

July 11, 2007

Members Present: Mark Picton, Charles LaMuniere, Tony Bedini, Dorothy Hill

Alternate Present: David Thomson

Alternates Absent: John Potter, Kathryn Coe

Staff Present: Mike Ajello, Pamela Osborne

Guests: Paul Szymanski P.E., Bob Papsin, Ray Reich, Edith Johnson, Ann Fisher, Esq., Bill Deacon, Greg Esker, Allison Rubler, Charles & Cathy Sullivan, Daniel Condon, Toni Fornasier, Dirk Sabin, Simon Aragi, Anthony DeBenedetto, Andrew Lecher, David R. Wilson, P.E.

PUBLIC HEARING

IW-07-35/ Abella/ 44 Scofield Hill Road/ 3 lot subdivision

Mr. Picton called the public hearing to order at 6:00pm, he seated regular members Mr. LaMuniere, Mr. Bedini, Ms. Hill, himself and alternate David Thomson for the vacancy. Mr. Picton then read the public notice published in the Voices on June 27, 2007 and July 8, 2007.

Mr. Ajello noted that there was a list of (24) documents on file as of 6/29/07 and a letter from Land-Tech Consultants dated July 6, 2007 (received 7-10-07). Paul Szymanski P.E. of Arthur Howland Assoc. was present to represent this application. Mr. Szymanski began by stating that the driveway location has been revised as requested since the first application, they have added level spreaders and done a full scale drainage report. Mr. Szymanski had just received the Land-Tech report on July 10th and will be adding their recommendations to his plan and requested that the public hearing be continued. He went on to say that he had just met with the Conservation Commission and will be adding a buffer easement to lots #2 and #3 to prevent clear cutting. Mr. LaMuniere asked about a maintenance plan for proposed swales. Mr. Szymanski answered that language will be added to the common driveway agreement. Mr. Picton asked about swales on the uphill side of the proposed driveway and if there were any cross culverts to address runoff. Mr. Szymanski answered that there were grass swales on the uphill side of the drive and that the infiltration system would better address the runoff. Mr. Picton's concern was to keep the runoff water dispersed. Mr. LaMuniere asked about the conservation easement, Mr. Szymanski explained that he had agreed to add a 50' buffer conservation easement to the western side of lots #2 and #3 which would prevent clear cutting to the property line. Mr. Szymanski went on to state that up to 40% of the property will be under conservation easement, 20%-30% is required. Mr. Szymanski located the limit of disturbance line on the map; Mr. Picton asked that a note be added to the map regarding no activity within 100' of wetlands. Mr. Picton asked for comments or questions from the public. Bob Papsin of 30 Mygatt Road expressed concern with the driveway culverts emptying into the swales, he stated that the soil below is hard pan and is concerned about more drainage problems down the hill. Mr. Szymanski stated that he will follow Land Tech's recommendations. Mr. Picton would like to see more culverts to keep the flow the same as it is now and is concerned with directing it to one point in the stream. He went on to say that the object is not to increase or decrease what presently occurs. Mr. Papsin expressed concern for continued maintenance along the driveway. Ray Reich of 28 Scofield Hill Road asked if work will be done before the sale of the lots. Mr. Szymanski answered that driveways to the lots will be done now. Mr. Reich then asked what will happen if the lots don't sell, Mr. Szymanski stated that they will be the owner's responsibility. Edith Johnson of 70 Scofield Hill Road addressed the commission stating that she has water rights to springs on the Abella property and was concerned with future septic systems. Mr. Picton stated that these rights should be located and noted on the map and asked Ms. Johnson to submit documents for

the record. Mr. Ajello made note of verbal concerns to Janet Hill from Mr. Peterson on Scofield Hill Road who couldn't attend the meeting regarding water runoff: 1) large amount of water in stone swale that flows towards proposed crossing 2) very large amounts in spring 3) large amount from Popple Swamp that flows through the property where the subdivision is proposed. Mr. LaMuniere stated that this is why they have the corridor protection. Mr. Szymanski will work on the points made by Land Tech. Mr. Picton asked that the commission be provided with the text of the conservation easement and asked about official conformation that the Town of Washington will accept it. Ann Fisher Esq. attorney for Edith Johnson came forward with deeds, for the record referencing Ms. Johnson's spring rights, which Atty. Fisher stated were general with no map, there are existing pipes to be marked.

Motion: to continue the public hearing to consider application IW-07-35, Abella/44 Scofield Hill Road/ 3 lot subdivision to August 8, 2007 at 6:30pm was made by Mr. LaMuniere, seconded by Ms. Hill, passed 5-0.

While waiting to start the regular meeting Mr. LaMuniere and Mr. Thompson stated that they would be out-of-town for the August 8th Inland Wetlands meeting. Members discussed this and realized that there was a very real possibility that there wouldn't be a quorum with the two members away and decided to change the August 8th meeting to August 15th. Pamela Osborne, acting secretary will look into posting and notification of this change.

Regular Meeting

Mr. Picton called the July 11, 2007 meeting of the Inland Wetlands Commission to order at 7:02pm and seated regular members Mr. LaMuniere, Mr. Bedini, Ms. Hill, himself and alternate David Thomson for the vacancy.

Motion: to elect Mark Picton Chairman and Tony Bedini Vice-Chairman of the Inland Wetlands Commission for 2007-2008 was made by Ms. Hill seconded by Mr. LaMuniere, passed 5-0.

Members noted the resignation of regular member Marguerite Purnell. They would like to see alternate member David Thomson moved to the vacant regular member spot and went on to briefly discuss the need for active alternate members.

Motion: to add subsequent business not already posted on the agenda: New applications Andy Lecher/ 47 West Shore Road IW-07-42/ garage addition, resurface pier, John Stiteler/ 262 West Shore Road IW-07-43/ boathouse and discussion of policy on notices sent for violations/show cause hearings was made by Ms. Hill, seconded by Mr. Bedini, passed 5-0.

Consideration of the Minutes

Members made the following changes to the minutes of the June 13, 2007 Inland Wetlands meeting: page 3, line 19, *remove the word four and the (s) from piles*; page 5, line 15, *remove the word new and the (s) from piles*; page 5, line 16, *remove the (s) from piles and change they to it*; page 9, line 22, *replace only with labeled*; page 9, line 39, *capitalize Eagle Scout*; page 11, line 43&44, *replace while the route behind the garage was not with: and it appears that an access uphill and straight in from Plumb Hill is possible*; page 14, last line, *replace lotus with locust*; page 18, line 20, *add Mrs. D. Hill pointed out that if an exemption is being sought and a completed exemption application form has been submitted than the proper form has been used*; page 19, line 12, *add at 11:45pm after meeting*.

Motion: to accept the minutes of the June 13, 2007 meeting of the Inland Wetlands Commission as corrected was made by Mr. Picton, seconded by Mr. LaMuniere, passed 4-0. (Mr. Thomson abstained; he had not read the minutes)

Members made the following change to the special meeting minutes for IW-07-27/Wykeham Partners LLC/ 240 Wykeham Road: under observations, line 5, *replace failure with absence*; to the special

meeting minutes for IW-07-33/ Condon and Fornasier/ 57 Findley Road: under observation, line 18, *add (s) to placement*, line 21, *replace footprint with lot coverage*.

Motion: to accept the minutes of the special meetings for Capeci and Coghlan 6/26/07, Condon and Fornasier 6/26/07, Wykeham Partners LLC 6/26/07 and Sullivan 6/26/07 as corrected was made by Mr. Thomson, seconded by Mr. Bedini, passed 5-0.

Pending Applications

IW-07-22/ Merrill Clark/ 6 Romford Road/ remove culverts, replace second culvert. Bill Deacon of Arthur D. Deacon & Son Inc was present to represent this application. Mr. Deacon explained that they will be replacing an existing 36"x15" RCP with a larger (3'x8") concrete culvert box, will rip rap the swale, and has submitted an engineer report dated 27 June 2007 with 50-year storm frequency report. It was noted that the commission had asked for a 100-year flood frequency report. Mr. Picton asked about size and location of rip rap, Mr. Deacon made notations on the map. Mr. LaMunier stated that it's obvious the existing pipe doesn't handle the water flow. Mr. Ajello interjected that they are tripling the size of flow area. Mr. Picton questioned the submission of a 50-year storm frequency report when a 100-year report was asked for. Mr. Bedini made the observation that on the other side of the culvert there would be flooding; Mr. Picton agreed that the special circumstances are that the whole streambed and valley on both sides is flat ground and floods in any unusual storm, that's how the flow is accommodated by flooding into the valley. Mr. Deacon also made a notation on the map of the area of the stream which will stay in "as is condition" and that the culvert will be set 2" into finish level of base material.

Motion: to approve application IW-07-22 submitted by Merrell E. Clark/ 6 Romford Road/ remove culverts, replace second culvert, per map on file of proposed box culvert revised 7/9/07 with notations made by William Deacon of Arthur D. Deacon & Son Inc was made by Mr. Picton, seconded by Mr. Bedini, by a 5-0 vote.

IW-07-27/ Wykeham Partners LLC/ 240 Wykeham Road/ pool, tennis court, site improvements. Greg Esker and Allison Rubler were present to represent this application. Mr. Esker submitted a new site plan map on July 6th and went on to say that the driveway along the retaining wall will be 2' higher and if it is prudent they will extent the retaining wall. Brian Neff addressed erosion control by changing the retaining wall to a dry lay wall (which Mr. Esker noted on the map) and planting on the steep bank. Mr. Picton questioned Mr. Esker on the manageability of doing Phase I & Phase II at the same time. Mr. LaMunier is concerned about the wall and reminded everyone that they were brought to this property because of the runoff problem. Mr. Picton discussed stipulations limiting the amount of unstable soil.

Motion: to approve application IW-07-27 submitted by Wykeham Partners LLC/ 240 Wykeham Road/ pool, tennis court, site improvements per maps on file of site plan by De Nardis Engineering LLC dated 11 June 2007 marked received 7-6-07 with revisions made to date and with the following conditions: 1. planting on the steep slopes above the driveway be monitored for success and fortified under the guidance of the enforcement officer as necessary 2. additional stabilization at the north end of the long dry laid stone wall next to the driveway be considered as the project progresses 3. in lieu of completing phase I before phase II is started no more than one acre of soil is exposed and unstabilized on the entire property any one time 4. the bond remains in place until the commission is satisfied that the site is fully stabilized and the job is complete 5. Mr. Esker will submit written reports weekly on progress and Mr. Ajello will monitor the site regularly was made by Mr. Picton, seconded by Mr. Bedini, passed 5-0.

IW-07-30/ Charles & Cathy Sullivan/ 56 Dark Entry Road/ repair pond, maintain pasture. Mr. and Mrs. Sullivan were present to represent their application. Mr. Bedini began by saying that after

making the site visit he has no problem approving this application. Mr. LaMuniere agreed that this was a simple repair application. Ms. Hill questioned the proposed sandy beach. Mr. Picton felt this was OK as it was a manmade pond, but did add that during the work only clear water be pumped from the pond and the berm not be enlarged.

Motion: to approve application IW-07-30 submitted by Charles & Cathy Sullivan/ 56 Dark Entry Road/ repair pond, maintain pasture as presented with the condition that only clear water be pumped from the pond was made by Mr. LaMuniere, seconded by Mr. Bedini, passed 5-0.

IW-07-33/ Daniel Condon & Toni Fornasier/ 57 Findlay Road/ house addition. Daniel Condon and Toni Fornasier were present to represent their application. Mr. Ajello began discussion by stating that the existing patio is caving in and the proposed porch will be built on the same footprint with a walkout basement, there will be no increase in impervious surface, no more grading or filling. Mr. LaMuniere confirmed that the proposed addition will not be closer to the wetlands. Mr. Bedini felt they were improving a hazardous situation.

Motion: to approve application IW-07-33 submitted by Daniel Condon & Toni Fornasier/ 57 Findlay Road/ house addition as submitted was made by Ms. Hill, seconded by Mr. Bedini, passed 4-0. (Mr. Picton abstained because he was not present at the June 13, 2007 meeting))

IW-07-34/ Edwin & Diane Hochberg/ 15 Couch Road/ driveway. Paul Szymanski was present to represent this application. Mr. Szymanski began by saying there were no wetlands within 200' of the area and that a feasible building site had been located on the map. Mr. Ajello noted that reports were on file about feasibility and alternatives with photos. Mr. Picton questioned Mr. Ajello about the file being complete.

Motion: to approve application IW-07-34 submitted by Edwin & Diane Hochberg/ 15 Couch Road/ driveway as per proposed sanitary disposal system plan map by Arthur H. Howland Assoc. dated June 11, 2007 showing proposed driveway and house site was made by Mr. LaMuniere, seconded by Mr. Bedini, passed 5-0.

New Applications

IW-07-38/Daniel Allen/ 158 Popple Swamp Road/ pond construction. Dirk Sabin was present to represent this application. Mr. Sabin began by saying this is a new construction surrounded by open meadows, an 86 acre parcel. The proposed pond is in a non-wetland area. Mr. Sabin described the terrain as flat and there being a rock with a cherry tree growing out of it which they want to become an island in the proposed pond. He went on to say the pond may be 8' deep, a detention basin for the houses roof leaders. Mr. Sabin added that grading would be within 10' of wetlands and noted the tree line on his hand drawn map. Members scheduled a site visit for Monday July 16th at 4:00pm.

IW-07-40/Simon and Edna Aragi/ 9 Wilbur Road/ 8 lot subdivision. Simon Aragi was present to represent his application. Members looked at a map showing an 8 lot subdivision. Mr. Aragi noted that Lot #7 was already developed. Mr. Ajello pointed out drainage issues on the parcel, a detention basin which crosses Wilbur Road. He felt an extensive site walk was needed and a public hearing scheduled. A second set of documents & maps is needed in the file. Mr. Ajello was asked to check into consultant fees and bond estimate. Members decided to do a preliminary site walk on Monday July 16th at 3:00pm and went on to discuss a date for the public hearing.

Motion: to schedule a public hearing to consider application IW-07-40 submitted by Simon & Edna Aragi for an eight lot subdivision at 9 Wilbur Road on Wednesday September 12, 2007 at 6:00pm in the Land Use Meeting Room, Bryan Memorial Town Hall was made by Ms. Hill, seconded by Mr. Bedini, passed 5-0.

Enforcement

DiBenedetto/ 212-214 Calhoun Street/ Restoration of under story. Anthony DeBenedetto was present. Mr. DeBenedetto received the report from Robert Jontos, PWS of Land Tech Consultants Inc. Mr. DeBenedetto stated that he is looking for an end to this project and has tried spraying invasives to no avail. Mr. Picton reminded Mr. DeBenedetto that the stop work order is still in effect. Mr. Picton wants Robert Jontos involved in restoration activities and long term monitoring, he spoke about a bond for consultant's fees and restoration activities. Mr. Picton read from the Land Tech report. Mr. DeBenedetto stated that he would agree to the recommendations if they were for the larger area. Mr. Picton reiterated his thought that Robert Jontos, of Land Tech supervise the restoration and long term maintenance. He will want a written acceptance from Mr. DeBenedetto and bond established. Mr. DeBenedetto wants removal of invasives, clearing of dead trees, new planting and long term maintenance for the entire parcel, a defined area. Mr. Picton asked Mr. Ajello to contact Land Tech to have Mr. DeBenedetto's question on the defined area answered and reminded Mr. DeBenedetto to do no more work.

New Applications

IW-07-42/Andrew & Elizabeth Lecher/ 47 West Shore Road/ garage addition, resurfacing pier, rebuilding steps. Andrew Lecher was present to represent his application. Mr. Lecher began by explaining that he proposes to build an attached three car garage to his house, rebuild stairs that access his beach and resurface an existing pier. He located a brook and dam on the map. The garage will be 75' to the brook. Mr. Lecher went on to say that the proposed garage will cover some existing drive and walkway and a boulder retaining wall will need to be extended. He went into a brief description of the work to be done on the steps and pier. Members scheduled a site walk for Monday July 16th at 4:30pm.

Other Business

IW-06-25/ Robert & Angie Brown/ 127 West Shore Road/ rebuild retaining wall. David R. Wilson, P.E. was present to represent this application. Mr. Wilson began by admitting his client went beyond the original permits granted. He went on to say that they now want a modification to the original permit. Mr. Ajello stated that the work to the west side of the stairs has been removed; it has been restored and planted. The applicants want to retain the work done on the east side; no work has been done below water level. Mr. Wilson has submitted soil loss equations. Members scheduled a site visit for Monday July 16th at 5:00pm.

Pending Applications

IW-07-37E/ John B. Stiteler and Ellen Giddens Stiteler/ 262 West Shore Road/ boathouse. A letter from Mr. Ajello to the Stiteler/Giddens went out on June 20, 2007; on July 10, 2007 an Application for Permit was received.

IW-07-26/ Town of Washington/ Romford Road/ install drainage. Mr. Ajello noted that the work was being done in the vicinity of 201 Romford Road, Rumsey Hall School. He went on to say that at the last meeting it was suggested that deeper sumps be installed, there is a ledge problem in this area and they felt that enlarging the catch basin was better. Watershed calculations were submitted. Mr. Ajello stated that the drainage was needed for road and ground runoff, they are repairing an old established problem.

Motion: to approve application IW-07-26 submitted by Town of Washington/ 201 Romford Road/ drainage improvements as submitted with the condition that performance of the catch basin is monitored and alterations be made if insufficient was made by Mr. Thomson, seconded by Mr. Bedini, passed 4-0. (Mr. Picton abstained because he was not present at the June 13, 2007 meeting)

IW-07-28/William H. Luers/ 44 Church Hill Road/ install dry hydrant. Mr. Ajello stated that this and the Bardel application were the same as others received and felt the Fire Department was doing a good job with the dry hydrants.

Motion: to approve application IW-07-28 submitted by William Luers/ 44 Upper Church Hill Road/ dry hydrant installation as submitted was made by Mr. Bedini, seconded by Mr. LaMuniere, passed 4-0 (Mr. Picton abstained because he was not present at the June 13, 2007 meeting)

IW-07-29/ William and Penelope Bardel/ 166 Baldwin Hill Road/ install dry hydrant.

Motion: to approve application IW-07-29 submitted by William & Penelope Bardel/ 166 Baldwin Hill Road/ dry hydrant installation as submitted was made by Mr. Bedini, seconded by Mr. LaMuniere, passed 4-0 (Mr. Picton abstained because he was not present at the June 13, 2007 meeting).

IW-07-31/ Cynthia Capeci & Robert Coghlan/ 196 Roxbury Road/ swimming pool installation. Members did a site visit and had no further questions on this application. Mr. Ajello said he wanted to see that access to the site be as close to the back of the house as possible and a construction barrier fence be installed between the pond and site work.

Motion: to approve application IW-07-31 submitted by Cynthia Capeci & Robert Coghlan/ 196 Roxbury Road/ swimming pool installation as submitted with the conditions: 1. that access to the site be as close to the back of the house as possible 2. a construction barrier fence be installed between the pond and site work was made by Mr. Bedini, seconded by Ms. Hill, passed 4-0 (Mr. Picton abstained because he was not present at the June 13, 2007 meeting)

IW-07-32/ Winifred Walsh/ 95 Roxbury Road/ clean out and maintain pond, install thermal heating system. No further information has been received, discussion was tabled.

IW-07-36/ Pasquale J. Guliano/ 19 Winston Drive/ install basketball court. The proposed concrete slab for the 30x30 basketball court is 52' down grade from wetlands. Mr. Ajello stated that the area is grass and trees, he has no problem with the proposed. Members were concerned with grading work.

Motion: to approve application IW-07-36 submitted by Pasquale Guliano/ 19 Winston Drive/ installation of a basketball court as submitted with the condition that no soil disturbance or clearing of trees be done within 50' of the wetlands was made by Mr. Picton, seconded by Mr. Bedini, passed 5-0.

IW-07-39/ James Calhoun House LLC/ 156 Calhoun Street/ drainage improvements. Members questioned why this work was being done; there are two areas of proposed work. There is pollution potential in the area of the driveway. Members requested an explanation and alternatives. They tabled further discussion.

IW-07-41/ Donald Etherington/ 49 Wheaton Road/ install dry hydrant. Mr. Ajello will make a site visit.

New Applications

IW-07-43/ John B. Stiteler and Ellen Giddens Stiteler/ 262 West Shore Road/ placement of boathouse. The applicant is proposing placement of an 8x8 shed. There were no construction details or map showing placement of the shed. The file was incomplete and discussion tabled.

Enforcement

Andersson/ 35/45 Gunn Hill Road/ unauthorized clearing, trenching wetlands. There were two letters added to the file both received today July 11th from: 1) Robert L. Fisher, Jr., Esq. of Cramer and

Anderson 2) Edward V. O'Hanlan of Robinson & Cole LLP. Members are charged with protecting and enhancing wetlands and look for a restoration plan. The commission will need to hire it's own consultant and wants Mr. Ajello to send a letter reminding Mr. Andersson that there is to be no more work done including mowing.

Carlos Canal/ 142 Sabbaday Lane. Members briefly discussed the pesticide application that was submitted and withdrawn. DEP Pesticide Application is a regulated activity.

Howard Family Trust/ 99 West Shore Road/ unauthorized wall, possible slope failure and work on lake shore. Mr. Ajello started by stating that there has been a gross violation of the wetlands permit. He had pictures of the violations which included new blocking and masonry work in the water. Mr. Picton told Mr. Ajello to issue a citation and order to restore what was previously there and members also scheduled a show-cause hearing for August 15, 2007 at 6:15pm.

Mr. Picton asked Mr. Ajello to speak with the First Selectman about increasing the fine schedule. There was a brief discussion about scheduling show-cause hearings and issuing citations for violations. Mr. Picton, speaking to Mr. Ajello stated that it needs to be done according to the regulations, procedure is to be followed.

AT 10:40pm Mr. Bedini left the meeting.

Drakeley/ 59 River Road/ unauthorized clearing. Mr. Ajello sent a notice of violation to Mr. Drakeley on June 18, 2007, there was unauthorized vegetation removal from the stream bed, replanting will need to be done. Mr. Picton felt that crafting recommendations for restoration might help.

Moore/ 25 Litchfield Turnpike/ unauthorized filling, clear cutting. Mr. Moore has not yet paid the fine and the enforcement order remains on the land records.

Caco/ 16 Flirtation Avenue/ unauthorized clearing, grading. This item can be removed from the enforcement list.

Wright/ 59 Scofield Hill Road/ unauthorized clearing, filling and soil disturbance. Mr. Ajello reports that Mr. Wright continues his work.

Reinhardt and Cremona/ Perkins Road. Mr. Ajello suggested scheduling a site walk.

Fowler/ 138 Nichols Hill Road/ remediation order. Mr. Ajello continues checking on this site.

Bransfield/ 21 Walker Brook Road/ unauthorized activities. This item can be removed from the enforcement list.

Other Business

DEP Aquatic Pesticide Permit Application Process/ Canal/ Sabbaday Lane. Mr. Ajello explained that what this pond needs is dredging; Mr. Canal withdrew his application for pesticide application. Members discussed a form letter to pond owners.

Revision request/ Sachs/ 35 Potash Hill Road/ IW-05-41/ pond maintenance. Mr. Ajello explained that the original application noted that dredged material would be removed from site; the applicant is requesting a change to a suitable location in the pasture/hayfield which is clear of wetlands and watercourses.

Motion: to approve revision request application IW-05-41 submitted by Arthur Sachs/ 35 Potash Hill Road/ pond maintenance as submitted was made by Ms. Hill, seconded by Mr. Thomson, passed 5-0.

Communications

Letter from Roberta Smith Re: Plourde/ 33 East Shore Road. The commission received a letter date June 20, 2007 from Roberta Smith expressing her concern for the Plourde property. A notice of violation remains on the land records.

Motion: to adjourn at 11:05pm was made by Ms. Hill seconded by Mr. Picton, passed 5-0.

Submitted subject to approval,

Pamela L. Osborne, Acting Secretary