

# October 8, 2008

## Regular Meeting

October 8, 2008

7:00 p.m. Land Use Meeting Room

**MEMBERS PRESENT:** Mr. Bedini, Mrs. Hill, Mr. Picton, Mr. Thomson

**MEMBER ABSENT:** Mr. LaMuniere

**ALTERNATES PRESENT:** Mr. Bohan, Mr. Wadelton

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

**ALSO PRESENT:** Mrs. Dyer, Mrs. Branson, Mr. Clark, Mr. Neff, Mr. Wilson

Mr. Picton called the Meeting to order at 7:02 p.m. and seated Members Bedini, Hill, Picton, and Thomson and Alternate Bohan for Mr. LaMuniere.

**MOTION:** To add the following subsequent business to the agenda:

### New Applications:

D. Conlon/6 Valley Road/#IW-08-53/Single Family Dwelling,

### Other Business:

B. Bowles/52 Carmel Hill Road/Request to Revise Permit #IW-07-61/Open Space Configuration,

C. Agent Review/Allard/ 156 Wykeham Road/Construct Studio and Septic System.

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

### Consideration of the Minutes

The 9/24/08 Regular Meeting minutes were accepted as corrected.

P.1: Under Consideration of the Minutes: first line: Add: "for Mr. Bohan" after "seated."

P.4: 6th line: Change: "shorted" to "shorter."

P.5: 4th line from bottom: Add: "and greater" after "slopes."

P.6: 8th line: Add: "about" after "jurisdiction."

**MOTION:** To accept the 9/24/08 Regular Meeting minutes as corrected. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

### Pending Applications

#### Wykeham Rise, LLC./101 Wykeham Road/#IW-08-31/Inn:

Mr. Ajello reported that revised plans had been submitted today and that he had referred them to Land Tech for review. The main revision was a change in the access to make the main entry near Golf Course Road a two way driveway. The upper access on Wykeham Road would be eliminated.

Mr. Picton asked if the wetlands crossing would be widened. Mr. Ajello said it would not.

Mr. Ajello also noted that a revised landscaping plan had also been submitted today.

Melahn/67 River Road/#IW-08-47/Construct Front Dormer, Rear Roof Overhang, Shed:

Mrs. Hill recused herself because she is an adjoining property owner and Mr. Wadelton was seated.

Mr. Picton asked if Mr. Ajello had inspected the site and whether he had any concerns.

Mr. Ajello said he had made an inspection, there was no excavation proposed, and he had no concerns.

MOTION: To approve Application #IW-08-47 submitted by Ms. Melahn to construct a front dormer, rear roof overhang, and shed at 67 River Road as submitted. By Mr. Bedini, seconded by Mr. Bohan, and passed 5-0.

Mrs. Hill was reseated.

**Brown/127 West Shore Road/#IW-08-47/Driveway and Conduit Installation:**

Mr. Picton asked if the drainage would be redirected or concentrated.

Mr. Wilson, engineer, said it would not. Mr. Wilson pointed out on the map, "Site Plan," by Mr. Wilson, revised to 10/6/08 the changes he made to the plan since the last meeting. He moved the power to the east side of the driveway and showed that the power and water would be brought to the corner of the landscaped bed on the opposite side of the road. He said a trench a few feet deep would be dug by hand for the conduits and noted the reason for the conduits was to provide the picnic area with power.

Mr. Picton noted the trench would be 25 ft. from the lake and run along the lower edge of West Shore Road.

Mr. Wilson noted that a sediment barrier would be installed and maintained until vegetation is established. It was noted that the required conservation easement form had not been submitted and that the permit should not be issued until it is received.

MOTION: To approve Application #IW-08-48 submitted by Mr. Brown for installation of a driveway and conduits trenches at 127 West Shore Road per the site plan by Mr. Wilson, dated 9/15/08 and revised to 10/6/08. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

**Reger/65 Gunn Hill Road/#IW-08-49/2 Lot Subdivision Feasibility:**

Mrs. Hill recused herself and Mr. Wadelton was seated.

The map, "Site Development Plan," by Oakwood Environmental Associates, revised to 9/16/08 was reviewed. Mr. Clark, engineer, noted the wetlands had been flagged by a soil scientist and he pointed out the locations of several intermittent watercourses, a small wetland, and a spring. He said the site was steep with a lot of ledge and that 40% of the property had slopes greater than 25%.

Mr. Picton asked if an effort had been made to stay 100 ft. away from wetlands and out of the standard upland review area.

Mr. Clark said the primary and reserve septic systems were more than 100 ft. away, the house site was more than 50 feet away, but approval of a driveway crossing was required.

Mr. Picton asked about the driveway grade.

Mr. Clark said the first 100 ft. was 9.5% and it was 2-4% beyond that.

Mr. Picton recommended a site inspection due to the steep slopes and the drainage issues above the watercourse.

A site inspection was scheduled for Thursday, October 16, 2008 at 4:00 p.m.

Mr. Picton asked if the driveway could be located further up the hill to avoid the stream crossing.

Mr. Clark responded that the Selectmen wanted the driveway cut below the point where the road is blocked off in the winter. Mr. Picton thought it might be possible to block off the road in a different location.

Mr. Picton asked if sufficient details for the culvert crossing had been submitted.

Mr. Ajello will consult with Mr. Clark.

Mrs. Hill was reseated.

## **New Applications**

### **Steep Rock Assn./120 Bee Brook Road/#IW-08-50/Trail Repair:**

It was noted that the south side of the Shepaug River streambank near the Hidden Valley parking lot was eroding. Photos of the existing conditions were viewed.

Mrs. Dyer, Steep Rock representative, proposed to use staked logs backfilled with stone to stabilize the trail. She said there would not be much soil disturbance.

Mr. Ajello said it would not be known until the work was completed whether runoff from the parking lot would erode the stairs.

Mrs. Hill noted the required conservation form had not been submitted.

Mr. Picton thought because no concerns had been raised, that action could be taken at the next meeting.

### **BEC Holdings, LLC./204 Wykeham Road/#IW-08-51/2 Lot Subdivision Feasibility:**

Mr. Neff, engineer, presented his map, "Proposed Site Development Plan," dated 10/7/08. He explained that 2 lots were proposed; one 11+ acres and the other 6+ acres and also a 6+ acre parcel to be designated as open space. He said the wetlands had been delineated and the proposed house sites were located away from the wetlands and watercourses.

Mr. Picton asked for the soil scientist's report and sketch map for the file.

Mr. Neff said the proposed open space included some wetlands and a vernal pool.

Mr. Picton noted that although the vernal pool was located only 60 ft. from the open space boundary, there was no development proposed within 400 ft. It was not known at this time what organization would hold the open space. The configuration of the open space was briefly discussed. Mr. Picton favored including wetlands in open space as an added layer of protection. It was noted that the Conservation Commission did not always agree, preferring to set aside lands not already protected. A site inspection was scheduled for Thursday, October 16, 2008 at 4:45 p.m.

## **Other Business**

### **McCullers/18 Plumb Hill Road/Request to Revise Permit #IW-07-21 to keep temporary driveway:**

Mr. Ajello reported that the owner would withdraw the request to amend the permit, take out the temporary driveway, and restore the area to its original condition. It was noted a written letter of withdrawal had not been received.

## **New Application**

### **Treadway/20 Nettleton Hollow Road/#IW-08-52/Pond Maintenance:**

Mr. Sabin, landscape architect, presented a certified mailing receipt to show that Steep Rock had been notified of the application and a corrected DEP reporting form. The map, "Site Analysis Plan, Property/Boundary Survey" by Mr. Alex, dated September 2008 with handwritten notes by Mr. Sabin was reviewed. Mr. Sabin explained that the berm will be repaired and the pond dredged to a depth of 6 ft. at its center with 3:1 slopes to allow for emergent vegetation. The spoils will be dewatered on upland soils adjacent to the wetlands, then regraded on the hillside and reseeded with a wetland meadow mix. He noted the regrading will result in a marginal increase in the sheetflow to the pond. One foot of board will be added to the berm and clay will be packed to repair the leak.

Mrs. D. Hill asked if plantings were proposed around the pond.

Mr. Sabin said they were not.

Mr. Picton expressed some concern about the staging area in the wet meadow.

Mr. Sabin said the selection of a work area was limited due to the steeper grade in other areas and the locations of an intermittent stream and the conservation easement area.

Mr. Picton asked that the equipment make only one track through the wet meadow.

Mr. Sabin said he would meet with the contractor to discuss the access. A site inspection was scheduled on Thursday, October 16, 2008 at 5:15 p.m.

### **Conlon/6 Valley Road/#IW-08-53/Single Family Dwelling:**

The map, "Proposed B-100a Sanitary Disposal System Plan," by Arthur H. Howland and Assoc., revised to 10/3/08 was reviewed. It was noted the property borders Warren, a variance from the ZBA had been applied for, and the required conservation easement form had not been submitted. In addition to demolishing and reconstructing a house, the map showed additions to the garage and the barn.

## **Other Business**

### **Bowles/52 Carmel Hill Road/Request to Amend Permit #IW-07-61 to Reconfigure Open Space:**

The map that was approved by the Inland Wetlands Commission, "Property/Boundary Survey," by Mr. Alex, dated June 2006 was compared to the map revised to 1/2/08, which was approved by the Planning Commission.

Mrs. J. Hill explained that the first showed two separate open space areas, while the revised plan reconfigured the open space into one continuous area. She noted the site development was proposed closer to the road and the change in the open space did not affect any activities within the Wetland Commission's jurisdiction.

MOTION: To approve the request by Mr. Bowles to amend Permit #IW-07-61 to reflect a change in the open space configuration at 52 Carmel Hill Road subject to the condition that Mr. Ajello has no objections when he reviews the plans. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

### **Allard/156 Wykeham Road/Agent Approval/Studio and Septic System:**

The map, "Septic System Design," by Berkshire Engineering, dated 9/25/08 was reviewed.

Mr. Ajello said a soil scientist had flagged the wetlands and the proposed septic system had been located 100 ft. away, although the required regrading would extend 20 ft. into the upland review area. He noted the land sloped about 5% in this area and said he had asked that a row of hay bales be staked behind the proposed silt fence.

Mr. Picton asked if the application qualified for agent approval because work would be done in the upland review area.

Mrs. D. Hill said it did and explained that the Agent could not act on proposed activities in the wetlands.

Mr. Ajello said he had already approved the application. It was noted the applicant was required to publish a legal notice for the approval.

After a brief discussion it was the consensus that there were no issues.

## **Enforcement Report**

### **Lodsin/78 Litchfield Turnpike:**

There has been no contact from Mr. Lodsin or the Army Corps of Engineers.

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

Mr. Rosen has not contacted the Commission since the Show Cause Hearing. The enforcement order and citation sent to him by certified mail were returned, but Mr. Ajello hand delivered copies to the Nettleton Hollow Road address. The cease and desist order was recorded on the Town Land Records. This matter will be discussed in Executive Session as Mr. Rosen was uncooperative and left the hearing

in a threatening manner. It is hoped that the Army Corps of Engineers will advise the owner what must be done to restore the site.

**Slaymaker/17 Sunset Lane:**

Mr. Picton asked Mr. Ajello to make sure the work area has not expanded beyond what was approved by the Commission and that there is no new fill being graded up to the new house.

**Howard/99 West Shore Road:**

There was nothing to report on this matter.

**Moore/25 Litchfield Turnpike:**

Mr. Moore was supposed to have seeded the restored wetlands some time ago.

**Wright/59 Scofield Hill Road:**

Mr. Bedini asked why this matter had not been resolved.

Mr. Ajello said the vegetation planted on the hillside had not yet spread to sufficiently stabilize the area.

**Reinhardt and Cremona/Perkins Road:**

Mr. Ajello received a letter from Atty. Kelly with a copy to the Town Treasurer and to Mr. Childs requesting information on when the bond will be returned. Mr. Ajello has tried to contact Mr. Childs to find out how much work remains to be done and what the amount of the bill will be, but has gotten no response.

**DiBenedetto/212-214 Calhoun Street:**

Mr. Ajello said the new plantings are growing nicely.

**Administrative Business**

**Revision of the Regulations:**

The final draft has been circulated among the commissioners who have been asked for comments.

The relevance of court cases was briefly discussed. When a court case is cited, Mr. Picton thought the Commission should ask why it is relevant to the specific application that is being considered.

**Land Use Consultant:**

Mr. Connor will begin interviews on Friday, 9/10/08.

Mr. Bedini said he is supposed to talk to all commissioners, all staff, and representatives of the public.

**Communications**

A CACIWC seminar will be held on 11/8/08 and those who are interested in attending were asked to sign up as soon as possible.

MOTION: To enter Executive Session at 8:50 p.m. to discuss pending litigation. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

MOTION: To end Executive Session. By Mr. Bedini, seconded by Mr. Picton, and passed 5-0.

Executive Session was concluded at 9:30 p.m.

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

The commissioners thanked Mrs. Bohan for her delicious brownies.

Mr. Picton adjourned the Meeting at 9:30 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator