

# August 8, 2012

7:00 p.m. Land Use Meeting Room

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

**MEMBER ABSENT:** Mr. Bohan

**ALTERNATE PRESENT:** Ms. Cheney

**ALTERNATE ABSENT:** Mr. Martino

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

**ALSO PRESENT:** Mr. Neff, Mr. Lyon, Mr. Osborne, Ms. Purnell, Mr. Szymanski, Mr. Gambino, Mr./Mrs. Solomon, Mr. Pakula, Ms. Moskaluk

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

**MOTION:**

To add the following subsequent business to the agenda:

V. New Applications: I. Etherington/52 Wheaton Road/#W-12-31/Clean Out Pond.

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

## **Consideration of the Minutes**

**MOTION:**

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

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

## **Pending Applications**

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

The plans, "Shinar Mountain Road Bridge," 7 sheets, by Arthur H. Howland and Assoc., revised to 7/27/12 were reviewed. Mr. Lyon, First Selectman, noted the two revisions; 1) a third 36" pipe was added to the temporary by-pass to handle a 100 year storm, and 2) a vortex weir was added as recommended by the DEEP to help maintain the water level to accommodate the fish in the brook. He read note #17 on Sheet SEQ.1 regarding the installation of the weir. He said the Army Corps of Engineers would review the plans in September and hoped the work could be done this fall. Once started, the project will take two to three weeks to complete. It was noted that the Commission had reviewed the application at the last meeting and had had no concerns.

**MOTION:**

To approve Application #W-12-22 submitted by the Town of Washington to replace the culvert at the intersection of Walker Brook Road South and Shinar Mt. Road per the set of plans by Arthur H. Howland and Assoc., which includes "The Culvert Improvement Plan," Sheet SD.1, revised to 7/27/12; the permit shall be valid for three years and is 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. that the property owner give the contractor copies of both the motion of approval and 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 5-0.

## **New Applications**

### Ingrassia/143 East Shore Road/#IW-12-23/Demolish, Rebuild Shoreline Wall:

Mr. Neff, engineer, proposed to demolish the existing seawall, which is in poor condition, and replace it with a dry stacked wall of tightly fitted angular stones. The area behind the wall would be refilled with excavated material from the site. The new wall would be in the same location and have the same height and footprint except that the top of the wall would be a little narrower. The construction of the base of concrete blocks and 6" gravel was discussed. Mr. Neff explained that the buildings on the property would be demolished first so there would be adequate access to work on the wall. He said a limit of disturbance line had been shown on the plan, "Lakeside Wall Replacement Plan," by Mr. Neff, dated 7/30/12, and a ramp to the work area would be installed within the limit of disturbance. The ramp would be used mainly for access by equipment, not for bringing the stones down to the work site. Mr. Wadelton read section 11.A.04 of the Inland Wetlands Regulations regarding replacement of walls along the lake shore. Mr. Papsin asked if the water level was low enough to do the work now. Mr. Neff said a coffer dam would be installed to isolate a dry work area from the lake. Mr. Ajello noted the stones would not be interlocking and asked if the wall would withstand frost heaves. Mr. Neff responded that the stones would be tightly fitted, the wall would be angled back, and it would be held in place by gravity. He said it would hold together for 20 to 30 years. Mr. Ajello asked if the Commission was comfortable approving a wall that would eventually need repairs, but to which there would be no access. He asked if the Commission would require interlocking blocks or pinning. Mr. Neff said that would be very expensive. The commissioners noted they had been to the property before and so a site inspection was not necessary.

### Lancaster/244 West Shore Road/#IW-12-24/Addition to Dwelling, Pool, Well, Patio, Pergola:

*Mr. Papsin recused himself.*

Mr. Neff, engineer, noted that although the proposed addition was large, most of it was beyond the 100 ft. setback. Within the regulated area the pool, well, patio, stone retaining walls, and pergola were proposed. On the plan, "Proposed Site Plan," by Mr. Neff, dated 7/31/12, Mr. Neff pointed out the erosion controls and stockpile areas. He said the land was mostly gentle sloping lawn and that he did not expect any erosion problems as long as the erosion controls were properly maintained. He noted that excess excavated material would be removed from the site, but did not think there would be a large amount as only a partial basement was proposed. Access to the work sites and the proposed location of the well were discussed. Mr. Ajello asked that the silt fence be continued to the east to help define the limit of disturbance. Mr. Ajello also noted his concerns about 1) the limited parking for contractors on site, 2) the proposed "intermittent" pool fence, and 3) the construction of a garage with overhead door without a driveway. It was noted the existing stone patio would be removed and replaced with lawn. Mr. LaMunier asked for a map of the existing conditions to compare to the proposed site plan. Mr. LaMunier asked if the installation of the pool within the regulated area would have an impact on the lake. Mr. Neff said the pool equipment would

be located in the cellar and that there would be a filter mechanism without backwash.

Peckerman/162 Sabbaday Lane/#W-12-25/Dredge Pond:

Mr. Papsin recused himself. Mr. Neff, engineer, presented his plan, "Pond Cleanout Plan," dated 7/28/12 and noted this plan was a slight modification of the previously approved plan. This proposal was to clean out both the silt basin and the pond, in which a lot of material had been deposited due to last year's storms. He explained material would be removed, but the pond would not be deepened. He pointed out the area where the excavated material would be spread after it had been dewatered. Mr. Neff said it was hoped the work would be done this fall during dry weather. There were no questions from the commissioners and it was determined that a site inspection was not needed.

*Mr. Papsin was reseated.*

Pakula and Moskaluk/50 Hinkle Road/#W-12-26/Construct Driveway:

Mr. Neff, engineer, Mr. Pakula, and Ms. Moskaluk were present. The "Proposed Site Plan," dated 7/19/12 and the "Soil Erosion and Sediment Control Plan," revised to 7/31/12, both by Mr. Neff, were reviewed. The proposal was to improve approximately 400 feet of an existing wood road within the right of way to Hinkle Road to access the lot. The driveway would be located within the regulated area, but Mr. Neff explained that erosion and sedimentation controls would be installed on the downhill side. He noted a catch basin was also proposed. The erosion control plan with the driveway cross section, culvert details, and sequence of construction was studied. After a brief discussion, it was noted there were no alternate locations for the driveway. Mr. Ajello asked why the buried electrical service did not follow the driveway route. It was agreed it could be shortened if it was located along the far side of the driveway and Mr. Neff said he would submit a revised plan. Mr. LaMuniere said he had no concerns as he did not think the proposed work would significantly impact the wetlands and added he would inspect the site prior to the next meeting. Mr. Neff noted the silt fence had already been installed.

Keating/67 West Shore Road/#W-12-27/Deck, Fence, Trim Vegetation:

Mr. Szymanski, engineer, presented the plans, "Proposed Site Development Plan," revised to 7/25/12 and "Proposed Sedimentation and Erosion Control Plan," revised to 8/8/12, both by Arthur H. Howland and Assoc. He noted the proposal was to enlarge the deck and to remove the encroachment on the Deitz property. A photo of the site was circulated. Mr. Ajello asked if the bushes would be removed. Mr. Szymanski said, no, but they would be cut back. Mr. Ajello asked if the stairs would be rebuilt. Mr. Szymanski said the existing stairs would remain. Mr. Szymanski said a stockade fence to comply with the Zoning Regulations was also proposed and he recommended the Commission make a site inspection to better understand the plans. A site inspection was scheduled for Tuesday, September 11, 2012 at 5:30 p.m.

Town of Washington/2 Bryan Plaza/ #W-12-28/Repair Canoe Brook Embankment:

*Mr. Bedini recused himself.*

Mr. Lyon presented a color aerial photo of the site to supplement the outdated 1931 map in the file. He explained the proposed activity was to excavate along the original streambed, install gambion baskets, and to fill in behind them. This was necessary, he said, to repair and strengthen the embankment, which holds the fire pond. He pointed out the outflow of the pond and where the damage to the embankment had occurred due to last year's storms. The gambions would be loaded with modified rip rap and then placed three high along the embankment. The land above

the embankment would be seeded and restored to its original condition. Mr. LaMuniere asked if the dam would be rebuilt. Mr. Lyon said the pipe would have to be secured against the bank and that this was specified in the paperwork by Mr. Neff. The work will be done during dry weather and as soon as possible. Because the Commission would not meet again to approve the application until 9/12, Mr. Ajello recommended the Town be given permission to begin work on an emergency basis. It was the consensus that this was a public safety matter and so permission was given to allow work to begin. Mr. Lyon mentioned that several property owners had asked the Town to clean out their sections of the brook, but said this would be a future application.

*Mr. Bedini was reseated.*

McTiernan/52 Calhoun Street/#IW-12-29/Aquatic Weed Control:

Mr. Gambino, contractor, presented photos of the existing pond conditions, including phragmites growth in the buffer around the pond, the aeration system in operation with black dye, subsurface weeds, and outflow with screen. He also passed out copies of chemical labels and the Commission's alternative worksheet/questionnaire. He explained he had not yet applied to the DEEP for this work because he did not plan to do any work until next year. He said three chemical applications might be needed next year; very early in the season for narrow leaf, mid season, and late in the year for phragmites. He noted that if he waited until the spring to apply for the permit, by the time it was granted it would be too late to do the early spring work. He said he would like a two to three year permit so that if the pond does not need treatment next year, he would not have to come back to the Commission when it does need treatment. Mr. Waderton responded that the Commission understood that Mr. Gambino hoped to receive a multi year/phased plan approval. Mr. Gambino reviewed the alternative worksheet, discussing alternate chemicals that could be used and the possibility of using carp, noting that the pond is completely buffered, that no fertilizer is used in the vicinity, and the septic system is far away, and reporting that the inflow had been investigated several years ago and was no longer a problem. The DEEP application form was reviewed. Mr. Ajello noted the Commission appreciated Mr. Gambino's notification even though he was not sure at this time what exact treatment would be required or when it would need to be done. He suggested the Commission might approve an open ended permit with the requirement that Mr. Gambino report to the Commission prior to each treatment. It was the consensus that Mr. Gambino would be required to report to Mr. Ajello prior to each treatment. There was a brief discussion about Japanese knotweed along the Shepaug River and attempts to get rid of it.

Wykeham Rise, LLC./101 Wykeham Road/Request to Amend Permit #IW-08-31/(Wykeham U. IV):

Mr. Szymanski, engineer, noted that appeals were still in court regarding the contested conservation easement on this property, but to move forward, the applicant now proposed to remove all development from the deed restricted area. He noted buildings had been moved or eliminated, the access to the main building had been reconfigured, the size of the main building had increased, the total area of all the buildings combined had decreased. He noted the lot coverage calculation had not yet been finalized. Sheet OSD.1, revised to 8/6/12 in the set of plans, "Site Development Plan for Wykeham University," 25 sheets, by Arthur H. Howland and Assoc., revised to 8/6/12, was reviewed. It was the consensus to refer the plans to Land Tech Consultants for review. Mr. LaMuniere asked if the revisions proposed required changes to the drainage system as the Commission had approved it. Mr. Szymanski responded that the impervious surfaces had been decreased by half a percent. Mr. LaMuniere said a careful study was needed regarding the potential impacts of the revisions.

Etherington/49 and 52 Wheaton Road/#IW-12-31/Clean Pond and Silt Basin:

Mr. Ajello reported that the application was incomplete because a site plan had not yet been submitted. He noted that the proper address would be 49 Wheaton Road, where the pond is located, and 52 Wheaton Road, where the silt basin is located. Mr. Etherington plans to clean out cattails, but not deepen the pond. Mr. Ajello stated that it is possible to block the outflow structure. He also noted the water could spill into the grassy meadow, which could filter out the turbidity. Further discussion will take place when the site plan is received.

**Other Business**

Jackson/55 Old North Road/Request to Renew Permit #IW-07-50:

Mrs. Hill said the property owners had no immediate plans to begin construction. Mr. Bedini noted that no changes were proposed to the originally approved permit and asked the commissioners whether they thought a five year extension was appropriate. Mr. LaMunier suggested the extension be granted subject to the Commission's usual three conditions of approval.

**MOTION:**

To grant a 5 year extension of Permit #IW-07-50 issued to Mr. and Mrs. Jackson to construct a dwelling at 55 Old North Road 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. LaMunier, seconded by Mr. Papsin, and passed 5-0.

**Enforcement**

Bee Brook Condo #2/32 Juniper Meadow Rd/ATF Drainage Improvements:

Mr. Ajello reported that this work had been completed.

Devisscher/69 Wykeham Road/Wetland Violation:

Mr. Ajello pointed out there have actually been three recent violations on this property; 1) an unauthorized trench was dug too close to the wetlands, 2) material was deposited in the wetlands, and 3) a second trench was dug. A citation for \$500 has been sent and it was noted the property owner could be fined a second time if Mr. Ajello receives no satisfactory response. Mr. Ajello said another option would be to issue an enforcement order and to conduct a show cause hearing. The commissioners advised him to take whatever course of action he deems necessary.

Doherty/214 Calhoun Street/Reconstruct Barns, Install Pool:

The commissioners thought Mr. Ajello had a good point in recommending that fences near wetlands be installed by hand as he had observed a 10 ft. wide disturbed area caused by the machinery used to install the approved fence on this property. He also noted that the drainage pipe had not been installed as approved. The drainage had been diverted to the road. A request for a revision of the permit is expected at the next meeting.

Rosenberg and Murphy/10 West Morris Rd./Unauthorized Clearcutting:

Mr. Ajello presented a map of the property showing wetlands or watercourses on three sides. A notice of violation has been sent to the owners who will propose a restoration plan at the next meeting. Mr. Ajello also asked the owners to map the wetlands so it can be determined how serious this violation is.

Rumsey Hall School/201 Romford Road:

Mr. Ajello noted the installation of the underground infiltration system had begun. He suggested that in the future, if the Commission was concerned about verifying the installation of underground systems, it should require the WEO be present during the installation as a condition of approval.

**Administrative Business**

- 1) The annual end of summer Special Meeting was scheduled for 5:00 p.m. on 8/15 at the Pavilion.
- 2) Mr. LaMuniere announced that on 9/29 there would be a lecture at the library about the problem of fresh water in the 21st century. He thought the IWC might be a co sponsor. Mrs. Hill said she would notify the Planning Commission who is beginning work on the update of the Plan of Conservation and Development. A discussion followed regarding excess water use by estates.
- 3) It was noted Dr. Klemmens would be the keynote speaker at the annual CACIWC meeting.

MOTION: To adjourn the meeting. By Ms. Cheney.

Mr. Bedini adjourned the meeting at 9:42 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill, Land Use Administrator