instructions had been clear, but said he had not known it would take Land Tech so long to complete its report and that Mr. Szymanski would have so little time in which to respond. He said Mr. Ajello had advised him that he should submit as much material as possible prior to the hearing and that the hearing would be continued to allow him time to get the remainder in.

Vote:

5-0. (Motion approved, Application denied.)

It was noted the denial was without prejudice.

Mr. Bedini closed the public hearing at 5:50 p.m.

*This public hearing was recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.*

## **REGULAR MEETING**

Mr. Bedini called the meeting to order at 7:00 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton.

### **MOTION:**

To add the following subsequent business to the agenda:

#### **VIII. Administrative Business:**

##### **A. Discussion of Approval Letter,**

- 1) Once begun, all work must be completed within one year,
- 2) No work may be done under this permit until all other necessary approvals from federal, state, and/or municipal agencies are obtained,

##### **B. Discussion re: site inspection minutes,**

##### **C. Possible revisions to the Regulations,**

##### **D. Consultant interview and Report.**

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

### **Consideration of the Minutes**

The 8/12/09 Regular Meeting minutes were accepted as corrected.

Page 6: Line #21: Insert: "not" after "was."

Line #22: Add the following phrase after "illegal structure:" but for the illegal extensive clearing and clearcutting along the intermittent stream, the wetland, and within 100 feet of the regulated area.

Line 36: Insert the phrase: "said the patio and stairs had been constructed without any consultation with the Commission and in clear violation of the Commission's approval of the original application, and he" after "Mr. LaMuniere."

### **MOTION:**

To accept the August 12, 2009 Regular Meeting minutes as corrected.

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

### **MOTION:**

To accept the August 26, 2009 Special Meeting minutes as written.

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

The 9/1/09 Kessler Site Inspection Minutes were accepted as corrected.

Mr. LaMuniere stated the last sentence was not correct. He said the steep sloped area in front of the house had not been fully stabilized and that before the bond is released, measures must be taken to stabilize it. It was noted Mr. Rosiello had told the Commission he would reseed the area and install a stabilization "blanket."

### **MOTION:**

To accept the Kessler/9-1-09 Site Inspection minutes as corrected.

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

### **MOTION:**

To accept the Wexler /901/09 Site Inspection minutes as written.

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

The 9/1/09 Delancy Site Inspection Minutes were accepted as corrected.

Page 1: Change "sever" to "severe." Change "lightening" to "lightning."

Line 16: Change: “four” to “five.”

7th line from bottom: Delete: “two to three feet above the wetland where it meets the roadbed.”

Page 2: In point #1) Change: “four” to five.”

MOTION:

To accept the Delancy.9-1-09 Site Inspection minutes as corrected.

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

### **Pending Applications**

Wykeham Rise, LLC./101 Wykeham Road/#IW-09-23/Affordable Housing:

It was noted the application had been denied without prejudice at the public hearing earlier in the evening because the requirements of Sections 10.05 and 10.06 of the Regulations had not been met.

Tangeman/84 Carmel Hill Road/#IW-09-27/Restore Vernal Pool, Install Underground Conduit:

It was noted the commissioners had found no problems when they reviewed the application at the last meeting. Mr. Ajello stated that a service trench had been added to the application. Mr. LaMunier briefly reviewed the minutes.

MOTION:

To approve Application #IW-09-27 submitted by Mr. and Mrs. Tangeman to restore the vernal pool and install an underground conduit at 84 Carmel Hill Road; permit valid for two years.

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

Wexler/157 Calhoun Street/#IW-09-30/Access to Pool:

Atty. Fisher, Mr. Neff, engineer, and Mr. Majewski, soil scientist, represented the applicant. Mr. Neff presented his plans, “Soil Erosion and Sediment Control Plan,” dated 8/1/09 and stated there had been no revisions since the last meeting.

Mr. LaMunier asked several questions.

1) He noted timber mats would be placed on grade over very wet, spongy land. He asked if the mats could take the weight of large construction vehicles. Mr. Neff responded that the mats used would be 8’ X 8’ and that the timbers would be bolted together. He said the mats would spread out the load of 2 psi. Mr. Majewski circulated photos of the mats, said they would limit the disturbance to the wetlands, and said he had observed natural revegetation in just 6 weeks when these mats had been used elsewhere.

2) Mr. LaMunier noted the proposed route was through a densely wooded area. Mr. Neff said there would not be many trees cut in the access area.

3) Mr. LaMunier asked if the construction trucks would be wider than the 8’ mats. Mr. Neff thought their width would be adequate because there were no turns required for the crossing and because 8’ wide is the legal limit for width. Mr. Neff said that a smaller truck could be used to carry out stumps from the pool site and the larger equipment could turn around in the disturbed pool construction area.

4) Mr. LaMunier noted that Mr. Neff had recommended a maintenance program with weekly inspections during construction and asked who would be responsible.

Mr. Neff said the contractor would be responsible and would report the weekly inspections to the Commission if it was made a requirement. Mr. Ajello did not think that would be necessary because he would be required to inspect the project himself two or three times a month. Mr. Ajello asked if the owner had been consulted about constructing a permanent bridge crossing. Mr. Neff said he had looked into both fill and culvert, which would cause the most impact to the wetlands, and a bridge, which would be the most expensive and would require digging in the wetlands for abutments. He said the owner did not think that it was necessary to accommodate heavy equipment on a permanent basis. He noted the pool water would be pumped from the driveway.

MOTION:

To approve Application #IW-09-30 submitted by Mr. Wexler to access the pool at 157 Calhoun Street with the condition that the start card be submitted to the Land Use Office 48 hours prior to the start of work and the permit will be valid for two years.

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

Lufkin/36 Hinkle Road/#IW-09-31/Chemically Treat Pond:

Mr. Gambino, contractor, submitted a photo of the Tollman pond outflow pipe taken after he had blocked it in anticipation of the chemical application. Mr. Gambino noted that at the last meeting he did not have a consent letter from Steep Rock, holder of the conservation easement on the Lufkin property, but said this had since been submitted. He circulated photos showing the outflow and the extent of the phragmites to be controlled. He said he had not planned to block the outflow pipe during the chemical application, but would do so if the Commission required it. He noted the chemical would be applied to the plants and not put directly into the water. It was noted that the pond was last treated in the fall of 2006 and the area to be treated was small. Mr. Gambino said the area was small because the phragmites had been contained by hand pulling it. Mr. LaMuniere asked how long the herbicide remained active and lethal. Mr. Gambino said that once it was absorbed by the plant, "that's it," and that you could plant in sprayed areas 24 hours after application. It was noted the pond outflow flowed southwesterly to a swamp. It was the consensus that the outflow pipe should be blocked during the chemical application and remain so for 24 hours.

MOTION:

To approve Application #IW-09-31 submitted by Mr. Lufkin to chemically treat the pond at 36 Hinkle Road subject to the following conditions:

- 1) a board must be placed over the egress at the start of work and remain there for a least 24 hours and
- 2) the start card must be submitted to the Land Use Office 48 hours prior to the start of work.

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

Brose/213 Roxbury Road/#IW-09-26/Restoration to Correct Violation:

Mr. Allan, Land Tech, said he had sent Mrs. Brose the minutes of the last meeting, which indicated the Commission wants the terrace and stairs removed, but said she still wants to keep them. She suggested the Commission meet with her on site.

Mr. Bedini noted that per the 2005 minutes, Mrs. Brose had attended the meetings when the approval of her original application was discussed and voted on and so knew that there was a limit of disturbance shown on her map and a condition of approval that nothing was to be done beyond that limit of disturbance line. He thought the proposed remediation was adequate for the clearcutting done in the wetlands and upland review area, but that the terrace and stairs were blatant violations that must be removed and the area restored. He also noted that in two recent cases where property owners had done work beyond what had been approved in their permits, the Commission had required the excess work to be removed.

Mr. LaMuniere did not think an exception should be made for Mrs. Brose.

Mr. Wadelton did not think a site inspection with Mrs. Brose would be productive because discussions are not supposed to occur on site inspections.

Mr. Bedini suggested the Commission approve the remediation plan for the clearcutting so the replanting could begin and address the removal of the terrace and stairs separately, whereas Mr. LaMuniere thought approval of the remediation plan should be linked to an agreement to remove the terrace and stairs.

When Mr. Ajello suggested the Commission keep an open mind and possibly consider a compromise, Mr. LaMuniere thought keeping the terrace and stairs would be against both the Regulations and the

original permit.

Mr. Ajello asked if off site remediation would be possible. Mr. Bedini said it would not be possible and that removal of the terrace and stairs was not negotiable.

The proposed landscaping/remediation plan was very briefly discussed and the consensus was that it was appropriate and reasonable. Mr. Bedini said there would be nothing to gain by conducting an additional site inspection, but said the Commission would be willing to listen to Mrs. Brose at a regular meeting.

Mrs. D. Hill asked that by the next meeting Mrs. Brose make a firm decision on whether or not she would agree to remove the illegal structures.

Kessler/105 West Mountain Road/#IW-09-34/Install Dry Hydrant:

No one was present to represent the applicant. Mr. LaMuniere noted that while on the site inspection he had observed that the alternate pipe routes would result in more damage to the wetlands than the route proposed. None of the commissioners had any objections to the proposal.

**MOTION:**

To approve Application #IW-09-34 submitted by Mr. Kessler to install a dry hydrant at 105 West Mountain Road with the condition that the start card be submitted to the Land Use Office 48 hours prior to the start of work; permit is valid for two years.

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

**Enforcement**

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

Atty. Fisher described a minor revision to the Commission Settlement Agreement regarding language to describe the area to be remediated. It was the consensus that the revised language was OK, especially since the area had been staked on site and photos of the stakes had been taken. Mr. Bedini signed the document. Atty. Fisher explained the court would rule on this administrative business on October 13. Mr. Bedini advised Atty. Fisher that start and finish cards would be required and that a soil scientist must oversee the removal of the fill from the wetlands area. It was noted that per the agreement, all excavation and grading would be completed and the disturbed area seeded and mulched by 12/1/09. Mr. Ajello said this date was OK because even if vegetation did not come up by that date, the area was level so there should be no erosion problems.

**Other Business**

Kessler/105 West Mountain Road/Request for Bond Reduction/ #IW-06-05:

Mr. Bedini noted that the bond would not be returned until the stabilization measures requested had been implemented and Mr. Ajello had signed off that the work had been completed per the approved permit.

**Enforcement**

Wright/Scofield Hill Road:

Mr. Ajello said there were two matters concerning this property, the enforcement issue and the permit for new walls, and that he had signed off on both. Mr. Bedini asked if there was a closing statement in the violation file. Mr. Ajello said the Town had done the rip rap work a year ago and he had been waiting for the pachysandra to grow in on the hillside. Mr. Bedini asked for final inspections and photos before each file is closed out. He asked that this be done for all files going back three years and for all future files.

**Enforcement Report**

Beckett/23 Loomarwick Road/#IW-08-56/Reconstruct Dwelling:

Mr. Ajello reviewed the severe stabilization problems occurring on this site as detailed in his 9/9/09 report.

141 West Shore Road, LLC./141 West Shore Road/Agent Approval:

Mr. Ajello stated that when work began an old septic system that had not been properly abandoned had been uncovered. This meant that additional work had to be done, but it was all located within the original limit of disturbance line.

Town of Washington/2 Bryan Plaza/Planting Plan:

Mr. Ajello said the project was on hold due to budget problems. Mrs. D. Hill noted, however, that some planting had been done and she feared those bushes had been mowed down since they were no longer there. She asked if the planting done had been according to the approved plan.

Delancy/79 Litchfield Turnpike/#IW-08-V6/Unauthorized Clearcutting:

Mrs. Hill reported that the 9/1/09 site inspection minutes and an application form had been mailed to the Delancys on 9/8. The 9/1/09 minutes were reviewed. Mr. Bedini noted that the property was very confined and the 100 ft. setback line goes through the house, making the entire front yard within the regulated area. The commissioners hoped Mr. Delancy would cooperate to clean debris from the wetlands and stop spreading wood chips. In return they thought he could install a garden and use the wetlands for a children's playground as long as there were no ATV's, no firewood production, and no spreading of wood chips. In addition, it was generally thought that it was a good idea to remove the pines that Mr. Delancy proposed to cut down as they hang over the house and shade the proposed garden area. Mr. LaMunier said, too, that there was an erosion problem that had to be addressed. Mr. Bedini noted that a citation had not yet been issued and that if Mr. Delancy planned to do any of the clean up work discussed above, an application would be required. It was agreed that the Delancys would have until the next meeting to submit an application. If not submitted by that time, they would be fined and remediation ordered. Mr. Ajello will prepare a draft enforcement letter for the Commission to review at the next meeting in the event an application is not received.

Brown/127 West Shore Road/Unauthorized Work Along Shoreline:

There was nothing new to report.

Rubler/240 Wykeham Road/Clearing and Driveway Washout:

Mr. Ajello explained the Rubler's bond had not yet been returned because they had not removed an unauthorized driveway on Nova Scotia Hill Road as they had been ordered to. It was noted this driveway affected a drainage area. A permit from both the IWC and Selectmen's Office is required.

Moore/25 Litchfield Turnpike/Unauthorized Filling, Clearcutting:

Mr. Ajello stated Mr. Moore will not meet with him on site for a final inspection to close the file on the wetlands violation. Mr. Bedini instructed him to send Mr. Moore a certified letter stating that if he will not allow Mr. Ajello to make a final inspection, he will have to pay for Land Tech to make an inspection and send a report to the Commission or the matter will be sent to the Commission's attorney to begin enforcement proceedings. Copies of the letters he has not yet responded to will be included in the certified mailing.

DiBenedetto/212-214 Calhoun Street/Restoration of Understory:

While what has been planted looks good, the interior section of the property has not yet been planted. Mr. Bedini asked Mr. Ajello to phone Mr. DiBenedetto to ask that work resume.

Lodsin/78 Litchfield Turnpike/#IW-07-V12/Unauthorized Excavation:

There was nothing new to report.

Slaymaker/17 Sunset Lane/#IW-07-V14/Unauthorized Drainage and Excavation Work:

Mr. Ajello said this project was nearing completion.

Howard/99 West Shore Road/Unauthorized Work on Shoreline:

The Commission's attorney will soon go to court to withdraw the suit.

Rosen/304 Nettleton Hollow Road/#IW-08-V2/Unauthorized Stream Work:

This violation is being handled by the Army Corps of Engineers. Mr. Ajello will contact them for an update.

Schein/245 West Shore Road/#IW-08-V7/Unauthorized Work on Shoreline:

Work has progressed, but the hillside must still be planted.

**Administrative Business**

Approval Letter:

A. Mrs. D. Hill asked if the letter should be reworded to state that once begun, all work must be completed within one year. She noted this had previously been the Commission's policy, but it was not contained in the revised Regulations. Some commissioners thought this was addressed, at least in part, by granting 2 year permits. Others thought it would be impossible to enforce. It was the consensus not to add it to the permit letter.

B. Mrs. D. Hill noted that the approval letter used to state that no work may be done under the permit until all other necessary approvals from federal, state, and/or municipal agencies are obtained. It was noted that this provision is included in the Regulations and should be added to the letter.

Start Cards:

Mr. Bedini thought start cards would be used more often if the Commission stopped work on projects when they were not submitted.

**Enforcement**

Delancy/79 Litchfield Turnpike/#IW-08-06/Clearcutting:

Mr. Delancy arrived and said he had not yet received the site inspection minutes mailed on 9/8. He was given a copy to read and discuss. Mr. Delancy proposed to 1) remove the pine trees on the east side of the driveway and near the house, 2) put in a 50' X 50' garden, 3) remove saplings near the hammock, 4) remove the burning bush, multiflora rose, and bamboo, and 5) continue to use the wetlands for a playground. He had already completed some work including 1) removal of the pile of woodchips from the wetlands, 2) removal of the wood from the wetlands, and 3) placement of woodchips and stones in the eroding sections of the bank along the driveway. Mr. Bedini advised him that the woodchips would not do much to stabilize the steep banks and he recommended grass be planted there instead. Mr. Bedini said no mechanized vehicles were allowed in the wetlands. Mr. Delancy said he did not plan to use them there. He also asked that all of the debris be removed from the wetlands. Mr. Delancy said he had already taken some of it out. Mr. Bedini asked for a well drawn map with dimensions to indicate all of the work proposed. He also asked for the following information: 1) location of all of the invasives to be removed, 2) a written statement that vehicles will not be operated in the wetlands, 3) a list of what activities will continue in the wetlands, 4) a plan for preventing the driveway banks from eroding, 5) what will be done with the woodchips when the pines are cut, and 6) any other activities proposed so that the Commission has a thorough list of all work proposed. The list and map should be submitted with the required application. Mr. Ajello will send Mr. Delancy a letter listing all that he is required to do. Mr. Delancy asked that he be notified before any future inspections of his property. Mr. Bedini agreed, but explained that it was the enforcement officer's job to conduct inspections and photograph violations.

**Administrative Business**

Site Inspection Minutes:

Mrs. D. Hill did not think site inspection minutes should be circulated before they are filed in the Town

Clerk's Office, but rather should be discussed and corrected at the Commission meetings. Mr. Bedini thought it was necessary to get input before the minutes were filed because often there are separate groups at the site inspection so one group may not know all of the details discussed by the other group. He thought site reports should be complete and accurate. Mrs. D. Hill noted that site inspections are to gather information only; not to make resolutions or conduct discussions. It was agreed that site inspection minutes would continue to be circulated prior to the meetings, but they would be marked "draft" until the final version is completed.

Consultant Interview and Report:

Mr. Bedini and Mrs. J. Hill had interviewed Mr. Trinkaus, who asked to be added to the Commission's list of engineers considered as consultants for application reviews. Mr. Trinkaus offered to do an application review so the Commission would be able to compare his work with that done by one of the consultants the Commission normally hires. The report he generated, dated 9/2/09, reviewed the Wykeham Rise, LLC./101 Wykeham Road affordable housing application. Copies were passed out to the commissioners to read so that a discussion could take place at the next meeting. There was a brief discussion regarding how the review could be fairly evaluated. It was thought perhaps the Commission could send it to Land Tech for comments.

**MOTION:**

To adjourn the Meeting. By Mrs. Hill.

Mr. Bedini adjourned the meeting at 10:15 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
By Janet M. Hill  
Land Use Administrator

**INLAND WETLANDS COMMISSION  
SITE VISIT REPORT**

**Application #:** IW-09-30

**Inspection Date:** 09/01/09

**Time:** 3:00-3:30 P.M.

**Applicant:** Wexler

**Address:** 157 Calhoun Street

**Reason for Application:** Access to Swimming Pool Area; Swimming Pool Construction

**Members Present:** D. Hill, T. Bedini, C. LaMunier

**Staff Present:** M. Ajello

**Others Present:** Mr. Majeski, ESM Soil Scientist

**Observations:**

The reference material used in this report is the map entitled "Soil Erosion and Sediment Control Plan, Wexler Residence Swimming Pool", dated 08/01/09, by Brian Neff, LE.

IWC participants met Mr. Majeski on the driveway to the house at the point where the proposed access way to the swimming pool area bifurcates from it in a westerly direction, cutting across a 60-foot-plus strip of wetlands and an intermittent stream.



Walking the path of the proposed access way, participants noted that the wetlands were waterlogged and soggy in parts with the intermittent stream running clear. Beyond the wetlands and intermittent stream, the proposed path enters a densely wooded area continuing westwards up a gentle slope for approximately 200 feet. It then turns south, close to the western border of the property, for some 120 feet before reaching the proposed swimming pool area. The proposed swimming pool is to be surrounded by a terrace (approximately 12 feet in width according to the map), the specifications of which are not known. The limit of construction area around the swimming pool site is roughly 90 feet (north side) by an average 150 feet (west and east side) and 120 feet (south side). It is not clear whether that whole area is to be cleared of trees and brush. in the land. The excavation and leveling of the pool site will require substantial earth moving. However, no fill is to leave the site through the wetlands as soil excavated on the western side of the proposed pool site will be used on its lower-lying eastern side. The limit of construction area's eastern side is more than 100 feet away from the wetlands.

Respectfully submitted,  
Charles LaMunier

## **INLAND WETLANDS COMMISSION SITE INSPECTION REPORT**

**APPLICATION #:** IW-08-V6 Violation Unauthorized Clearing **INSPECTION DATE:** Sept. 1, '09  
**TIME:** 4:38PM

**NAME:** Delancy

**ADDRESS:** 79 Litchfield Turnpike

**REASON FOR APPLICATION:** No application presented.

**MEMBERS PRESENT:** Dorothy Hill, Charles LaMunier, Tony Bedini

**STAFF PRESENT:** Mike Ajello, WEO

**OTHERS PRESENT:** Mr. and Mrs. Delancy

### **OBSERVATIONS:**

The Commissioners and WEO arrived at the site at 4:38pm and drove into the driveway where we met Mr. and Mrs. Delancy. We walked the entire parcel west of the house and between the house and Route 202. The wetlands area extends from a ditch along Route 202 eastward to where it rises up to form the driveway in front of the house. This driveway is believed to be the old Route 25 roadbed. The driveway has steep sides that are eroding during rain events. The roadbed has scattered about, 4 vehicles, a dual wheeled flat-bed trailer and smaller trailers and assorted equipment and materials. At the south end of the roadbed is a metal shed, with a large pile of split wood to the east of the shed, and a small garden partially beneath the pile of wood. There is a space about 8 to 10 feet wide behind the shed that is relatively flat and then drops off into a wooded area with an intermittent stream bed running east to west. The drop-off from the roadbed to the wetlands is fairly steep. The bank and parts of the wetland area is littered with dead wood, stumps, pallets, and other debris. The wetland area that was used to cut and split firewood is devoid of any vegetation or ground cover. In the area are four very tall and large Pine trees that pose a threat to the house during sever storms, high winds or lightening events. Some trees appear to have been struck by lightening in the past. The driveway in from Route 202 rises up to meet the old roadbed two to three feet above the wetland where it meets the roadbed. The roadbed is approximately 8 to 10 feet above the wetlands. Both sides (north and south) of the driveway are wetlands, but the north side has much less disturbance, but does have a large pile of woodchips placed in it. The Delancys said they use approximately 10 cords of firewood per year for heating. The problem is where to store the wood and maintain a usable driveway while not encroaching on the wetlands. It is

a small parcel of land and requires the effective use of all available space. The house is set into a hillside and the hill rises steeply behind the house making it relatively inaccessible by any vehicles or for wood storage. It appears that if the area was well organized, firewood could be stacked behind and alongside the shed, along the driveway bordering the sloping bank to the wetland and other areas.

In discussing what they would like to do in the area the following was proposed by the Delancys:

- 1) Remove the four large Pine trees, leaving the stumps in the ground.
- 2) Plant a 30" x 30" vegetable/blueberry garden in the wetland area.
- 3) Remove all the dead wood, pallets and other debris from the wetland area.
- 4) Remove invasive plants in the area between the wetland and Route 202.
- 5) Continue to use the wetland for passive recreation (children's playground).
- 6) Agree to not allow any motor vehicles, ATVs, or other mechanized vehicles or machinery in the wetland area.

In addition the sides of the driveway from Route 202 to the old Route 25 roadbed are eroding with each rain event depositing sediment in the wetlands. The sides need to be seeded, hay mulched and stabilized. Continued erosion will eventually result in destroying the driveway and require more material to be brought into the wetlands area.

The pile of woodchips in the wetlands on the north side of the driveway needs to be removed and not placed in the wetlands.

It was noted that the large pile of split firewood that was in the wetlands was removed to the old roadbed.

We suggested that they draw a reasonably accurate map including the wetland areas both sides of the drive, the area between Route 202 and the house and include dimensions. Describe in detail how they propose to accomplish items 1 through 6 above if in fact that is their plan. We advised them that we need a great deal of detail about each item proposed. The sketch should be signed and dated, have a north arrow and dimensions in feet. The Commission will then evaluate the proposal and circumstances surrounding the use of the land.

The Commission members left the area at 5:20pm.

Respectfully submitted,  
Tony Bedini

## **INLAND WETLANDS COMMISSION SITE INSPECTION REPORT**

**APPLICATION #:** IW-06-05

**INSPECTION DATE:** Sept 1, 2009

**TIME:** 3:40 - 4:25

**NAME:** Kessler

**ADDRESS:** 102 - 105 West Mountain Rd

**REASON FOR APPLICATION:** Request for bond reduction

**MEMBERS PRESENT:** Tony Bedini, Dorothy Hill, Charles LaMuniere,

**STAFF PRESENT:** Mike Ajello, WEO

**OTHERS PRESENT:** Bob Munson, contractor, Rich Rosiello, landscaper, Susan Payne

**OBSERVATIONS:**

Reconstruction of the guest house (to be so designated when main residence is built) is very near completion: Mr Munson said he began work onsite in January 2008.

Mr Rosiello pointed out the well marked shrubs and bushes he has recently installed in accord with the approved planting plan. He used "anti deer" spray instead of netting

Slopes, material storage and other previously disturbed areas appear to be well stabilized; if the WEO finds some that are not, silt fencing may require repair in those areas

Respectfully submitted,  
Dorothy G. Hill