

October 14, 2009

Regular Meeting

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

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

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

ALSO PRESENT: Mr. Neff, Mr. Lasar, Mrs. Dyer, Mr. Lyon, Mr./Mrs. Condon, Mr. Klauer, Mr. Sabin, Mr. Charles, Mr. Boling

Regular Business

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. Lloyd (Cornell)/ Whittlesey Road/#IW-09-42/ Road Drainage Improvements,

D. Potolsky/131 West Shore Road/ #IW-09-43/Relocate Driveway, Construct Addition to Existing Dwelling,

E. Straw Man, LLC./135 Bee Brook Road (Juniper Meadow Road)/#IW-09-44/Bridge and Driveway,

VI. Other Business:

A. Referral from Woodbury Inland Wetlands Agency/409 Nettleton Hollow Road – Sprain Brook Embankment Stabilization Plan,

VII. Enforcement:

P. Angell/47 West Shore Road/Unauthorized Work on Shoreline/ #IW-09-V01,

VIII. Administrative Business:

A. Discussion of 9/2/09 Trinkaus Review and Request for Consideration for Consulting Work. By Mrs. Hill, seconded by Mr. LaMuniere, passed 5-0.

Consideration of the Minutes

The 9/23/09 regular meeting minutes were accepted as corrected.

P. 3: Under Rubler: 9th line: Although she had said “water,” Mrs. Hill stated she had meant to say that there had been more “wetlands” shown on the map.

P. 4: Under Wykeham Rise: 7th line: Delete the phrase under #2

P. 5: 2nd line: spelling of “hammerhead”

P. 7: Under Moore: It was clarified that the letter had not been sent because the wetlands violation was connected to a zoning violation.

MOTION:

To accept the 9/23/09 regular meeting minutes as corrected.

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

The 9/29/09 Rubler Site Inspection Minutes were accepted as corrected.

The time of arrival was 3:04 p.m., not 3:27 p.m.

MOTION: To accept the 9/29/09 Rubler Site Inspection minutes as corrected.

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

Pending Applications

Brose/214 Roxbury Road/#IW-09-26/Restoration to Correct Violation:

It was noted that no new information had been received since the last meeting and that the time period in which to act on the application had nearly expired.

Mr. Bedini asked if a notice of violation had been filed on the Land Records. Mr. Ajello said it had.

Mr. LaMuniere read the 9/23/09 minutes, which stated that if Ms. Brose did not respond to the Commission's request to remove the patio and stairs by the 10/14 meeting, the Commission would continue with enforcement proceedings.

MOTION:

To deny Application #IW-09-26 to correct a violation, submitted by Mrs. Brose/214 Roxbury Road, because the proposed restoration plan allows the violation to continue in regard to the stairs, patio, and wall that were installed.

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

Motion approved, Application denied)

It was noted this matter would be discussed again under Enforcement.

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

Mr. Neff, engineer, presented his plan, "Septic System Repair Plan, revised to 9/24/09 to show the limit of disturbance line. He noted there was no work proposed on the retaining wall, that access to the site would be from the existing driveway, and that the existing septic tank would be pumped, crushed, then covered and a new tank installed.

There were no questions from the commissioners.

MOTION:

To approve Application #IW-09-35 for Santoleri/240 West Shore Road for septic repairs per the plan, "Septic System Repair Plan," by Mr. Neff, revised to 9/24/09.

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

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

Mr. Neff, engineer, said there had been no revisions to his plan, "Pool Access Driveway Plan," dated 9/19/09. He explained a stockpile area was shown so that if the owner wanted to regrade the driveway or put in a turnaround, there would be a location to store materials. It was noted the existing catch basin on Nova Scotia Hill Road was plugged and Mr. Bedini said if the application was approved, a condition would be the cleaning and maintenance of that basin.

Mr. LaMuniere suggested moving the driveway entrance 10 feet to the north so there would be no chance that vehicles would damage the catch basin. Mr. Neff noted that it is a regular road basin with a flat top so that it was structurally sound and if a vehicle were to drive over it, it would not be damaged or crushed. Various causes contributing to the plugging of the catch basin were noted;

- 1) trucks entering and exiting the site,
- 2) logging trucks, and
- 3) regrading of Nova Scotia Hill Road with material that was too fine.

Mr. Bedini stated that whether or not the driveway work the Rublers had done had caused the culvert and catch basin to clog, cleaning and maintaining them would be mitigation for the portion of the driveway located within 100 feet of the wetlands.

Mrs. Hill noted the First Selectman had approved a temporary driveway, but the applicant now proposed a permanent one.

Mr. LaMuniere thought a permanent driveway could be approved as long as the Commission made sure

the drainage system and catch basin would function in the future.

Mr. Ajello said he did not think moving the existing driveway entrance was a prudent alternative.

Mr. Lyon arrived and said the Rublers would have to apply for a driveway permit and sign a maintenance agreement with the Town.

MOTION:

To approve Application #IW-09-36 for Rubler/240 Wykeham Road (Nova Scotia Hill Road) to construct a permanent driveway per the plan, "Pool Access Driveway Plan," by Mr. Neff, dated 9/19/09 with the condition that the Rublers clean out the existing catch basin and culvert across Nova Scotia Hill Road and maintain it to keep it clear so it will function as it is supposed to.

By Mr. Bedini, seconded by Mr. LaMuniere, and passed 4-1.

Mrs. Hill voted No due to confusion about the application, she did not agree a temporary driveway should be made permanent, and the application form had been signed by the agent, not the property owner.

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

It was noted this application was discussed in detail at the last meeting and that the stumps would be left in the ground and the work done by hand.

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

MOTION:

To approve Application #IW-09-38 for Bee Brook Condo Assoc. #2/35-38 Juniper Meadow Road to remove three storm damaged trees.

By Mr. Bedini, seconded by Mr. Bohan, passed 4-0.

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

This application was discussed later in the evening.

New Applications

Dyer/269 and 273 Sabbaday Lane/#IW-09-40E/Animal Shelter, Fences:

Mrs. Dyer explained she was applying for an agricultural exemption. She planned to summer sheep on the property and pointed out the locations of the proposed fences and 8'X10' lean-to overhang on the existing barn on an enlargement of the Assessor's Map.

Mrs. Hill noted that Steep Rock held an easement on the property and Mrs. Dyer said she had a letter from Mrs. Branson, dated 9/28/09, which stated that fencing for pasturing livestock was an allowable use under the terms of the easement.

Mr. LaMuniere said this was clearly an agricultural activity, and even though the maps submitted were not precise, it qualified for an exemption.

Mrs. Dyer said the electric fence would be installed using as many trees as possible and fiberglass stakes, which would be pounded into the ground.

MOTION:

To approve Application #IW-09-40E submitted by Mrs. Dyer for a shed addition and fences for agricultural purposes at 269 and 273 Sabbaday Lane.

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

Town of Washington/Plumb Hill Road/#IW-09-41/Install Drainage System:

Mr. Lyon, First Selectman, presented the plan, "Drainage Improvement, Town of Washington, Plumb

Hill Road,” by Lenard Engineering, dated 3/13/07. He explained some of the existing drainage system along a 1900 ft. section of the road would be replaced, and that culverts and catch basins would also be added. He noted there was activity proposed near the brook where the system would discharge and eventually the runoff would flow to the old Gunnery skating ponds. He described the current drainage problems on Rt. 47 and on some of the downhill properties along Plumb Brook Road and circulated some photos of the washed out areas. He said that when a total of 14 culverts were installed along both sides of the road, there would no longer be any discharge onto private properties. He pointed out where silt fence would be installed and said sand bags would be placed around the catch basins during construction to keep the sediment out. Mr. Lyon asked if work could begin on the sections outside of the wetlands as he hoped to get the paving done before the asphalt plants close for the winter.

Mr. Bedini advised him to begin work at the end farthest from the wetlands. The application will be voted on at the next meeting.

Pending Application

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

The following documents were submitted on 10/13/09:

- 1) 10/13/09 letter to Mr. Bedini from Mr. Szymanski,
- 2) Appendix, no date, and
- 3) “Site Development Plan for Wykeham Rise,” 23 pages, by Arthur H. Howland & Assoc., revised to 10/6/09.

Mr. Bedini asked for a sheet with a list of all of the proposed activities. Mr. Ajello noted there was a drainage control plan proposed for the upper property that would not impact wetlands. He asked that this be included on the list as a peripheral activity. Mr. Bedini agreed it should be listed. Mr. Bedini asked if the public hearing fees had been paid, noting a previous public hearing fee was also outstanding.

Mr. Klauer said he would make the payment tomorrow.

A site inspection was scheduled for Tuesday, 10/27/09 at 3:00 p.m. to give the commissioners time to review the new material beforehand.

A public hearing was scheduled for Wednesday, October 28, 2009 from 5:00 to 6:30 p.m. and the regular meeting will not begin until 7:30 p.m.

Lloyd (Cornell)/ Whittlesey Road/#IW-09-42/Road Drainage Improvements:

Mr. Sabin, landscape architect, presented the plan, “Site Analysis Plan,” by Mr. Alex, dated November 2005 on which he had drawn in the proposed drainage improvements. He explained the work is necessary to correct a drainage problem on the Lloyd property. The Lloyds are paying for the work although it will be done on the Town right of way and the Cornell property. Mr. Sabin noted the application included the 10/9/09 letter from Mr. Lyon approving the project with one change and the 10/2/09 statement of agreement from Mrs. Cornell. Mr. Sabin detailed the drainage problem on the Lloyd property in the area of the existing catch basin. The plan is to pick up the runoff and route it away from the Lloyd property and discharge it before it reaches the river. He pointed out a “slot” between the existing trees where the water could be piped to a level area at least 40 feet from the river where it would be discharged with a level spreader. He noted he would submit the mandatory conservation easement form signed by the property owner before the next meeting. Mr. Sabin also noted he would revise his 10/9/09 memo to the Commission to reflect the changes in the catch basins that are required by the Town.

Mr. Bohan said the Lloyds had caused the drainage problem with they installed the berm along the

property line. Mr. Sabin said this was true in part, but said, too, there was a larger watershed than anticipated and the existing drywell had been overloaded.

Mr. Sabin said he would modify the construction sequence to state that 48 hours notice would be given to the Enforcement Officer so that the erosion controls can be inspected and approved prior to the start of work.

A site inspection was scheduled for Tuesday, October 20, 2009 at 3:00 p.m.

Potosky/131 West Shore Road/#IW-09-43/Relocate Driveway, Construct Addition to Existing Dwelling, Etc.:

Mr. Lasar, architect, represented the applicant. The plan, "Site Analysis Plan," by Mr. Alex, dated February 2006 on which Mr. Lasar added the proposed activities, dated 10/13/09 was reviewed. Mr. Lasar stated the following activities were proposed, although they were not all within 100 ft. of the lake;

- 1) relocation of the driveway to the opposite side of the property,
- 2) addition to the existing dwelling, and
- 3) installation of an infiltration system.

It was noted that this property is drier than the neighboring Brown property, but that Mr. Neff was working on plans for an infiltration system that would pick up all roof and footing drains and which would be located further than 100 feet from the lake. Mr. Lasar noted a shallow swale was also proposed.

A site inspection was scheduled for Tues., October 20, 2009 at 3:30 p.m.

Straw Man, LLC./135 Bee Brook Road (Juniper Meadow Road/#IW-09-44/ Driveway and Bridge:

Mr. Boling and Mr. Charles represented the applicant. The plan, "Wetland Crossing for Access Driveway," by Mr. Trinkaus, dated 10/12/09 was studied. A portion of the proposed driveway was in the right of way on Bee Brook property. Mr. Boling noted there was no other way to access the 13 acre parcel and said the Commission had approved a box culvert crossing several years ago. He said the current application for a small bridge would be less intrusive because it would require less excavation and less equipment to install than the box culvert. The 100 ft. setback and location of wetlands on the far side of the crossing were noted.

Mr. Bedini asked if the driveway would be paved. Mr. Boling said the steeper portion would be paved and the rest would be gravel. Mr. Charles said the driveway surface would match the trap rock used for the Bee Brook driveway. He also noted the bridge was sized to accommodate emergency vehicles; it would be 23 ft. wide, with a travel surface width of 21 feet. Mr. Boling said limited impact development designs would be used for the stormwater management system.

Mr. LaMunier asked about the existing drainage patterns and surface flow. Mr. Charles pointed out a seepage area and an existing swale and said there were no intermittent streams on the property. He said the driveway would have a 2% slope so that the runoff would drain into the swale. He said, too, there would be a series of swales within the swale to slow the velocity of the runoff. He said Mr. Trinkaus, engineer, would attend the next meeting to discuss the engineering.

Mr. Bedini said the Commission would refer the plans to a consultant and would inspect the site after his review was submitted.

Mr. Wadelton recused himself.

Several consultants were considered and it was the consensus to send the plans to Milone and MacBroom. Mr. Charles said he would address the points raised in Mrs. Hill's 10/14/09 review and submit a larger scale drawing. He noted the Commission typically requires a report and sketch map

from the soil scientist, but said Arthur Howland & Assoc. does not produce sketch maps. It was the consensus the soils report would be adequate. It was not known at this time whether a public hearing would be scheduled.

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

It was noted that Ms. Zinick, agent, had indicated at the last meeting that she would delete the trench work from the application, but she had not yet done so. It was the consensus that the original map submitted had been inadequate because it did not contain construction details. Since no new information had been submitted, further discussion was tabled to the next meeting.

Other Business

Referral from Woodbury Inland Wetlands Agency/409 Nettleton Hollow Road/Sprain Brook Embankment Stabilization Plan:

Mrs. J. Hill noted there would be no impact to Washington because the proposed work was downstream of the town boundary line. The plan, "Brook Embankment Stabilization Plan," by Hrica Assoc., dated 8/24/09 was briefly reviewed. The commissioners expressed no concerns.

Enforcement

Angell/47 West Shore Rd/Unauthorized Work on Shoreline/#IW-09-V01:

Mr. Ajello reported that Mr. Angell had 1) cut the vegetation in the Lake Waramaug Task Force's biofiltration system and 2) had disturbed the soil on the shoreline when pulling out tree stumps. Therefore, he had sent a notice of violation. Mr. Angell has yet to respond. Mr. Bedini said it was important to be vigilant around the lake and to treat all property owners consistently. It was noted there is a \$150 fine for the violation on the beach. Mr. Ajello said he would like to send the contractor a citation because this was his second violation. It was the consensus that the WEO should send the \$150 citation to Mr. Angell.

Charvillat/96 Roxbury Road:

Mr. Ajello will contact the property owner as requested previously by the Commission.

Rosen/304 Nettleton Hollow Road:

Mr. Ajello contacted the US Army Corps of Engineers who advised him that if the Rosens do not respond to their certified mailings, they will be served with a court order.

DiBenedetto/212-214 Calhoun Street:

Mr. DiBenedetto will apply to install some bridges so that he can use an estate vehicle without damaging the sides of the trenches on site. Mr. Ajello also noted that Mr. DiBenedetto plans to finish planting the interior of the property in the spring.

Gruson/62 Frisbie Road:

It was so wet this year that the approved pond dredging has been postponed to next year.

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

Mr. Delancy was not present and did not submit an application to restore the property as the Commission requested. It was noted that the 9/23/09 minutes stated that if he did not respond by 10/14 a citation would be issued. Mr. Ajello said a notice of violation had already been issued and he read the letter sent to Mr. Delancy on 9/16/09. After a brief discussion it was the consensus to issue a citation for \$350.

MOTION:

To issue a \$350 citation to Mr. Delancy/79 New Milford Turnpike in accordance with Ordinance #720 because he did not respond in a timely manner with an application to correct the violations on his property as the Commission had requested.

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

Brose/214 Roxbury Road/#IW-08-V5:

Ms. Brose will be sent the usual letter to notify her of the denial of her application and the file will be forwarded to the Commission's attorney who will be asked to pursue further enforcement proceedings.

Administrative Business

Discussion of 9/2/08 Trinkaus Review and Request for Consideration as Consultant:

It was the consensus it would not be appropriate to discuss this matter while Mr. Trinkaus is working on a pending application.

MOTION:

To go into Executive Session at 10:05 p.m. to discuss pending litigation:

Appeal by Federer of Wykeham Rise, LLC. decision.

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

MOTION: To end Executive Session at 10:26 p.m.

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

MOTION:

To adjourn the meeting. By Mr. Bedini.

Mr. Bedini adjourned the meeting at 9:27 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator