

June 28, 2006

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

ALTERNATE PRESENT: Mr. Thomson

ALTERNATE ABSENT: Ms. Coe

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

ALSO PRESENT: Mr. Sabin, Ms. Dzenutis, Mr. Peck, Mr. Wolff, Mr./Mrs. Turoczi, Mr. Taylor, Mr. Rosiello, Mr. Munson, Mr. Neff, Mr. Saunders, Mr. Charles

PUBLIC HEARING

Lloyd/149 Whittlesey Road/#IW-06-29/Demolish, Build New Home

Mr. Picton reconvened the public hearing at 6:30 p.m. and seated Members Bedini, Hill, LaMuniere, and Picton and Alternate Thomson for Ms. Purnell. He noted two new items in the file since the last session of the hearing: 1) the 6/20/06 site inspection report and 2) the 6/23/06 letter from Land Tech with the estimated fee for the consultants' review.

The map, "Site Plan," by Mr. Sabin, revised to 6/27/06 was reviewed. Mr. Sabin, landscape architect, detailed the revisions that had been made based on the discussion that had taken place at the site inspection. 1) The limit of disturbance line had originally encompassed the bank area to be landscaped below the house, but this had been pulled up the slope to decrease the total area to be disturbed during construction. 2) Mr. Sabin eliminated the proposed drains, basin, and recharge galleries to handle the driveway runoff. Instead the runoff would leak off the driveway to an 18" deep sump with a 2000 gallon storage capacity. Mr. LaMuniere asked if the storage capacity would be adequate. Mr. Sabin replied it would because the soils were well drained sands and gravels. Mr. Ajello asked how many inches of rainfall an hour the sump could handle. Mr. Sabin will provide this information at the next meeting. Mr. Picton asked if only the existing points of discharge would be used and if the sump would handle only the water already directed to that area. Mr. Sabin confirmed this was so, noting the sheet flow would not be erosive and the sump would filter out both sediment and pollutants. He also noted this area would handle runoff from the gutter drains.

Mr. LaMuniere asked if the proposed terraces were impervious. Mr. Sabin said they would have a frost line footing filled with gravel and crushed stone and would contribute to the runoff.

Mr. Picton noted the consultant could not begin his review until mid July, but it was hoped the report would be ready for the July 26th meeting. He said the Commission wanted to protect the functional river corridors and would ask the consultant to address whether opportunities for improvement had been fully explored, and if none were possible, to make sure there would be no further encroachments on the river corridors. He gave examples of feasible and prudent alternatives such as moving the location of the proposed house to the higher elevation on the SE side of the pool where it would be less prone to flooding and the septic system to the setback area along Whittlesey Road. Ms. Purnell asked Mr. Sabin to submit a substantial alternatives analysis. Mr. Picton said he did not like the fact that the location of the existing pool was dictating the location of the entire project. Ms. Purnell noted cost (for relocation of the pool) was not a valid reason for excluding an alternative. Another alternative suggested was not increasing the size of the footprint by 1000 sq. ft. It was thought either the terraces could be built without increasing the footprint or they could be constructed at ground level of a more porous material. It was also noted the previous driveway route approached the house more directly and so it was suggested the garage doors could be placed on the other side of the building to allow for more direct access to the driveway. Another alternative was to place the garage by the pool.

Ms. Purnell asked if the Commission would consider an increase in the built and hardened area if more mitigation was proposed. Mr. Picton thought the built area was the most important consideration as the buffering "comes and goes."

The Commissioners made the following comments:

- Mr. LaMunier: He asked whether the construction of the house would result in any impact to the watercourses. He felt the two terraces as proposed were not necessary, but suggested they could be constructed nearer to ground level on porous terrain.
- Ms. Purnell: She said she would consider whether mitigation should be increased and noted the work proposed would interact with whatever was in the ground underneath it. Ms. Purnell feared the proposed terraces would eventually be covered and converted to additional living area.
- Mr. Bedini: He had no problem with the house construction, but was concerned about the proposed terraces. He thought they should either be lower or pervious.
- Mr. Picton noted the proposal was more than just a rebuilding of the existing house and that there would be larger areas for flood waters to flow around if the terraces were built. He thought if the house were moved 20 ft. towards the pool there would be no extension of activities towards the rivers. He also thought it was important to change the driveway to a more direct route.

Mr. Sabin noted the actual footprint of the house would increase only a few hundred sq. ft. and that it was the terraces and the driveway, which accounted for most of the increase in impervious surface. He pointed out the area of lawn that would be removed and replanted with natural ground covers as mitigation.

Because the Commission would not meet again until July 26, Mr. Sabin submitted a written request dated 6/28/06 for a 35 day extension of the public hearing.

MOTION: To continue the public hearing to consider Application #IW-06-29 submitted by Mr. and Mrs. Lloyd to demolish the existing house and build a new house at 149 Whittlesey Road to 6:30 p.m. on July 26, 2006 in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct. By Mrs. Hill, seconded by Mr. Thomson, and passed 5-0.

Mr. Thomson was seated for Ms. Purnell who arrived late.

At 7:03 p.m. Mr. Picton continued the public hearing to July 26, 2006 at 6:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

This public 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 Regular Meeting to order at 7:04 p.m. and seated Members Bedini, Hill, LaMunier, Picton, and Purnell.

MOTION: To include subsequent business not already posted on the agenda: IV. New Applications: Corbo Assoc., Inc/40 Nettleton Hollow Road/#IW-06-34/First Cut, Driveway Conduit, VII. Other Business: D. Preliminary Discussion/Fisher/66 Calhoun St. and E. Executive Session. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

The 6/14/06 Regular Meeting minutes were accepted as corrected.

Page 2: Lloyd: 1st paragraph: Change Bantam Road to Bantam River.

Page 2: Lloyd: 3rd paragraph: Change Mr. Charles to Mr. LaMunier.

Page 10: long paragraph: Change Mrs. Hill "advised" to Mrs. Hill "acknowledged" he could....

MOTION: To accept the 6/14/06 Public Hearing - Regular Meeting minutes as corrected. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 6/20/06 Lloyd site inspection minutes as written. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

MOTION: To accept the 6/20/06 Taylor site inspection minutes as written. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Pending Applications

Potter/220 Old Litchfield Road/#IW-06-14/Site Development: There was no one to represent the applicant. It was noted that after the last meeting, the applicant had requested an extension to give him time to submit the revised map and information requested by the Commission.

Adams/57 West Shore Road/#IW-06-15/Retaining Wall, Path, Stairs, Plants: It was noted a request for an extension had been received after the last meeting. Mr. Picton advised Ms. Dzenutis that at the last meeting the Commission had requested an accurate representation of exactly what work was proposed because what had been shown on the map did not match the written description. For example, Ms. Purnell pointed out the "oval" stonewall on the map appeared to be an additional wall and she wanted to make sure nothing new would be constructed in that area. Ms. Dzenutis agreed the existing wall would be rebuilt in the same location, would not increase in size, and would not extend further towards the lake. It was noted it was unlikely the Commission would approve the proposed lower retaining wall so close to the water line or the deposition of any fill in this area. Ms. Dzenutis deleted these activities from the map and dated and initialed the revision. Mr. Ajello thought the materials submitted with the application did not clearly describe the proposed work and suggested elevations would have been helpful. Ms. Dzenutis agreed to clarify the application and said she would return with revisions later in the meeting.

Lloyd/149 Whittlesey Road/#IW-06-29/Demolish Existing House, Build New House: The public hearing was continued to 6:30 p.m. on July 26, 2006 in the Land Use Meeting Room, Bryan Memorial Town Hall.

Zelman-Defendorf/16 Tompkins Hill Road/#IW-06-31/Site Development:

At the last meeting the Commission had decided to refer the application to a consultant, but Mr. Picton was not sure this was necessary. The following maps were reviewed: 1) "Plan Showing Proposed Improvements," by Mr. Wolff, dated 5/19/06, 2) "Alternative I, Plan Showing Proposed Improvements," by Mr. Wolff, revised to 6/13/06, and 3) "Wetland Enhancement Planting Plan," by Earth Tones, LLC., dated 6/28/06. The proposal to direct the runoff from the proposed roof and curtain drains to the wetlands was discussed in detail. Mr. Saunders, down grade property owner, said he would grant a drainage easement if necessary. Mr. LaMunier thought the plan would maintain the wetland function and allow for flow over the spillway in the case of a major storm event. Mr. Picton, however, asked if the proposal would drain the wetlands and said the high water level of the wetlands would be lowered. Ms. Purnell thought some of the drainage problems were caused by the unauthorized driveway work and suggested if this was addressed, there might not be an overflow problem in the wetlands. Mr. Picton asked that the proposed drainage structures be moved at least 25 ft

from the wetlands and the drainage be spread out so that there would not be a concentrated flow entering the wetlands. Mr. Wolff, engineer, noted the plan as proposed would take water away from the septic area. Mr. Wolff then detailed Alternate II and its corresponding map. Mr. and Mrs. Turoczi reviewed their "Wetland Enhancement Planting Plan," and the undated document, "Proposal for Wetland Enhancement and Planting Plan," noting they wanted to eradicate the invasives, remove the leaf litter, and create an environmentally sound wetlands. Mr. LaMuniere noted the plans did not include the replanting of the west side of the driveway, which had been cleared without authorization. Mrs. Turoczi submitted a list of plants suitable for hillside planting in this area. Mr. Picton read the 6/21/06 email from the property owners, which asked for a timely resolution of the matter. Mr. Picton noted the Commission would have an easier time acting on the application if there were no change proposed in the elevation at which the wetlands would overflow. Mr. Thomson noted he had driven by the property many times and observed Mr. Bedini was correct in finding five sources for the water problems on this tiny site. He favored the rain garden design in the wetlands, but did not think it would solve the sheet flow problem on the Saunders' property. Mr. Saunders said if the runoff was piped underground he would have no problem with it being directed to the catch basin. Mr. Bedini said he was not convinced that the work proposed would solve all the drainage problems on the property, but would help the house and septic area and would enhance the wetlands. Ms. Purnell noted there were other unauthorized ongoing activities on site that concerned her and she did not know what the total impact of these were or whether they were taking up areas that could have been used for infiltration instead. Mr. Charles, adjoining property owner, objected that the application would not be referred to the Commission's consultant as had been decided at the last meeting. It was the consensus to act on Alternative I and conditions were discussed at length.

MOTION: To approve Application #IW-06-31 submitted by Mr. Zelman and Mr. Defendorf for site development at 16 Tompkins Hill Road per the map, "Alternate I," by Mr. Wolff, revised to 6/13/06 and the "Wetland Enhancement Planting Plan," by Earth Tones, LLC., dated 6/28/06 both to be amended and approved by the WEO before issuance of the permit according to the following conditions:

1. The elevation of the overflow at the existing overflow elevation must be established, that location staked and a permanent benchmark provided to establish it and the WEO must witness this.
2. The catch basin shall not be located in wetlands.
3. The outlet drains shall be at least 5 ft. away from the wetlands and a 10 ft. wide level spreader shall be installed at the outlet.
4. The wetlands restoration professionals may clean out the coarse yard waste from the wetlands, but may not excavate the soil. The work shall be done by hand; no power equipment may be used in the wetlands.
5. The curtain drain on the west side of the driveway shall be eliminated.
6. The understory on the uphill side of the driveway shall be restored using native species.

By Mr. Picton, seconded by Mr. Bedini, and passed 4-1. Ms. Purnell voted No because she thought the plan should be referred to the Commission's consultant for further review, especially since unauthorized work such as the construction of the patio and additions to the driveway took up space that could have been used to for additional infiltration.

Adams/57 West Shore Road/#IW-06-15/Retaining Wall, Path, Stairs, Plantings: Ms. Dzenutis submitted a revised plan, which she had initialed and dated. Included on it was a 3 ft. wide bluestone walk with a 6 inch lip to hold the stone and a statement that there would be no change in elevation of the planting area and no filling for plantings except for material around the root balls. Mr. Picton asked Mr. Ajello to take photos of the site before the work begins. Because the plans were still so confusing,

it was the consensus the Commission would act only on the proposed work on the retaining wall and the proposed planting.

MOTION: To approve in part Application #IW-06-15 submitted by Mr. Adams for a retaining wall, path, stairs, and plantings at 57 West Shore Road subject to the following conditions:

1. Planting shall be done per the plan, "Beach Renewal Project," on the July 2004 survey map by Mr. Cheney with no additional fill to be deposited except within 1 foot of each root ball.
2. There shall be no change in the elevation of the ground anywhere in the planting area.
3. The retaining wall along West Shore Road shall be reconstructed in the same location and be the same height and size as the original wall.
4. No other aspects of the application are approved at this time.

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

Potter/253 Old Litchfield Road/#IW-06-32/2 Lot Subdivision: Mr. Neff, engineer, submitted the map, "Proposed Site Development Plan," by Mr. Neff, dated 6/23/06. He noted access to the proposed lot would be off Shearer Road and the proposed driveway would be 52 feet from the regulated area. Mr. Picton asked if all the development would be down slope of wetlands. Mr. Neff said it would. The Commissioners will inspect the property on their own prior to the next meeting.

Steep Rock Assn./147 Sabbaday Lane/#IW-06-33/Replace Bridge: Mrs. Branson, Director, represented Steep Rock and responded to the questions raised at the last meeting. She said O and G had been hired and would submit engineering plans and drawings and the construction sequence. Several issues still had to be decided including whether the existing cement block could be reused for an abutment and whether the pier in the middle of the river would be redesigned. Construction materials were discussed. It was the consensus fiberglass would have minimal impacts, but that pressure treated wood, even the new modified pressure treated wood, and copper should be avoided because they are toxic to aquatic organisms. Mr. Picton suggested plastic composite lumber be considered for the walkway, stairs, and railings. Ms. Branson said the materials would be brought in on a 9 ft. wide truck and the bridge sections constructed on site. It would be necessary to operate a crane from the river to install the sections. The Commission first made a motion to approve the application subject to approval of the specific construction plans, but this was later rescinded when it was thought there were just too many details missing. The following information was requested: 1) Where would the construction equipment be located? 2) How far would it extend into the river? 3) How would the use of concrete be controlled? 4) How would the river be protected from material and debris that could fall into it? 5) What is the dimension of the area to be armored? 6) What material and how much will be used for stabilization? 7) What construction materials will be substituted for the pressure treated materials proposed? 8) More information on access to the site is needed. 9) Provide info on how the disturbed riverbed and access road will be restored to their pre construction condition. 10) Provide a detailed construction sequence. Further discussion was tabled until more information is submitted.

New Applications

Corbo Associates, Inc./40 Nettleton Hollow Road/#IW-06-34/First Cut and Driveway

Mr. Corbo, owner, and Mr. Neff, engineer, were present. The map, "Proposed Site Development Plan," by Mr. Neff, dated 6/23/06 was reviewed. It was noted the wetlands had been flagged on the 30 acre property. Mr. Picton asked if there would be only one driveway entrance for the two lots. Mr. Neff responded there would be one entrance and then the driveway would split. Mr. Corbo noted existing wood roads had been proposed for the driveway routes to minimize disturbance. Mr. Picton asked if Mr. Neff had analyzed whether this was the best access in terms of impact to the wetlands. Ms. Purnell

thought there would be long term impacts associated with such a long section of the driveway located along the edge of the wetlands and so suggested shorter routes that would quickly get away from the wetlands. Mr. Corbo said he understood a short crossing might have less impact and said he would consider alternate routes. He noted he had proposed to cross the wetlands with overhead utility lines, which would then go underground. Mr. Corbo said although not shown on the plans, he proposed to construct field stone entry walls. A site inspection was scheduled for Wednesday, July 5, 2006 at 5:00 p.m. Mr. LaMuniere asked that the driveway location be staked.

Enforcement

Cohen/52 Calhoun Street/Unauthorized Construction: Mr. Munson, contractor, Mr. Neff, engineer, and Mr. Rosiello, landscape designer, came to discuss a final resolution regarding the unauthorized retaining walls, proposed stone walls and access road, and mitigation plan. Mr. Picton acknowledged the statement made at the last meeting that for the most part the work in question had not been done in the wetlands; it had taken place in the upland review areas. Ms. Purnell recused herself because she said she was against any additional encroachments in this corner of the property. Alternate Thomson was seated. The map of the entire property, "Site Plan," by Mr. Neff, revised to 6/13/06 to show the limit of the landscaping area and the overlay map by Mr. Rosiello were reviewed. Mr. Rosiello pointed out the completed approved work and the proposed locations of the retaining wall and stairs, dry stone wall, and access. He noted the reason for the dry stone wall was to mark the edge of the required buffer area. A grassed accessway to reach the rear portion of the lot was proposed between the two walls. Mr. Picton suggested if the stairs were deleted from the plan, all the other proposed activities could be located at least 50 ft. from the wetlands. He said he would like to reinspect the property to see what remains in a natural state, the limits of landscaping, and locations of the structures, landscaping, and access, saying he had to understand the complete picture before dealing with the proposed walls and access. Mr. Rosiello explained the limit of disturbance line had been moved out to include the fields that had always been mowed. Mr. Picton asked for a plan that showed substantial protection in all areas not otherwise already protected on a workable map that could be used by the EO. Mr. Rosiello proposed to change some of the approved plant materials on the east side of the house to ground covers and ferns to enable the owner to maintain a view of the stream. He also asked if the wetlands mitigation; letting the area regrow and planting native wetlands species, in the front of the property could begin before all the other matters were resolved. Mr. Rosiello asked: 1) What else other than the line for the limit of disturbance was needed on the map? 2) Should he add a note that the fields have always been mowed but will not be landscaped? Mr. LaMuniere asked that the note be added. Mr. Picton noted Mr. Rosiello had drawn a line beyond which there would be no activities in the future and said the Commission now had to determine whether it was meaningful. Mrs. D. Hill questioned why the mowed fields had to be continually mowed. A site inspection was scheduled for Wednesday, July 5, 2006 at 4:00 p.m.

Taylor/11 Sunset Lane/Unauthorized Excavation: Mr. Picton reviewed the 6/20/06 site inspection minutes. He noted the Commission had requested a pond design by a qualified professional, addressing both safety and wetlands issues. Specifications for items such as the height of the berm, overflow structure size and elevation, emergency spillway, stand pipe design, and maintenance were required. Mr. Picton informed Mr. Taylor the Commission was not qualified to design ponds or to let property owners work on ponds without approved designs. He noted, too, mitigation was required for the unauthorized excavation and dam work. It was noted the violation had been ongoing for a long time and that if Mr. Taylor did not comply with the enforcement order within a reasonable time, the Commission would proceed with enforcement action and file the violation on the Town Land Records. Mr. Taylor said his wife was working on a planting plan. Mrs. D. Hill suggested Mr. Taylor contact the SCS to find out whether it still supplied free pond designs to residents. Mr. Ajello said he would help

Mr. Taylor with this process.

Other Business

Preliminary Discussion/Fisher/66 Calhoun Street/Wetland Plantings:

Mr. Sabin, landscape architect, presented photos of the property. He noted there was a man made pond and a mowed area in the rear and that the wetlands had been flagged. He said the owner would like access to the edge of the pond and asked if large slab stepping stones could be installed at the inlet end and proposed to plant the wet meadow with native herbaceous plants and shrubs to establish an upland buffer beyond which there would be no mowing. Mr. Picton asked how the access would be hardened. Mr. Sabin replied that at the narrowest point there would be either 1) a short section of culvert with fill, 2) a short section of wooden bridge, or 3) slabs of stone. Mr. Picton thought the plans to enhance the wetlands were good, but questioned the best method for access to the pond. He suggested a boardwalk would be a feasible and prudent alternative. It was the consensus there would be no problem with stepping stones or planks as long as they were not pressure treated.

Zelman-Defendorf/16 Tompkins Hill Road/#IW-06-31/Site Development: Mr. Charles, adjoining property owner, questioned how the Commission could have approved the application when it had asked for a consultants' review at the last meeting. Mr. Picton noted there was not a lot of engineering required to maintain the wetlands so the Comm. thought it could resolve the matter. Mr. Charles complained that the contractor had misled the Comm. about the site conditions and said it should have been handled as an enforcement matter, not as a new application. The site conditions were briefly discussed. Ms. Purnell noted the patio and driveway reconfiguration shown on the plan had been constructed without permits, were contributing to the drainage problems, and those areas could have been used for infiltration to help solve the ongoing problems. Mr. Ajello noted there was still a coverage problem and a zoning permit would be required for both the patio and driveway. Mr. Charles did not think these property owners had been required to meet the same standards as other applicants. The Commission advised him that Mr. Ajello would closely monitor the ongoing work to make sure it complies with the motion of approval.

Ms. Purnell left the meeting at 10:17 p.m. and Mr. Thomson was seated.

Enforcement Report

Shepaug Realty/East Shore Road: Mr. Ajello reported the unauthorized parking area will be removed and an application submitted for the other work done.

Peck/Slaughterhouse Road: Mr. Ajello extended the time in which the Pecks have to provide the information requested by the Commission to 9/11/06.

Brose/Roxbury Road: Mr. LaMuniere had questioned whether the ongoing work was in compliance with the permit granted. Mr. Ajello said it was except for the air conditioning units along the side of the building. Mrs. Brose will be in to discuss them in the future.

Wright/Scofield Hill Road: Mr. Wright has hired an engineer to draft a plan to restore and stabilize the channel. Mr. Picton hoped it would include an ecological solution and not just the stabilization of the streambanks.

Carter/Walker Brook Road: There is no copy of the letter written by Ms. Purnell in the file. The letter will be sent to Mr. Carter when Mr. Picton has signed it.

Gatto/Woodbury Road: Mr. Ajello met with the property owners on site and reviewed the revised mitigation plan, which he thought was acceptable.

Other Business

Nominating Committee: Mr. Bedini and Mr. Thomson were appointed to this committee.

Revision of the Regulations: Mr. LaMuniere noted the state's new guidelines and asked how they would impact the Town's regs, which are more detailed. Mr. Picton said he was in the process of reviewing the regulations and noting the changes required.

General Information: Mr. Thomson said he had recently attended a seminar where it was noted: 1) the applicant grants an extension, not the Commission and 2) a denial without prejudice is still a denial.

Appointment of Alternate: Mr. Sears asked the Commission to comment on the Republican Town Committee's recommendation that John Potter be appointed as an alternate. It was the consensus of the Commission that it would welcome any new appointee who 1) has the patience to work diligently and constructively with the Commission and 2) will take seriously his responsibility to regularly attend Commission meetings and site inspections.

MOTION: To enter executive session to discuss pending litigation at 10:35 p.m. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

MOTION: To end executive session at 10:48 p.m. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0

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

Mr. Picton adjourned the meeting at 10:49 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator