

May 24, 2006

MEMBERS PRESENT: Mr. Bedini, Mrs. Hill, Mr. LaMuniere, Mr. Picton, Ms. Purnell

ALTERNATES PRESENT: Ms. Coe, Mr. Thomson

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Lyon, Mr. Solley, Mr. Sears, Ms. Dzenutis, Mr. Neff, Mr. Rosiello, Mr. Coville, Mr. Sabin, Atty. Fisher, Mr. DiBiase, Mr. Wolfe, Mr. Peck, Mr. Munson, Mr. and Mrs. Lloyd, Mr. Charles, Press

Mr. Picton called the meeting to order at 6:30 p.m. and seated Members Bedini, Hill, LaMuniere, Picton, and Purnell.

MOTION: To enter executive session at 6:30 p.m. to discuss personnel and pending litigation. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

MOTION: To end executive session at 7:10 p.m. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

Mr. LaMuniere and Mr. Thomson left the meeting and Alternate Coe was seated.

MOTION: To add the following subsequent business to the agenda: New Application: C. Zelman-Defendorf/16 Tompkins Hill Road/#IW-06-31/ Site Development. By Mr. Picton, seconded By Ms. Purnell, and passed 5-0.

Consideration of the Minutes

The 5/10/06 Regular Meeting minutes were accepted as corrected.

Page 2: 4th line of motion: Insert: "demolition and" before reconstruction of a guest house.

Page 4: 12th line: Change: "affecting" to from slopes.

Page 4: Last line, #6: Change: "construction" to any work.

Page 5: Ms. Purnell said she had a list of reasons why she had voted against the application and would submit it for the record.

Page 6: 7th line: Delete: "she had submitted."

4th full paragraph: Mrs. Hill said she had also said the Commission should always consider the rights and wishes of property owners.

Page 8: 7th line above motion: Change: "would" to will.

1st sentence under Washington Club: Ms. Purnell recused herself also because she is an adjoining property owner.

Page 9: 1st line: Change: "regrown" to regrow.

Under Smith: Last line of motion: Add to the end: or work in the hatchery, which were withdrawn.

Page 10: 4th line of motion: Move: "for" from before 10 ft. wide to after 10 ft. wide.

Page 11: Throughout Robbins: Change: "for mitigation" to as mitigation.

Page 12: 6th line under Howard Family Trust: Change "lake" side to street side.

Page 16: Add: Mr. Picton adjourned the meeting at 11:47 p.m.

MOTION: To accept the 5/10/06 Regular Meeting minutes

as corrected. By Mr. Picton, seconded by Mr.

Bedini, and passed 5-0.

MOTION: To accept the 5/2/06 Calhoun Street Trust site inspection minutes as written. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Pending Applications

Potter/220 Old Litchfield Road/#IW-06-14/Site Development: Mr. Ajello reported he had received the map, "Site Analysis Plan," by Mr. Alex, dated January 2006, but expected a revised map showing the sites of additional perc tests and the relocated septic system. The two areas where activities had encroached on the upland review area; the construction of the driveway at the first bend and clearing in the NW section of the parcel near wetlands flags #26 abd #27, were noted. Mr. Ajello said there had been no further clearing since the owner had been ordered to stop. Ms. Purnell asked if there were wetlands within 100 feet south of the proposed house site. Mr. Ajello there were none. Mr. Picton asked if there were wetlands in the areas already cleared. Mr. Ajello did not think so, but noted there were currently water filled ruts in these areas. Photos of the disturbed areas on the property were circulated. The commissioners asked for an amended map showing the areas already cleared, the limit of clearing in a different color, and all other proposed changes. Mr. Ajello said he would request that silt fence be installed.

Adams/57 West Shore Road/#IW-06-15/Retaining Wall, Path, Stairs, Plantings: Ms. Dzenutis, landscaper, submitted a revised plan received 5/24/06, which included construction details for the proposed wall at the shoreline. The map indicated a row of silt fence and hay bales between the work area and the lake and 4 ft. between the wall and the water's edge. The commissioners noted it had been the consensus at the last meeting that the wall should not be constructed on the beach nor should soil be deposited there. Mr. Ajello pointed out that without that wall, the soil from the planting area would wash into the lake. Mr. Picton said it was the Commission's responsibility to protect the beach and suggested it be left in its natural state and that the plants be placed in the soil already there or that plants with large balls of soil be planted. Mr. Ajello thought the area was too low for planting without depositing soil and said sand would have to be removed. Ms. Purnell recommended planting grasses that grow well in sand. Mr. Picton asked what the objective of the proposed lower wall was. Ms. Dzenutis said it would stop erosion and the need to upkeep the sandy area. It was noted that was not stated in the application. Mr. Ajello asked why the Commission did not support the construction of the lower wall. Mr. Picton responded that generally new construction, filling, and excavating is not permitted so close to wetlands and watercourses and noted in this case the area proposed to be filled would be under water some times during the year. He recommended the area be stabilized without the deposition of additional soil. Ms. Purnell will reinspect the site and report to the Commission at the next meeting.

Washington Club, Inc./8 Golf Course Road/#IW-06-24ATF/Utility Trench: There was no new information in the file. Mr. Picton asked Mr. Ajello to work with the applicant to draft a plan to address the wetlands concerns raised at the last meeting. He also asked for a map that would show both the disturbed area and the restoration solution. Photos of the work site were reviewed.

Cohen/62 Calhoun Street/#IW-06-27/Pave Driveway, Install Culverts: Mr. Neff, engineer, submitted his map, "Driveway Drainage Improvement Plan," dated 5/22/06 and he discussed the drainage plan. He said he had hoped the emergency removal of debris approved at the last meeting would have solved the problem, but it didn't; the brook had jumped its banks again after the work had been done. Mr. Picton asked if all the proposed work was within 15 ft. of either side of the driveway except for one point where it would be within 30 ft. Mr. Rosiello, landscape architect, said it was. Mr. Picton noted no work was proposed that would redirect flood water back into the stream where it could

do additional damage. Ms. Purnell thought the proposed work might dewater the wet meadow area. Mr. Neff favored paving the driveway because a gravel drive would be more prone to erosion. Mr. Picton was concerned that it might wash out if too much work was done too far in advance of the paving. Ms. Purnell noted the driveway culverts would empty almost directly into the wetlands. Mr. Neff reviewed the culvert cross sections. Mr. Picton asked if the footings for the bridge would be dug directly in the stream bed. Mr. Neff explained 2' by 2' by 10' long precast concrete blocks would be installed during low flow on each side of the stream as a base for the headwalls and noted the backfilling, grading, and rip rapping that would be done. He said an instream filter would be installed to catch the heavy sediment. Mr. Picton asked Mr. Ajello to review the plans and determine whether they were adequate. Ms. Purnell was concerned because a fair amount of the stream would be filled and she thought the proposed work might have unintended consequences. The mitigation plan was discussed. Mr. Rosiello proposed to construct stairs off the large retaining walls down to the lawn area. He said Mr. Ajello had been concerned about the caretaker's access to the field and so proposed to continue one of the retaining walls and build a freestanding dry stone wall to mark the edge of the wetland area. Mr. Picton asked that these be shown on the plan. He noted if the retaining wall was taken out, the access could be further from the wetlands. Mr. Rosiello did not know whether that would be possible due to the location of the parking area and the steep slopes in the vicinity. Mr. Rosiello said revisions to the mitigation plan were needed to provide access to the pool. Mr. Picton asked that the map include lines showing the limits of the landscaping and of the structural activities and all the areas limited to natural growth. It was noted this was needed not only for the Commission, but also so it would be clear to the present and future owners which areas were committed to natural growth. Mr. Rosiello noted two other issues that also would have to be discussed; 1) removal of invasives on the property and 2) the Fire Dept's request for a turn around area.

Howard Family Trust/99 West Shore Road/#IW-06-28/Repair Retaining Wall and Driveway: Mr. Ajello summarized the description of the proposed work that Mr. Howard had presented at the last meeting, noting that icing would be reduced and the driveway runoff would be spread out along the length of the retaining wall. He said the work would improve the existing situation on the property.

MOTION: To approve Application #IW-06-28 submitted by the Howard Family Trust to repair the retaining wall and driveway at 99 West Shore Road per the plans submitted on 5/10/06. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

New Applications

Lloyd/149 Whittlesey Road/#IW-06-29/Demolish, Build New House: Atty. Fisher spoke on behalf of the Lloyds. He explained the 2.25 acre site had no wetlands, but was located between the Shepaug and Bantam Rivers. He said the existing house is below the 100 year flood level and that it could not be renovated in place without correcting that. Therefore, the applicant proposed to remove the existing foundation and replace it with a new one with properly elevated flood vents. He noted the surface runoff from the driveway currently flows into the Shepaug. The applicant proposed to remove a portion of the driveway's impervious surface and install an infiltration system to handle the runoff. He said the site was level and well drained and the proposed work would not threaten the rivers. Mr. Sabin submitted the "Project Narrative," dated 5/10/06 and the map, "Site Plan," by Mr. Sabin, dated May 10, 2006. Mr. Sabin pointed out the proposed new locations for the house, terraces, driveway, auto court, increased natural buffer area, and recharge galleries, noting the total coverage would increase by 1765 sq. ft. He provided additional information regarding proposed mitigation; some lawn areas would be removed and natural buffers installed. He also pointed out the limit of disturbance line. It was noted some areas would be disturbed right up to the river banks, but that this was necessary to plant the buffers. Mr. Sabin said he would submit more details on the limit of disturbance area at the next meeting. Ms. Purnell noted that except for one small portion of the house, all of the proposed work

would be located within 100 ft. of the rivers. Mr. Picton noted the rebuilt house would be larger than the existing house and the hard landscaping would extend closer to the river. Because there may be a public interest and there was the potential for significant impact to the rivers, the commissioners unanimously agreed to conduct a public hearing. Mr. Picton asked if the 100 year flood line was shown on the map. Mr. Sabin said it was elevation 617 and that he would add it. Mr. Picton said a feasible and prudent alternative would be to reconstruct the house so that it was entirely out of the 100 year flood area. Ms. Purnell asked if floodway information had been submitted and whether there were stream encroachment lines established for this area. Atty. Fisher asked for any other input from the Commission to help the applicant prepare for the hearing. Ms. Purnell asked for information concerning the interaction between the ground water and the infiltration system, but noted the Commission was not bound to only those issues raised at tonight's meeting. Mr. Picton asked how the project could be reconfigured so that 1) the footprint did not increase, 2) coverage within the regulated area would not increase, and 3) the building and hard surfaces would not come any closer to the watercourses. Atty. Fisher said the increase was so small there would be minimal or no impact to the rivers. Mr. Picton, however, noted the lot was small so that in terms of proportion, a significant increase in coverage was proposed. Mr. DiBiase explained the house would be rotated to relate to the pool and for solar heat gain. He briefly presented floor plans and a rendering of the exterior. Ms. Purnell asked the applicant to address how the runoff from the gutters and leaders would be handled. Mr. Ajello asked if the new house would require deeper footings. Mr. DiBiase said they would be 3' 6" below grade. Mr. Sabin stated when it had been excavated in the summer, the bottom of the pool hit groundwater. He noted the infiltration system would be above that level. Mr. Picton advised the applicant the application would be referred to either Land Tech or Fuss and O'Neill. Ms. Purnell noted the Commission would have to identify specific questions and issues before it sent for the review.

Coville/14 Wheaton Road/#IW-06-30/Excavation, Clearing, Install Septic System, Rebuild House:

Mr. Coville and Mr. Neff, engineer, presented the map, "Site Analysis Plan," by Mr. Alex, dated January 2006. Mr. Neff detailed the work proposed. A new foundation would be constructed and the house rebuilt on the same footprint and a new driveway and septic system would be installed. It was noted the existing house was only 30 feet from the brook. Mr. Coville explained if he were to try to move the house further from the wetlands and watercourse, it would bring it closer to the zoning setbacks since the lot was so constrained. He noted he had already gotten a variance for rebuilding on the existing footprint. Ms. Purnell thought perhaps a public hearing should be held. A site inspection was scheduled on Wednesday, May 31, 2006 at 5:00 p.m.

Zelman-Defendorf/16 Tompkins Hill Road/#IW-06-31/Site Development: The map, "Plan Showing Proposed Improvements," by Mr. Wolfe, dated 5/15/06 was reviewed. Mr. Wolfe pointed out the wetlands, which had been flagged by Mr. Temple on the SE side of the property. He said the owners wanted to stop the flooding in the basement by installing drains and also wanted to find the exact location of the septic system so it could be determined whether it had to be replaced. Also proposed were gutters for the house, which would run to the existing culvert on the Town road. If the Town did not approve this, Mr. Wolfe suggested a rain garden to handle the roof drain overflow. He noted a curtain drain and a couple of yard drains had already been installed. Ms. Purnell asked how long the driveway had been in its current configuration. Mr. Peck, contractor, said a pad had been added for access and stone had recently been deposited on the driveway. Ms. Purnell noted she had seen work already in progress and mounds of disturbed material on site. She asked for a list of the work already done and the dates it had been done. She also asked for Mr. Temple's soils report. Mr. Ajello noted that in addition to the wetlands on site, there was a stream on the other side of the road. Mr. Picton said the Commission also wanted Mr. Temple's sketch map and a report regarding the wetlands and watercourses off site. Mr. Wolfe pointed out the location of a possible intermittent watercourse on the property. A site inspection was scheduled for Wednesday, May 31, 2006 at 4:15 p.m. Mr. Wolfe asked if

the owners could dig some test holes with a backhoe to determine the location of the septic system.

MOTION: To authorize Mr. Zelman and Mr. Defendorf to dig only the number of test holes necessary to located the existing septic system at 16 Tompkins Hill Road. By Mr. Picton, seconded By Mr. Bedini, and passed 5-0.

Mr. Charles, adjoining property owner, pointed out where the property had been cleared and where drainage work had been done within regulated areas. He also said a new portion of driveway and a patio had been added without permits and advised the Commission about several zoning issues.

Enforcement

Klein/West Shore Road/Deposition of Material: Mr. Ajello reported he had caught contractors dumping soil on the shoreline and had ordered them to stop. He advised the owner to apply if he wants to establish a lawn area by the lake.

McTiernan/52 Calhoun Street/Unauthorized Clearing: Mr. Ajello noted Mr. Moore, contractor, has refused to pay the citation issued to him for the unauthorized clearing. He asked if a hearing would have to be held to provide Mr. Moore an opportunity to show why he should not have been fined. Atty. Zizka will be asked whether people with outstanding citations can be prohibited from obtaining permits to work in Town.

Moore/25 Litchfield Turnpike/Unauthorized Clearing and Filling: It was noted the Commission was still waiting for the wetlands to be flagged on this property before conducting a site inspection. Mr. Picton asked Mr. Ajello to monitor the site to make sure Mr. Moore was not continuing to alter the nature of the wetlands on his property.

Peck/10 Slaughterhouse Road/Excavation, Tree Removal: Mr. Ajello had not yet contacted the owner regarding the wetlands map that had been requested.

Wright/59 Scofield Hill Road/Unauthorized Cutting, Filling, Soil Disturbance: Mr. Ajello reported the Selectmen have told Mr. Wright to get an engineered plan for correcting the damage done. It was the consensus that since the work was done on Town property, the Town should order that restoration be done. Mr. Picton asked Mr. Ajello to meet with Mr. Wright and Mr. Sears and to report on progress at the next meeting.

Carter/292 Walker Brook Road (141 Shinar Mt. Rd.)/#IW-04-V8/Repair Retaining Wall: Ms. Purnell had emailed the 5/24/06 draft letter to Mr. Carter to the commissioners prior to the meeting. Ms. Purnell recommended Mr. MacBroom inspect the site because he does river restoration work and would know whether there were significant problems that require remediation. She noted the problem was caused by the owner's failure to follow his permit and so the consultant's fee was a legitimate cost that should be paid by the owner. It was agreed the letter should be amended to state Mr. Carter would be required to pay the consultant's fee. Mr. Picton noted the Commission could also consider placing a notice of violation on the Land Records if the work was not brought into compliance with the permit. It was the consensus the amended letter should be sent as soon as possible.

Rheinhardt/10 Perkins Road/Unauthorized Cutting: It was noted Atty. Kelly had submitted a petition for certification to the court, but the decision in the Commission's favor still stood so enforcement action could proceed.

Other Business

Bennett/207 Bee Brook Road/Request to Revise Permit #IW-05-55/ Trenching for Wood Stove: Mr. Ajello explained an outdoor wood boiler would be installed and would require insulated pipes to be run underground to the house. A portion of a survey map, undated, untitled, with the location of the

boiler and trench sketched in was reviewed. The map also showed the line of silt fence would be extended. It was noted the property was fairly level. Mr. Picton said the trench would have to be narrow and the work completed within two days. Ms. Purnell asked if provisions had been made for constructing the house in a flood plain. Mr. Ajello said he did not think the property was in the flood plain.

MOTION: To approve the revision requested by Mr. Bennett to Permit #IW-05-55 to allow trenching for the installation of an outdoor wood stove at 207 Bee Brook Road. By Mrs. Hill, seconded by Mr. Bedini, and passed 4-0-1. Ms. Purnell abstained.

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

Mr. Picton adjourned the meeting at 10:25 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator