

January 24, 2007

MEMBERS PRESENT: Mr LaMuniere, Mr. Picton

MEMBERS ABSENT: Mr. Bedini, Mrs. D. Hill, Ms. Purnell

ALTERNATES PRESENT: Mr. Potter, Mr. Thomson

ALTERNATE ABSENT: Ms. Coe

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

ALSO PRESENT: Mrs. Smith, Mr. Watson, Mr. Szymanski, Mr. Palella, Mr. Shapiro, Atty. Fisher, Mr. Neff, Ms. Zinick

SHOW CAUSE HEARING

Plourde/33 East Shore Road/Unauthorized Clear Cutting

Mr. Picton called the hearing to order at 6:55 p.m. and seated Members LaMuniere and Picton and Alternates Thomson for Mrs. Hill and Potter for Ms. Purnell.

Mr. Ajello noted the purpose of the show cause hearing was to give Mr. Plourde the opportunity to explain why the enforcement order issued to him should not remain in effect. The 1/16/07 order was sent to Mr. Plourde by certified mail.

Mr. Picton noted the clearing had been a regulated activity and the enforcement order had been warranted. He noted Mr. Plourde was not present.

Mr. Ajello suggested the Commission continue the hearing in case Mr. Plourde had not received his notification. It was the consensus to complete the hearing this evening. Mr. Picton said Mr. Plourde could make a request for a second hearing if there was good reason.

MOTION: To close the Show Cause Hearing for Plourde/33 East Shore Road/Unauthorized Clear Cutting. By Mr. Picton, seconded by Mr. Thomson, and passed 4-0.

Mr. Picton closed the hearing at 7:00 p.m.

This hearing was recorded on tape. The tape is on file in the

Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Picton called the Meeting to order at 7:02 p.m. and seated Members LaMuniere and Picton and Alternates Potter and Thomson.

MOTION: To add the following subsequent items to the agenda: 1) Consideration of the Minutes: C. Brown/1/16/07/Site Inspection, D. Gill-Hardy/1/16/07 Site Inspection, 2) Other Business: B. Preliminary Discussion/Adams/223 West Shore Road, and 3) Enforcement: N. Reinhardt and Cremona/8 and 10 Perkins Road. By Mr. Potter, seconded by Mr. Thomson, and passed 4-0.

Consideration of the Minutes

The 1/10/07 Regular Meeting minutes were accepted as corrected.

Page 4: 4 lines from the bottom: Insert "probably" before would have approved.

Page 6: Last line: Change "violation" to enforcement order.

Page 7: Under Yourwith: Add to the end of the last sentence: and recommended Mr. Ajello formulate a

plan of action.

MOTION: To accept the 1/10/07 Regular Meeting minutes as corrected. By Mr. Picton, seconded by Mr. Thomson, and passed 4-0.

MOTION: To accept the 1/16/07 Young Elliot's Farm, LLC. site inspection minutes as written. By Mr. Picton, seconded by Mr. LaMunier, and passed 4-0.

The 1/16/07 Brown site inspection minutes were accepted as corrected. The correct spelling of Mr. Palella's name was noted.

MOTION: To accept the 1/16/07 Brown site inspection minutes as corrected. By Mr. Thomson, seconded by Mr. Picton, and passed 4-0.

MOTION: To accept the 1/16/07 Hardy-Gill site inspection minutes as written. By Mr. LaMunier, seconded by Mr. Thomson, and passed 4

Plourde/33 East Shore Road/Unauthorized Clear Cutting: Mr. Watson submitted an undated document from Mr. Hayden of the Northwest Conservation District, which described how the clear cutting could adversely impact the East Aspetuck River by putting more algae and temperature pressures on the stream and suggested the Commission could require mitigation. Mr. Watson voiced his concern about the removal of the canopy, exposure of the soil, disturbance of vegetation, and the removal of the riparian buffer between the river and Rt. 45. Mr. Picton noted the canopy had been cut within 20 to 30 feet of the river; close enough so that it would have provided shade and well within the recommended width for the riparian buffer. He also noted Mr. Ajello had sent Mr. Plourde a complete and detailed letter requesting comprehensive plans for the restoration of the property.

MOTION: To leave the 1/16/07 enforcement order in effect for Plourde/33 East Shore Road/Unauthorized Clear Cutting. By Mr. Picton, seconded by Mr. Thomson, and passed 4

Pending Applications

Rising/191 West Shore Road/#IW-06-46/Repair Septic System: Mr. Ajello reported no new information had been received and the Commission had until the next meeting to act.

Coleman/112 Walker Brook Road/#IW-07-01/Clean Out Pond: Mr. Ajello inspected the property and said he was comfortable with the activity proposed. He noted in addition to cleaning out the pond the buffer surrounding it would be increased. A portion of the survey map of the property with the access, pond, and deposit areas sketched in by hand was reviewed. Mr. Ajello said he had observed the proposed deposit areas were dry depressions in the woods.

MOTION: To approve Application #IW-07-01 submitted by Mr. Coleman to clean out the pond at 112 Brook Road as submitted. By Mr. Potter, seconded by Mr. Picton, and passed 4

Brown/127 West Shore Road/#IW-07-02/Planting and Fence: Mr. Palella, agent, submitted a list of plant material to be used and pointed out the location of the drainage pipe on the map, "Shoreline Plan," by McCobb & Associates, dated 11/2006. He said instead of digging out the dirt, he would use a sod cutter and remove the sod by hand only in those areas where the low growing bushes were to be planted. Mr. Potter suggested Mr. Palella use Round-Up to kill the sod rather than disturbing the ground. Mr. Picton did not think the Commission had ever recommended the use of an herbicide within 100 feet of wetlands. Mr. Potter said Round-Up was benign and Mr. Palella noted it had worked well elsewhere in the past when he had applied it and immediately mulched over it. Mr. Picton said he did not want to go on record recommending the use of Round-Up. Possible conditions of approval were discussed in detail.

MOTION: To approve Application #IW-07-02 submitted by Mr. and Mrs. Brown for planting and a

fence at 127 West Shore Road subject to the following conditions: 1. the planting area shall be prepared without the removal of more than 50% of the existing sod and the bare soil shall be mulched, 2. the invasive plants along the lake front shall be removed and the native species shall remain, 3. the soil in the runoff path from the drainage pipe overflow shall not be exposed, or if exposed, erosion and sedimentation control measures shall be installed, 4. the tree to be cut shall be replaced by the sapling now growing or by the planting of another shade tree. By Mr. Picton, seconded by Mr. LaMunier, and passed 4-0.

Hardy and Gill/211 Baldwin Hill Road/#IW-07-03/Single Family Dwelling: Mr. Szymanski, engineer, submitted the 7/7/05 - 1/21/06 soils report by Mr. Temple, but said there were a few locations that still had to be studied more closely. He asked that discussion be continued to the next meeting. Mr. Picton noted that the Commission had conducted a site inspection and that Mr. Ajello had found some wetlands at the SE corner of the property. Mr. Ajello also thought the 100 ft. setback lines in the SW corner of the lot would have to be adjusted. Mr. Picton said there was another possible wetlands area within 30 feet of the proposed house site. He advised Mr. Szymanski to read the 1/16/07 site inspection report, which listed all of the questions raised.

Young Elliot's Farm, LLC./110 Calhoun Street/#IW-07-04/2 Lot Subdivision: Mr. Neff, engineer, noted that based on the 1/16/07 site inspection minutes he had revised the proposed site plan and erosion and sedimentation control plan. The map, "Proposed Site Development Plan," by Mr. Neff, revised to 1/22/07 was reviewed. Drainage was discussed in detail. Mr. Neff explained that he had added two catch basins and a pipe on the east and west sides of the watercourse to allow runoff to flow under the driveway and into the wetland area. He said these had been located as proposed, because if they were installed further down the hill the rip rap apron from the discharge pipe would be in the wetlands. Mr. Neff noted he had also added cross sections of the driveway and driveway catch basin sections to the plans. Mr. Neff explained the proposed stream crossing, noting he had tried to match the size of the pipe to the size of the channel. An elliptical pipe 4 ft. wide and 2 ft. deep would be sunk into the channel to provide a natural conduit for wetland life. The bottom of the pipe would be 6 inches below the surface of the streambed. The maximum depth of fill above the pipe would be 2 ft. The length of the stone headwall was increased to 30 ft. and the area of fill would be boxed in so that it would not spill out into the wetlands. He noted the driveway followed the path of an old farm road. Mr. Neff noted the plan narrative included a note that the service conduits shall be installed at the same time as the driveway. Mr. Picton noted his concern that the existing flow patterns might be altered. Mr. Neff did not think they would be. He noted the application was for feasibility only and that the future owner would have to apply for the exact driveway. Mr. Picton asked if the Commission should require a bond. Mr. Ajello thought the proposed stream crossing would have limited impact and he encouraged the maintenance of native wetlands vegetation within 30 ft. of the stream. It was noted any changes to the approved plan must be submitted to the Commission for approval.

MOTION: To approve Application #IW-07-04 submitted by Young Elliot's Farm, LLC. for a two lot subdivision and wetlands crossing at 110 Calhoun Street as submitted. By Mr. Potter, seconded by Mr. LaMunier, and passed 4-0.

Enforcement Report

The Commission's policy of requiring all changes to approved site plans to be reapproved by the Commission was briefly discussed. It was decided to keep the wording in the approval letter as is. Mr. Potter suggested that Mr. Ajello be permitted to approve such changes administratively.

Beck/Calhoun Street: Mr. Ajello stated the monitoring for invasive species was progressing as it should.

Di Benedetto/Calhoun Street: Mr. Picton noted the Commission had ordered the restoration of the

forested understory, but this area was now lawn. Mr. Potter asked if this was necessarily a bad thing and Mr. Picton responded it was if the natural character of the wetlands had been changed. Mr. Ajello did not think it was bad if an area surrounding a house was converted to lawn as long as it was not a large portion of the property.

Brown/West Shore Road: Mr. Ajello said the reconstruction of this house was borderline as to whether it should have come to the Commission for approval, although he tended to have the Commission review all proposed activities on East and West Shore Roads. Mr. Picton asked him to be more conservative in the future when making this determination. Mr. Potter suggested the Comm. should send a letter to property owners within 1000 ft. of the lake to remind them to contact the Commission before doing any work on their properties. Mr. Picton asked Mr. Ajello to draft the letter. It was thought that the Lake Waramaug Assn. might help send it out. Mr. Potter also thought it would be a good idea to send a similar letter to property owners along the East Aspetuck River.

Carter/292 Walker Brook Road: Mr. Ajello noted that today he had sent a firmly worded enforcement letter to inform Mr. Carter that if he did not respond by the next meeting, the Commission would hire its own consultant. Mr. Picton noted the Commission had originally set the deadline for 1/24, but Mr. Ajello asked for 3 extra weeks. Mr. Picton agreed to give him 3 additional weeks.

Feola/84 Carmel Hill Road: Mr. Ajello said he had filed the notice of violation on the Land Records today. It was noted the vernal pool had not yet been restored as had been ordered by the Commission. It was the consensus to issue a second citation.

MOTION: To instruct Mr. Ajello to issue Mr. Feola a second citation for the ongoing violation at 84 Carmel Hill Road. By Mr. Picton, seconded by Mr. Thomson, and passed 3-0-1. Mr. Potter abstained because he thought filing the notice of violation on the Town land records was adequate.

Puertas/72 Horse Heaven Road/Unauthorized Clearing: Atty. Fisher represented the property owner. Mr. Ajello noted a narrow swath had been cleared near the pond and said he had sent a notice of violation to prevent further work from being done. Atty. Fisher stated Mr. Puertas had not known a permit was required for the clearing. It was noted the Klauer house would soon be moved to this property. Mr. Picton asked for a site plan showing the proposed house site, wetlands, and the limitation of clearing. The map, "Subsurface Sewerage Disposal System," by Mr. Neff, dated 10/24/06 was reviewed. Mr. LaMunier noted for violations such as this one where the unauthorized work was actually done in wetlands, the Commission always asks for detailed soil information and he recommended a site visit. A site inspection was scheduled for Tuesday, January 30, 2007 at 4:00 p.m. Mr. Thomson noted the Commission had not received an application for moving the house onto this property. Mr. Ajello said this was because the wetlands were 150 feet from the proposed house site.

Moore/25 Litchfield Turnpike: Mr. Ajello said he thought Mr. Moore had agreed to post a bond for the soil scientist who would determine the depth to which the fill had to be removed and then to do the removal work himself, but Mr. Moore had recently been uncooperative. Mr. Picton noted the next step would be to issue a second citation and to file the notice of violation on the Town Land Records. It was the consensus that since the Commission and property owner had agreed upon a course of action to restore the wetlands and Mr. Moore had put his agreement in writing, that the bond should be posted and the work started by the next meeting. Mr. Ajello stressed a soil scientist was needed to identify the wetlands soils, determine how deep the fill was over these soils, and to stake the areas where the fill was to be removed. Mr. Potter said he would try to contact Mr. Moore to discuss the resolution of this matter.

MOTION: Regarding Moore/25 Litchfield Turnpike, if there is no progress (posting of a bond and initiation of the ordered work) by the date of the next Commission meeting, Mr. Ajello is instructed to post the notice of violation on the Town Land Records and to issue a second citation to Mr. Moore. By

Mr. Picton, seconded by Mr. LaMuniere, and passed 3-0-1. Mr. Potter abstained.

Reinhardt and Cremona/8 and 10 Perkins Road: Mr. Ajello said he expected Mr. Childs would soon have a restoration plan prepared. Mr. Picton asked that Mr. Childs use both the Commissions' guidelines and his own judgement in drafting it.

Spring Hill Farm, LLC./Whittlesey Road: Mr. Ajello had not inspected the site as he had been requested to do at the last meeting. Mr. Picton asked again that he make a site inspection to check for compliance with the permit granted.

Sunset Ridge Farm/Painter Hill Road: Mr. Ajello noted Ms. Purnell had read the enforcement report and had advised him that reed canary grass was potentially invasive. Mr. Potter briefly explained the planting process and said reed canary grass was the kind of grass you would want to use for forage. Mr. Picton stated the field was more than 100 ft. from wetlands and the Commission would discuss the pros and cons of canary grass in instances when it was proposed within 100 ft. of wetlands.

Wright/59 Scofield Hill Road: Mr. Picton noted there had been no further restoration work done. Mr. Ajello said Mr. Wright must work with the Town to armor the swale as the Commission had required. Mr. Picton asked Mr. Ajello to monitor the progress and to make sure the rip rap stabilization work is properly completed.

Steep Rock Assn./River Road: Mr. Ajello reported he had received the 1/22/07 letter from Mrs. Branson, Steep Rock director, explaining what work had been done and why. Brush had been cleared to the top of the riverbank, but a 25 ft. buffer between the field and the Shepaug had been left. There was a brief discussion regarding whether this had been acceptable maintenance work or whether it had gone beyond that and Steep Rock should have applied for a permit. Mr. Thomson thought it was important that the Commission consistently address complaints received about clearing near streambanks and noted clearing as little as 10% of riparian buffer can have an adverse impact on the watercourse. . A site inspection was scheduled for Tuesday, January 30, 2007 at 4:30 p.m.

Steep Rock Assn./Sabbaday Lane/Hidden Valley Timber Harvest: Mr. LaMuniere noted Mr. Branson, forester, had not met the conditions of the permit issued. Mr. Picton noted there was a slash pile in standing water and asked Mr. Ajello to advise Mr. Branson to keep the operation away from apparent wetlands.

Other Business

Adams/223 West Shore Road/Preliminary Discussion: Ms. Zinick, agent, presented an old survey map of the property and detailed the work planned. 1) Lakeside: The boathouse deck and some of its supports will be rebuilt on the same footprint. The interior floor plan will be modified. Mr. Picton asked if the change would intensify the use. Ms. Zinick stated it would not and said she would submit a letter from Atty. Miles that would address this matter. The existing concrete dock will be covered with mahogany decking. 2) Driveway: The width of the existing driveway will be decreased to 10 ft. 3) Inn: Dormers will be constructed and new windows and doors installed. There will be no change to the footprint of the building. 4) Carriage House: This building currently has 6 rooms and will be converted to a 4 bay garage. Excavation will be required to bring the driveway up to the bays. Ms. Zinick noted all the decking had been removed from the building and Mr. Picton advised her that this work required a wetlands permit because it had been within 40 ft. of an intermittent stream. It was noted there was also a stream on the other side of the property so that probably most exterior activities would be within 100 ft. of a watercourse. Ms. Zinick said the owners might also want to bury the utility lines, landscape, and cut a mature tree near the lake. Mr. Picton asked for a comprehensive site plan. Ms. Zinick invited the commissioners to inspect the property if they happen to be driving by.

Enforcement

Yourwith/259 New Milford Turnpike: Mr. Ajello will contact Mrs. Yourwith again.

Tompkins/Tompkins Hill Road: Mr. Ajello said Mr. Tompkins will submit an after-the-fact application for the work done. Mr. Picton asked Mr. Ajello to confirm the work done did not impact the wetlands.

Other Business

Revision of the Regulations: Mr. LaMuniere reported that work is continuing.

HVA brochures on preserving water quality were circulated. Mr. Picton asked that copies be made and passed out to all applicants.

MOTION: To adjourn the meeting. By Mr. LaMuniere.

Mr. Picton adjourned the meeting at 9:23 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator