

## September 23, 2009

Regular Meeting

7:00 p.m. Land Use Meeting Room

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

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

**ALSO PRESENT:** Mr. Whitney, Mr. Berto, Mr./Mrs. Condon, Mr. Talbot, Mr. Charles, Mr. Meyers, Ms. Zinick, Mr. Klauer, Mr. Sears, Mr. Neff

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:

V. New Applications:

C. Early/ 52 Carmel Hill Road/#IW-09-37/Renovations to Dwelling and Upgrade of Underground Service,

D. Bee Brook Condo Assoc. #2/35-38 Juniper Meadow Road/#IW-09-38/Remove Trees,

E. Wykeham Rise, LLC./101 Wykeham Road/#IW-09-39/ Affordable Housing

VI. Other Business:

C. 223 Litchfield Turnpike, LLC./223 Litchfield Turnpike/Request to Amend Permit #IW-08-61.

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

### **Consideration of the Minutes**

The 9/9/09 Public Hearing-Regular Meeting minutes were accepted as corrected.

Page 4: 10th line under Wexler: Change “of 2 psi” to “to 2 psi.”

19th line under Wexler: Change “legal limit” to “legal over the road limit.”

Page 5: 16th line under Lufkin: Change “lethal” to “a threat to vegetation.”

Page 8: It was noted the Permit # wasn’t given for the Town of Washington planting plan permit. It is #IW-08-36.

Page 10: 16th line under Delancy: Change “He also asked...” to “Mr. Bedini also asked....”

**MOTION:**

To accept the 9/9/09 Public Hearing - Regular Meeting minutes as corrected.

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

### **Pending Applications**

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

It was noted that Mr. Allan of Land Tech would not attend and it was not known whether Ms. Brose planned to attend. This item would be discussed later under Enforcement.

### **New Applications**

Santoleri/240 West Shore Road/#IW-09-35/Septic Repair:

Mr. Neff, engineer, presented his plan, “Septic System Repair Plan,” dated 9/12/09 and said it had been submitted to the Health Dept., but had not yet been approved. He explained there weren’t many options for locating the septic system on this property due to the proximity of the lake and the required separation distance from the existing well. He said, too, that the modular leaching field proposed was placed farther from the lake and took up less space than trenches would require. He noted that when the

retaining wall had been built, the Health Dept. had required that sand fill be placed behind it in case repairs to the septic were ever needed. He said the units were shallow and so he thought there was already enough sand on site for the installation.

Mr. LaMuniere asked if the silt fence shown on the plan was the limit of disturbance line. Mr. Neff said it was and that he could label it. Mr. Bedini directed him to do so.

It was noted there were no prudent alternatives except to drill a new well. Mr. Neff said the materials for the repair work would be brought in over the existing driveway.

Mr. Ajello asked if the leaching field had been moved as far from the lake as possible. Mr. Neff said it had, noting that it had been laid out to follow the contour lines. He said the area was level lawn and there was no potential for erosion.

Rubler/240 Wykeham Road (Nova Scotia Hill Road)/#IW-09-36/ Driveway:

Mr. Neff, engineer, noted the purpose of the driveway was to access the future pool area from Nova Scotia Hill Road. The plan, "Pool Access Driveway Plan," by Mr. Neff, dated 9/19/09 was reviewed. It was noted that the pool area shown was not the area first proposed for the pool. Mr. Neff said the driveway had been roughed in and gravel already deposited. He said the grade was "pretty even," and that this location was better than having a steep driveway off Wykeham Road.

Mr. Ajello noted he had placed a letter in the file that

- 1) the Rublers had no Zoning or Inland Wetlands permits for the existing driveway,
- 2) the driveway was considered temporary and to be used for the construction of the pool,
- 3) that the area was to be restored once the pool was installed, and
- 4) the Commission would continue to hold the bond until the pool had been properly completed.

Mr. Bedini asked if the application included the pool in its new location. Mr. Neff said the application was for the accessway only.

Mrs. Hill remembered this area from a previous application and said there had been more water shown on the map at that time. Mr. Neff responded that the culverts installed since then pick up the drainage.

A site inspection was scheduled for Tuesday, Sept. 29, 2009 at 3:00 p.m.

Early/52 Carmel Hill Road/#IW-09-37/Renovate Dwelling, Upgrade Underground Service:

Ms. Zinick, agent, explained the entire house and existing service conduit were within 100 ft. of the pond and she presented a portion of a survey map, which showed this was true. Ms. Zinick described the work to be done on the house and said the location of the service trench would not change. She thought there would be little soil disturbance because the entire trench would not have to be excavated and she said she would add a silt fence between the trench and the pond on the plans.

Mr. Bedini said this silt fence was required.

It was noted that the construction sequence and narrative submitted pertained mainly to the renovation of the dwelling, while it was the trench work that was more of a concern to the Commission. Mr. Bedini asked for more information, including how wide and how deep the trench would be, how it would be dug, by hand or machine, would the conduit itself be changed, where was the limit of disturbance line, etc.

Ms. Zinick said if lack of information on the proposed trench work would hold up approval, she would delete it from the application.

Mr. Ajello noted she would have three weeks before the next meeting to provide the outstanding information.

Mr. Bedini also asked for specifics on the renovation work, including whether lifts or other machines would be used, where materials would be stored, where construction vehicles would be parked, and where the limit of disturbance line was.

Bee Brook Condo Assoc. #2/35-38 Juniper Meadow Road/#IW-09-38/ Remove Trees:

Mr. Wadelton recused himself because he is a member of the condo association.

Mr. Condon, president of the condo assoc., presented the site plan, which showed the work area sketched in by hand on a portion of a survey map. He proposed to take down three damaged trees in the wetlands. Some of the branches would be chipped and the chips taken off site and the rest of the wood would be spread on the far side of the brook.

Mrs. Hill asked that the application specifically state the wood chips were to be taken off site.

Mr. LaMunier asked if all the brush would be cut.

Mr. Ajello said the applicant would try to save saplings. He also explained that a temporary plank bridge would be installed to get the equipment across the stream without damaging its banks.

Mrs. J. Hill reviewed the application form and noted it stated that no stumps would be removed.

Wykeham Rise, LLC./101 Wykeham Road/#IW-09-39/Affordable Housing: Mr. Klauer noted that his engineer was still working on the response to Land Tech's 8/20/09 application review.

Mr. Bedini advised him that a public hearing would be scheduled as soon as this response was received.

Mrs. Hill asked Mr. Klauer for a written statement for the file

1) to request that all the documents from the earlier file for Application #IW-09-23 be included in the current file and

2) to state that there have been no changes in the application.

Mr. Bedini noted that the public hearing fee was still due.

**Other Business**

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

Mr. Ajello noted that the disturbed hillside had been planted and mulched, vegetation was coming up, and different machinery would be used in order to limit soil disturbance in the future.

Mrs. Hill asked if he had signed off that the work had been completed according to the approved permit and that the signoff included only the rebuilding of the one structure. Mr. Ajello said he had and noted there was also a letter on file from Mr. Kessler stating that he did not intend to do the other work covered in the original permit and that he understood that he would have to reapply if he planned to begin work on the second dwelling. Mrs. Hill asked that this be confirmed in the motion to release the bond.

**MOTION:**

To close out Permit #IW-06-05 for Kessler/ 103-105 West Mountain Road, return the bond, and note for the record that any further work proposed for this property will require a new application and permit.

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

Washington Community Housing Trust/7 Mygatt Road/Preliminary Discussion/Affordable Housing:

Mr. Neff, engineer, presented the site plan, "Myfield Homes," by Crosskey Architects, dated 5/8/09. He said this plan was similar to the approved Myfield layout. The number of dwellings was reduced from 13 to 11, but the total number of bedrooms did not decrease. The driveway route was modified slightly and a circular turnaround substituted for the approved hammerhead. The drainage facilities would not change, but the septic systems would be modified slightly. Total coverage would remain approximately the same and Mr. Neff said he would provide the Commission with exact calculations. None of the buildings would be moved closer to the wetlands.

Mr. Bedini asked if the turnaround would be able to accommodate emergency vehicles. Mr. Neff said it would.

Mr. LaMunier noted the drainage system was functioning well and asked if it would be impacted by the installation of the turnaround. Mr. Neff stated that all of the drainage system and detention basins would remain in place.

Mr. Ajello asked if the locations of infiltration systems behind the buildings had been changed. Mr. Neff said they had not.

Mr. Bedini asked if the driveway would be paved. Mr. Neff responded that this had not yet been decided.

Mr. Bedini asked if this was a reasonable location in which to install a pervious surface and asked that surface options for both the driveway and sidewalks be considered in the application. Mr. Neff noted that sidewalks might not be installed in order to reduce the amount of impervious surfaces.

Mr. Berto asked if approval of the application could be handled administratively and whether a hearing would be required. Mr. Bedini noted a hearing had been held previously, and said the Commission did have concerns about whether the driveway would be pavement or gravel.

Mrs. J. Hill also noted it was not known whether a petition for a hearing would be submitted.

223 Litchfield Turnpike, LLC./223 Litchfield Turnpike/Request to Amend Permit #IW-08-61:

Mr. Neff, engineer, and Mr. Talbot, architect, presented the plans, "Soil Erosion and Sediment Control Plan," revised to 9/21/09 and "Septic System Repair Plan," revised to 9/20/09, both by Mr. Neff.

Mr. Talbot reviewed the proposed revisions to the approved plan per his 9/22/09 letter to the Commission. These include changes in the locations of the storage shed, grease trap, septic tank, and service area. He noted that attaching the refrigeration/kitchen storage shed to the main building would bring it 7 feet farther from the wetlands and that he would return to the Commission when plans when for raised herb beds have been finalized.

Mr. Neff noted that all of the revisions were within the original limit of disturbance.

Mr. LaMunier said the proposed revisions would have no significant impacts on the wetlands.

Mr. Talbot read his above referenced letter.

Mr. Bedini said he saw no problems with the proposed revisions.

**MOTION:**

To amend Permit #IW-08-61 issued to 223 Litchfield Turnpike, LLC. for renovations to the restaurant and property at 223 Litchfield Turnpike per the map, "Septic System Repair Plan," by Mr. Neff, revised to 9/20/09, the "Soil Erosion and Sediment Control Plan," by Mr. Neff, revised to 9/21/09, and the

9/22/09 letter from Mr. Talbot to the Commission.  
By Mr. Bedini, seconded by Mr. LaMuniere, and passed 5-0.

## **Enforcement**

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

Mr. Ajello advised the Commission it had until 10/16 to act on the application and suggested a notice of violation be filed on the Land Records. A copy of the original enforcement order was circulated. It was noted that Ms. Brose had sent a letter dated 9/15/09, but in it had not stated whether or not she would agree to remove the unauthorized terrace and stairs.

Mr. Bedini briefly reviewed the record; noting the meetings Ms. Brose had attended when her original application had been considered and approved with a condition (that the entire area below the length of the limit of disturbance line be allowed to revegetate to restore the natural woodland vegetation and the understory,) that she had not appealed the approval with condition, and she had been fully aware of the Regulations and the fact that there were wetlands and a watercourse on her property.

He noted her objections to site inspections by Mr. Ajello, but said when she signed her original application it gave him permission to enter the property, and that as EO he has the right to enter properties to stop ongoing violations.

Mr. LaMuniere said he thought the contractor should also be held accountable for the violation.

Mr. Bedini thought Land Tech's remediation plan was acceptable as mitigation for the clearcutting, but not for the unauthorized terrace and stairs. He asked whether the Commission should approve the application as mitigation for the clearcutting with the condition it did not include the terrace and stairs or whether the Commission should wait to approve the application until those structures have been removed.

It was noted there had been an enforcement order and a show cause hearing, that the Commission had determined the enforcement order should stand, and that Atty. Zizka thought the Commission had a strong position.

Mr. Bedini asked Mr. Ajello to file the enforcement order on the Land Records.

Mr. LaMuniere said the main issue was the total disregard of the Regulations and the conditions of the permit.

It was the consensus to give Ms. Brose until the next meeting to respond to the Commission's request to remove the structures and if nothing was heard by that time, to continue with enforcement proceedings.

When Mrs. Hill found some paperwork regarding a citation in one of the files, she asked Mr. Ajello if he kept a separate file for citations. He said he had them in a separate book. Mrs. Hill asked him to be consistent when filing these records.

Mr. Bedini asked if more start cards were being submitted. Mr. Ajello said, yes.

### Charvillat/96 Roxbury Road/#IW-09-17:

Mr. Ajello reported that a finish card had been submitted, but no shrubs had been planted around the pond. He said brush and grasses had been cut around the pond perimeter and that although Mr. Neff's plan showed that iris would be planted, the bank of the pond had been cut.

He also noted a fountain had been installed in the pond, but that this had not been applied for. Mr.

Ajello said he would write the owners a letter to remind them of the planting requirements on their approved plan.

Town of Washington/108 New Milford Turnpike:

It was noted it was not clear whether the present owner was balking at cleaning up the debris before ownership of the property transfers to the Town.

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

In addition to having found an improperly abandoned septic system, it was found that a leak in the water line was causing flooding at the culvert. The necessary repair work will not require tearing up the driveway.

Town of Washington/Nettleton Hollow Road/Bridge Replacement/ #IW-08-03:

Mr. Ajello reported that he had closed this file and that vegetation was beginning to grow around the pieces of rip rap on the streambanks.

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

Mr. Ajello had not contacted Mr. DiBenedetto as requested at the last meeting.

Rubler/240 Wykeham Road:

Mr. Ajello explained he was holding the bond posted for the original application because an illegal driveway had been installed.

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

Resolution of this matter is awaiting court action.

Moore/25 Litchfield Turnpike/Unauthorized Filling, Clearcutting:

Mr. Ajello had not yet sent Mr. Moore the letter discussed at the last meeting.

Slaymaker/17 Sunset Lane/Unauthorized Drainage, Excavation Work:

This project is nearing completion.

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

Mr. Ajello had not yet contacted the Army Corps of Engineers for a status report. It was the consensus that if the Army Corps was not going to take any action, the Commission should resume enforcement proceedings.

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

Mr. Ajello had sent a letter as had been discussed at the last meeting. If the Delancys do not respond by the October 14th meeting, a citation will be issued.

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

The work is nearing completion. Mrs. Schein will call the office when it is completed.

**Administrative Business**

Incomplete Applications:

It was the consensus of the Commission that incomplete applications were not acceptable. It was agreed that applicants should be prepared and that applications should not be amended at the table during meetings.

CACIWAC Membership:

The Commission agreed to renew its membership as a sustaining member.

Segment 3/2009 Municipal Inland Wetland Commissioners Training:

Information/registration forms for this training session were circulated.

MOTION:

To adjourn the meeting. By Mrs. Hill.

Mr. Bedini adjourned the Meeting at 9:24 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator