

October 24, 2012

7:00 p.m. Upper Level Meeting Room

MEMBERS PRESENT: Mr. Bedini, Ms. Cheney, Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Perrin, Mr. Wyant, Mr. Fleishmann, Press

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

MOTION:

To add the following subsequent business not already posted on the agenda:

VII. Enforcement:

Woodruff/3 West Shore Road/ Violation Filed on Land Records on 1/26/01.

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

Consideration of the Minutes

The 10/10/12 Regular Meeting minutes were accepted as corrected.

On page 2, 5 lines from the bottom, "...have been planted..." was changed to "...will be planted...."

MOTION:

To accept the 10/10/12 Regular Meeting minutes as corrected.

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

There were no pending applications.

New Applications

Bernhard and Cahill/7 Old Litchfield Road/#W-12-38/Dredge Pond:

Mr. LaMuniere explained that the application proposed the same work as had been approved by the Commission four years ago. Mr. Wyant, contractor, said this was true and that the pond had silted in again. The plan, "Pond Cleanout Plan," by Mr. Neff, dated 7/28/05 was reviewed. Mr. Wyant stated that approximately 15 to 20 yards of silt from runoff had accumulated in the pond. He proposed to remove the material with a small excavator possibly set on pontoons, stockpile the dredged material on site, and then haul it off the property when it has dried out. He noted it was unlikely the work would be done until next year when conditions would be dry. Mr. Ajello noted there was a series of dams below the pond and asked if silt had accumulated behind any of them. Mr. Wyant said it had not. The access from the road to the pond area was noted. Mr. LaMuniere noted that top soil would be respread after the dredged material is trucked off site. There were no further questions from the commissioners.

Fleischmann/219 Roxbury Road/#IW-12-39/Relocate, Install Driveway:

The map, "Final Subdivision Plan," by Mr. Riordan, dated 6/30/89 on which Mr. Fleischmann had drawn in the proposed driveway and added driveway details was reviewed. Mr. Fleischmann stated that the proposed driveway location had better sight lines than the current driveway, that he had a permit from the State DOT, and that there would not be any disturbance to the wetlands. He indicated where silt fencing would be installed and said only minimal regrading would be required. It was noted the wetlands were seasonal seepage on the adjoining property and that at its closest point the work would be approximately 50 feet from the wetlands. Mr. Fleischmann stated that he would put down fabric liner to help hold the regraded materials in place. He said he might not have to bring in any additional material. Mr. Bedini asked if the driveway would be paved. Mr. Fleischmann said it would be gravel. Mr. Ajello requested that he seed the shoulders and leave the silt fence in over the winter. Mr. Fleischmann agreed. Mr. Ajello asked if there were changes in driveway grade planned. Mr. Fleischmann said he would remove a small ridge consisting of 20 yards of material and would reuse this elsewhere. Mr. Ajello advised him that per the Town driveway regulations, the grade may not exceed 10% for the first 20 feet. Mr. Fleischmann will flag the driveway location and the commissioners will drive by prior to the next meeting.

Other Business

Neuwirth/156 Sabbaday Lane/Request to Renew Permit #IW-10-37/ Dredge Pond:

It was noted there were no changes proposed to the original permit. The map, "Pond Cleanout Plan," by Mr. Neff, dated 10/2/10 was reviewed. The access route to the pond was pointed out and it was noted that there is not a lot of flow through the pond.

MOTION:

To grant a 2 year extension to Permit #IW-10-37 issued to Ms. Neuwirth to dredge the pond at 156 Sabbaday Lane.

By Mr. Wadeldon, seconded by Ms. Cheney, and passed 5-0.

Enforcement

Woodruff/3 West Shore Road/Unauthorized Deposition of Material:

Mrs. Hill reported that Mr. Woodruff had recently asked her why the notice of violation (filed in January 2001) had not been removed from the Land Records because he claimed the disturbed area was now stable. Mrs. Hill circulated photos from the file of the material that had been deposited in 1999. She read from the 1/19/99 letter from Mr. Kearney, WEO, the list of corrective measures Mr. Woodruff had been ordered to make, and said since after several inspections these had not been made, the notice of violation had been filed on the Land Records. The commissioners noted that removing notices of violation from the Land Records when corrective measures have not been taken is not usually how the Commission operates. A site inspection was scheduled for Friday, November 2, 2012 at 4:30 p.m. This matter will be considered at the next meeting after the commissioners have reviewed the file and the current site conditions.

Enforcement Report

Mr. Ajello reviewed his 10/24/12 report. In addition, the following was noted:

Ingrassia/143 East Shore Road:

Photos of the seawall construction were circulated and the construction process was reviewed.

Jepson/144 East Shore Road:

Most of the work has been done by hand due to the limited work area. Mr. LaMuniere asked if the access would be maintained. Mr. Ajello said it would not because the septic tank could be pumped from the driveway. It was also noted that the road shoulders would be rebuilt and either seeded or mulched.

Lautier/56 June Road:

The drainage system is being installed around the new building.

Sarjeant/28 Tinker Hill Road:

Photos of the work done to date were circulated.

Smith/22 Parsonage Lane:

Mr. Waderton read the 10/22/12 complaint from Mr. Caroe, adjoining property owner, and several photos of recent runoff from the Smith property onto the Caroe property were reviewed. After seeing the photos Mr. LaMuniere thought Mr. Caroe had a legitimate concern and suggested a berm along the length of the Smith driveway might alleviate the drainage problem. Mr. Ajello said when he had spoken to Mr. Sabin, landscape architect, two weeks ago, he was told it was still an unfinished job that was not completely stabilized. Mr. Papsin recommended that Mr. Sabin asked to come up with a solution to address the problem as he had designed the system. Mr. Ajello will write to Mr. Sabin and copy the property owners and Mr. Caroe. Mr. Bedini noted that it was not the Commission's jurisdiction to solve neighborhood drainage problems, but it was the Commission's responsibility to make sure that the approved plans were properly implemented.

Hochberg/15 Couch Road:

Mr. Bedini hoped that Mr. Ajello, rather than the Selectmen, could set up the citation hearing but Mr. Ajello noted he would be participating in the hearing, while the Board of Selectmen was impartial and so should be the one to organize the hearing.

Schein/245 West Shore Road:

It was noted that the required hillside plantings had never been planted and that was the reason this matter has been on the enforcement list since 2008.

Town of Washington/16 Titus Road:

Mr. Bedini explained the Town is still negotiating with the insurance company re: replacing the burned building at the new Town Garage property. Once this is done, all of the material except for road tailings can be moved from 16 Titus Road to the new Town Garage. Mr. Bedini noted there may even be room to store the tailings at the new Town Garage site, but that would be determined at a later date.

Administrative Business

Strawman, LLC./135 Bee Brook Road:

Mrs. Hill asked for clarification on the duration of this permit. As the Commission had not specified how long the permit would be valid, she had put two years in the approval letter. However, the

applicant recently noted that the permit issued to the previous owner for a wetlands crossing had been for five years. She asked the Commission if the two years she had typed in the letter was correct or had they meant to issue a five year permit as they usually do for larger projects. Mr. LaMuniere thought the Commission meant to issue a five year permit. Mr. Bedini asked if the Commission could correct this by just writing a letter to say the approval letter should have said five years. Mr. Ajello noted the application had been contentious and said the Commission could not make up the rules as it went along. Mrs. Hill will consult with Atty. Olson.

It was noted that an Executive Session was not needed.

Mr. Ajello said he had received the registration forms for IW commissioner training, Segment III, and noted one commissioner could attend for no charge.

MOTION:

To adjourn the Meeting.

By Mr. LaMuniere.

Mr. Bedini adjourned the Meeting at 8:10 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator