

# July 11, 2012

7:00 p.m. Land Use Meeting Room

**MEMBERS PRESENT:** Mr. Bedini, Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

**MEMBER ABSENT:** Mr. Bohan

**ALTERNATES ABSENT:** Ms. Cheney, Mr. Martino

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

**ALSO PRESENT:** Mr. Neff, Mr. Sargeant, Mr. Wood, Mr. Lyon

Mr. Bedini called the Meeting to order at 7:00 p.m. and seated Members Bedini, LaMuniere, Papsin, and Wadelton.

**MOTION:**

To add the following subsequent business to the agenda:

VI. Other Business:

B. Hochberg/ 15 Couch Road/Request to Extend Permit #IW-07-34,

C. Referral from Town of Kent re: Bibb/72 Lake Waramaug Road/Pave Driveway and to note that Meyers/5 West Church Hill Road/ #IW-12-21 should be listed under Pending, not New Applications.

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

## **Consideration of the Minutes**

The 6/13/12 Regular Meeting minutes were accepted as corrected.

Page 2: 6th line from the bottom of the main paragraph: Mr. LaMuniere stated that a bond should not be required.

Page 3: 2nd line from the bottom. Mr. Papsin said the correct spelling is "straight forward."

**MOTION:**

To accept the 7/11/12 Regular Meeting minutes as corrected.

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

## **Pending Applications**

Mr. LaMuniere noted the following applications had been fully discussed at the last meeting and because no questions or concerns had been raised, he recommended they be approved without further discussion.

Lederer/274 Nettleton Hollow Road/#IW-12-18/Septic System Repair:

**MOTION:**

To approve Application #IW-12-18 submitted by Mr. and Mrs. Lederer to repair the septic system at 274 Nettleton Hollow Road in accordance with the plan, "Septic System Repair Plan," by Mr. Neff, dated 5/18/12 subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,

2. the property owner shall give the contractor copies of both the motion of approval and the approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

Washington Club, Inc./8 Golf Course Road/#IW-12-19/Reconstruct Pump House:

MOTION:

To approve Application #IW-12-19 submitted by the Washington Club, Inc. to reconstruct the pump house at 8 Golf Course Road in accordance with the plan, "Pump House Reconstruction Plan," by Mr. Neff, P.E., dated 5/10/11 subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. the property owner shall give the contractor copies of both the motion of approval and the approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

Berg/22 Foulis Road/#IW-12-20/Clean Out Pond:

Mr. Wood, contractor, submitted a written construction sequence and information regarding the seed mix to be used. He said that he would be responsible for monitoring the project and he pointed out on the sketch map the limit of disturbance.

MOTION:

To approve Application #IW-12-20 submitted by Mr. and Mrs. Berg to clean out the pond at 22 Foulis Road per the handwritten notes on the "Site Analysis Plan," dated January 2007 and revised to 1/17/07 subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so that WEO can inspect and approve the erosion control plans,
2. the property owner shall give the contractor copies of both the motion of approval and the approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

Meyers/5 West Church Hill Road/#IW-12-21/Pond Maintenance: Mr. Neff, engineer, presented the plan, "Silt Basin/Pond Cleanout Plan," by Mr. Neff, revised to 5/30/12. He noted the pond had been cleaned in 2006, but said there was a chronic problem with it filling in due to gravel and sandy material washing off West Church Hill Road and into the pond. He noted the silt basin was also filled with material, that a total of 80 yards would be excavated, that the work would be done during the dry time of year, and pointed out on the plan where the stockpile location was. He said the pond would not be deepened or enlarged. The wooded hillside in the vicinity was discussed. Mr. Neff stated that the woods would not be disturbed and that the hillside, although very steep, was as stable as it could be. No material will be taken off site. Mr. Bedini noted that a site inspection was not necessary because the Commission had conducted an inspection in the past.

## **MOTION:**

To approve Application #IW-12-21 submitted by Mr. and Mrs. Meyers to clean out the pond and silt basin at 5 West Church Hill Road in accordance with the plan, "Silt Basin/Pond Cleanout Plan," by Mr. Neff, dated 8/2/06 and revised to 5/30/12 subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. the property owner shall give the contractor copies of both the motion of approval and the approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

## **Other Business**

### Ingrassia/143 West Shore Road/Request to Revise Permit #IW-12-01:

Mr. Neff referred to his 6/28/12 letter to the Commission, which outlined the proposed revisions: 1) change the footprint of the accessory building to the northeast, 2) add stone pavers along the west side of the larger building, 3) add stepping stones for a walkway between the two buildings, and 4) install stairs to the lower level of the property. The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, revised to 6/27/12 was reviewed. Mr. Neff noted the limit of disturbance was unchanged and the revisions were minor landscaping modifications. He said there would be no impact to the lake and plans for the access, well, septic system, and stockpile areas were unchanged. He also noted the revised plan would result in a reduction in lot coverage from what now exists on the property. Mr. LaMuniere agreed there would be no impact to the lake and recommended approval.

## **MOTION:**

To approve the request to revise Permit #IW-12-01 issued to Mr. and Mrs. Ingrassia/ 143 East Shore Road per the plan, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 10/24/11 and revised to 6/27/12.

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

## **Pending Applications**

### McAdam/231 Romford Road/#IW-12-16/Pesticide Application:

It was noted that the application had been denied at the last meeting because it had been incomplete. However, at that time the commissioners had been unaware that the applicant had responded in a timely manner to Mr. Ajello's request for additional documentation and it had been mailed and received in the Land Use Office. MOTION:

To reverse the denial of Application #IW-12-16 submitted by Mr. McAdam to apply pesticide to the pond at 231 Romford Road based on the fact that the Commission had the required information on file at the time of the denial.

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

Mr. Ajello reviewed the letter from the contractor who stated:

- 1) the pesticide would only be applied to certain sections of the pond,
- 2) the application would be done from the shore,

3) even though the flow through the pond was minimal, the water would be held in the pond with sand bags for at least 24 hours after the application,

4) application would be done on a day with no wind and with a back pack sprayer to cut down on the spread of the chemicals.

It was noted in the 6/13 minutes that only a partial payment of the application fee had been made, but that since that time the fee had been paid in full.

**MOTION:**

To approve Application #IW-12-16 submitted by Mr. McAdam to apply pesticides to the pond at 231 Romford Road per the application and letter to Mr. Ajello from The Pond and Lake Connection subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. the property owner shall give the contractor copies of both the motion of approval and the approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

Sargeant/28 Tinker Hill Road/#IW-12-15/Repair Shoreline Wall and Dock Foundation:

Mr. Sargeant circulated copies of the latest plans. He noted the "A" side of the stonewall was now completely out of the water and said he would hold off on work to the "B" side to see if the water level would go down there, too. Mr. LaMuniere noted he had reviewed the plans and that he thought the proposal was a good way to do the repair work without a coffer dam. The preparation and pouring of the concrete for the dock was discussed. Mr. Sargeant said he would put in some rebar if it would fit. Regarding the repair of the stonewalls, Mr. Sargeant hoped he would not have to move the two existing trees, but said it would be possible if it became necessary. He also pointed out one tree that would have to be removed to repair the initial section of the wall. He indicated the areas where there was an immediate need for repairs and said he would repair at least 6 to 8 feet, and possibly as much as 18 feet. Photos of the existing conditions were reviewed. Mr. LaMuniere stated that the plans were feasible.

**MOTION:**

To approve Application #IW-12-15 submitted by Mr. Sargeant to repair the shoreline walls and dock foundation at 28 Tinker Hill Road per the two documents submitted dated 7/11/12 and signed by Mr. Sargeant subject to the following conditions:

1. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. the property owner shall give the contractor copies of both the motion of approval and the approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

**Other Business**

Referral from Town of Kent:

Bibb/72 Lake Waramaug Road:

It was noted that because the Bibb property was within 500 feet of the Town boundary, the Commission had been notified of an application to pave the driveway at 72 Lake Waramaug Road.

Hochberg/15 Couch Road/Request For Extension of Permit #IW-07-34:

It was noted there was no reason not to extend this permit for a driveway crossing with seepage envelope and that Mr. Hochberg had no immediate plans to construct it.

**MOTION:**

To approve the request to extend Permit #IW-07-34 issued to Mr. Hochberg for a driveway crossing at 15 Couch Road; the permit shall be valid for an additional five years.

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

**New Application**

Town of Washington/Intersection Shinar Mt. Road and Walker Brook Road South/#IW-12-22/Replace Culvert:

Mr. Lyon explained the Shinar Mt. Road culvert had failed during Hurricane Irene. The plans, "Shinar Mountain Road Bridge," 7 Sheets, by Arthur H. Howland and Assoc., Sheet EC.1 dated 9/27/11, Sheets SD.1, PP.1, PP.2 dated 6/12/12, Sheets SEQ.1 SEQ.2 dated 3/20/12, Sheet PHOTO.1 dated 6/14/14 were reviewed. The interim two 36" plastic emergency repair pipes will be replaced with a steel plate arch pipe sized for a 100 year storm and which will be approved by both the DEEP and the Army Corps of Engineers. No wing walls are proposed. Instead the 2:1 streambank side slopes will be rip rapped with medium sized stone. The arch pipe will measure approximately 13 ft. across and 9ft. 4 in. tall with 8 ft. 4 in. clearance. The new pipe will have 1 ft. of river gravel at the bottom. Mr. Lyon said the rip rapped streambanks would be adequate because with the larger pipe capacity, there would be no back up during heavy flows, which was previously a problem. It was noted that the assembly of the pipe and the backfilling must be overseen by an engineer. Mr. Lyon hoped the work would start in early autumn and he noted a thorough construction sequence including a sandbag coffer dam and erosion controls had been submitted.

**Enforcement**

Mr. Ajello reviewed his 7/11/12 report, which included the following matters.

Estate of E. Bennett/27 West Shore Road:

Mr. Ajello reported the drainage work had been completed and recommended the Commission release the notice of violation that had been filed on the Land Records.

**MOTION:**

Regarding the Estate of E. Bennett/27 West Shore Road; to release the notice of violation filed on the Town Land Records.

By Mr. Wadelton, seconded by Mr. Papsin, passed 4-0.

deVisscher/69 Wykeham Road:

My Ajello reported that the work done at this property had exceeded the approved permit. A 60 ft. long utility trench had been dug beyond the approved limit of disturbance. A notice of violation had been issued. At a later date Mr. Ajello observed wheelbarrows of excavated material being

deposited in what he believed were wetlands as indicated by the vegetation growing in the vicinity. He noted this was a fineable offense. A lengthy discussion followed concerning whether the property owner should be fined \$350 or \$500. It was noted that while the contractor had told the Commission the excavated material would be taken directly off site and that this was the second offense and directly in wetlands, it was also noted that if the deposited material was quickly removed, the impact to the wetlands would be minimal. Photos of the site were circulated. Mr. Ajello was advised to use his judgment regarding the amount of the fine to be levied.

MOTION:

To adjourn the Meeting. By Mr. Wadelton.

Mr. Bedini adjourned the Meeting at 8:46 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill  
Land Use Administrator