

## October 25, 2006

MEMBERS PRESENT: Mrs. D. Hill, Mr. LaMuniere, Mr. Picton

MEMBERS ABSENT: Mr. Bedini, Ms. Purnell

ALTERNATE PRESENT: Mr. Thomson

ALTERNATES ABSENT: Ms. Coe, Mr. Potter

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

ALSO PRESENT: Mr. Neff, Mrs. Smith, Mr. Watson, Mr. Foss, Mr. Branson, Mr. Boling, Mr. Wright, Mr. Sears, Mrs. Gentile, Mr. Scully, Mr. Betolatti

Mr. Picton called the meeting to order at 7:08 p.m. and seated Members Hill, LaMuniere, and Picton and Alternate Thomson for Mr. Bedini.

MOTION: To add the following subsequent business to the agenda: V. New Applications: C. Hochberg/15 Couch Road/#IW-06-55ATF/Dredge Pond, VII. Other Business: D. Myfield, LLC. /7 Mygatt Road/Permit #IW-05-54/Request for Minor Revisions to Conservation Easement per Conservation Commission Review and E. Schaeffner/12 Painter Ridge Road/Request to Transfer Permit #IE-06-11 to Solomon, and F. Executive Session to Discuss Pending Litigation. By Mr. Picton, seconded by Mrs. Hill, and passed 4-0.

### Consideration of the Minutes

The 10/11/06 Regular Meeting minutes were accepted as corrected.

Page 3: Under Rising: Mid motion: One of the commissioners thought the Risings were told they could remove the stockpile, but since that was not specified in the motion, it was decided to stay with the original language.

Page 5: Under Melahn: 7th line: The correct spelling is Houldin.

Page 9: Under Moore: It was suggested the date Mr. Moore purchased the property should be included in the minutes. Mr. Ajello said he had that information in the file.

MOTION: To accept the 10/11/06 Regular Meeting minutes as corrected. By Mrs. Hill, seconded by Mr. Picton, and passed 3-0-1.

Mr. LaMuniere abstained because he had not attended the meeting.

MOTION: To accept the Brown - 10/17/06 site inspection minutes as written. By Mr. Picton, seconded by Mrs. Hill, and passed 4-0.

### Pending Applications

**Rising/191 West Shore Road/#IW-06-46/Repair Septic System:** Mr. Picton noted that at the last meeting the replacement of the septic tank had been approved and the application had been referred to Mr. Pawlik of the state DEP. The Commission had raised questions concerning alternative plans, stabilization of the slope, moving the stream channel, and stabilizing its banks and it wanted him to address these. Mr. Ajello said he was not sure that Mr. Pawlik had been asked to respond to these questions. Mr. Picton noted the Commission had specific issues and that if they were not addressed, the application would have to be referred to another engineer for review. Mr. Ajello will consult with Mr. Crespan, Director of Health, concerning what instructions Mr. Pawlik was given.

**Smith/35 East Shore Road/#IW-06-48/Hatchery Restoration and Buffer Garden:** Mrs. Smith

submitted the 10/21/06 letter to Mr. Picton, which, she said, answered the questions raised at the last meeting. The map, "Hatchery Area Restoration Plan," by Mr. Neff, revised to 10/24/06 to show the equipment access was reviewed. Mr. Neff, engineer, explained the excavation process, reviewed the construction sequence, and stated all the information requested was now indicated on the plans. He said 40 to 50 c. yards of silt would be removed from the pond and deposited in the two low basin areas. Mr. Picton asked what the depth of the fill in the middle of each basin would be. Mr. Neff said 2 ft. maximum, but if needed, a few more inches would be OK. Mr. Picton asked what the designed water level of the pond would be. Mr. Neff said the overflow point and, therefore, the water level in the pond, would be 2 ft. lower than it is now. He said also, the bottom of the pond would be sealed so it would be more stable in terms of the water level. Mr. Picton asked if a cross section had been provided. Mr. Neff said, no. Mr. Picton asked for the depth of fill at the lower end of the lower basin. Mr. Neff said it would be roughly 1.5 ft. at the lowest point. Mr. Picton noted his concern about the transit of the dredged material and that the exact amount of fill had not been specified. Mr. Watson stated the stone walls would still be exposed after the fill was deposited and if there was too much extra, it would be taken off site. Mr. Picton asked Mrs. Smith if Ms. Purnell had reviewed the plant list with her. Mrs. Smith said she would follow Mrs. Corrigan's recommendations re: the removal of invasive species, adding that all of the plants proposed were "wetlands recommended." Mr. Picton asked Mr. Ajello to photograph the site prior to the commencement of work.

**MOTION:** To approve Application #IW-06-48 submitted by Mrs. Smith to restore the hatchery and plant a buffer garden at 35 East Shore Road per the map, "Hatchery Area Restoration Plan," by Mr. Neff, revised to 10/24/06 with the stipulation that through the two basins to be regraded along the west side of the East Aspetuck River, roughly 1.5 ft. of fill will be placed at the north- south centerline of those basins and will be cut down along the back of the streamside wall by 1 ft. By Mr. Picton, seconded by Mr. LaMunier, and passed 4-0.

**Melahn/67 River Road/#IW-06-50/Well and Water Line:** Mrs. Hill recused herself because she is an adjoining property owner. Mr. Foss, contractor, was present. Mr. Ajello reported he had inspected the site and had no concerns regarding access to the well head. However, due to ledge found in the area, it would be necessary to excavate 2 ft. for the water line and then bring in foam board and an estimated 14 yards of material to cover it. Mr. Picton asked how close the fill would be to the wetlands. Mr. Ajello said there would be no risk to the wetlands because it would be down grade of the proposed work and separated from that area by a wall. Mr. Picton said it should be understood the fill was to be deposited over the water line and not spread over the rest of the yard.

**MOTION:** To approve Application #IW-06-50 submitted by Mr. Melahn for a well and water line at 67 River Road as submitted with the understanding that there may be moderate filling over the waterline itself as needed to provide sufficient cover over ledge. By Mr. Picton, seconded by Mr. LaMunier, and passed 3-0.

Mrs. Hill was reseated.

**Brown/125 Shearer Road/#IW-06-51/Timber Harvest:** Mr. Branson, forester, briefly explained the proposed timber harvest and his goals to 1) soften the edge between the meadow and the forest so there is a more gradual transition and 2) establish buffer strips on both sides of the intermittent stream to try to stabilize its banks. The declining white ash and some of the sugar maples would be cut to allow more sunlight so the understory would grow. This would eventually result in a two age forest. Mr. Picton remarked the understory had been cut by the owner, probably in violation of the Regulations. Mr. Branson noted that no planting was proposed; there would be a natural resurgence of vegetation. The map, "Proposed Site Plan," no signature, no date with the area to be cut drawn in by hand by Mr. Branson was reviewed. Mr. Branson stated some of the cutting proposed would have to be approved by Steep Rock because it was within conservation easement parcels. Mr. Picton noted the Commission

was interested in preserving a fully stocked forest and a natural corridor within 50 feet of wetlands and watercourses. Mr. LaMunier stated the Commission regulates within 100 ft. of wetlands and watercourses and has systematically objected to the cutting of the canopy along intermittent watercourses. He said any thinning in that area would have to be very carefully monitored. Mr. Branson proposed a 30 to 50 ft. buffer strip of younger trees extending out from the stream. He said although there would be selective cutting in this area, the canopy would be retained. Mr. Picton said the Commission wanted to limit the effect of landscaping and cutting for views on the wetlands and watercourses. He noted that 150 ft. west of the wetlands shown on the map was another wetlands network that was not shown. Mr. Branson said there was interconnected drainage between the two. Mr. Picton did not want the proposed work to adversely impact the wetlands that were not mapped. There was a lengthy discussion concerning conditions of approval to ensure the Commission's ecological objectives would be upheld during the timber harvest.

**MOTION:** To approve Application #IW-06-51 submitted by Mr. Brown for a timber harvest at 125 Shearer Road subject to the following conditions:

within 50 ft. of the wetlands and watercourses and in all areas within this cutting perimeter which lie west of the north flowing stream shown on the hand colored map, no more than 30% of the canopy can be removed and the removal of trees will be for forest stand improvement and for the purpose of restoration and maintenance of a fully stocked forest at all levels with no cutting of the understory,

1. Mr. Branson shall supervise the cutting,
2. condition #1 also applies to the forest land 100 ft. upslope of any wetlands and watercourses, and
3. the 10/25/06 Inland Wetlands Commission

approval shall be appended to the July 2006 forest management plan.

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

**Ribadenera/79 South Street/#IW-06-52/Repair Pond Overflow Pipe:** Mr. Picton noted limited work was proposed and it had been adequately described at the last meeting. Mr. Ajello said there were no unresolved issues.

**MOTION:** To approve Application #IW-06-52 submitted by Mr. Ribadenera to repair the pond overflow pipe at 79 South Street. By Mrs. Hill, seconded by Mr. LaMunier, and passed 4-0.

New Applications

**Betolatti/52 Flirtation Avenue/#IW-06-54/First Cut:** Mr. Betolatti, owner, and Mr. Scully, engineer, were present. The map, "Property Survey Showing Proposed Parcel Line," by Mr. Bunnell, dated 10/19/06 was reviewed. A 4.5 acre interior lot and a 4 acre frontage lot were proposed on the 8.5 acre parcel. It was noted the plans had been approved by the Health Department and that they included the demolition and removal of four buildings from the property. A soil scientist flagged the wetlands and had found the intermittent stream and three seeps; one on the property and two on the adjoining lot. Mr. Scully reviewed the possible house and septic locations on the two lots. Although there appeared to be no activities within the regulated areas, it was noted the owners would have to come back to the Commission when a specific site plan was proposed. Mr. Picton noted the soil scientist's report was in the file, but asked for a copy of the sketch map. Mr. Scully said there was no sketch map; the seeps had been located by the surveyor. The Commission will act on the application at the next meeting.

Enforcement

**Carter//292 Walker Brook Road (141 Shinar Mt. Rd.)/#IW-04-V8/Repair of Retaining Wall:** Mr. Ajello reported an environmental scientist, Mr. Pawlek, would soon inspect the site to address the

Commission's specific concerns that were raised in the 10/11/06 letter to Mr. Carter. Mr. Picton asked if this consultant was qualified to analyze the stream flow. Mr. Neff thought so, but said he would find out. Mr. Pawlek will submit his report to the Commission.

**Wright/59 Scofield Hill Road/Unauthorized Clearing, Filling, Soil Disturbance:** Mr. Wright attended the meeting to respond to the latest letter sent by Mr. Ajello. He complained that no other road in Town had a gulley filled with jagged rocks to solve a drainage problem and he asked if he could fill in between the rocks to encourage vegetation to grow there. Mr. Ajello said using a smaller alternate stone for the rip rap had been considered by the engineer who had concluded the jagged rocks lock together better for stabilization of the banks. He also noted the rip rap acts to trap sediment as it flows down the channel. Mr. Picton thought the engineer's recommendations were clear and complete and should be followed. It was the consensus of the Commission that Mr. Wright should not attempt to fill the gaps between the rip rap and the engineered plan should be implemented.

#### New Application

**Town of Washington/59 East Shore Road/#IW-06-53/Boat Ramp:** Mr. Ajello noted the application had been submitted with colored maps and an analysis of alternatives as the Commission had requested. Mr. Sears noted a copy of the Lake Waramaug Agreement was included in the file. A site inspection was scheduled for Wednesday, 11/8/06 at 3:00 p.m. A public hearing was scheduled for Wednesday, 11/29/06 at 5:00 p.m.

#### Other Business

**Gentile/38 Winston Drive/Request to Revise Permit #IW-03-68/ Retaining Wall:** Mrs. Gentile presented the map, ""Plot Plan and Grading Plan," by Mr. Trinkaus, revised to 3/9/04 with the location of the proposed retaining wall and a row of silt fence drawn in by hand. She pointed out the location of the retaining wall, plunge pool, and future deck stairs. Mr. Picton noted the deck stairs were not shown on the map and advised her that a future application would be required for any activities within 100 ft. of wetlands and watercourses that were not indicated on the current map. Mr. Picton asked if fill had been placed behind the retaining wall. Mrs. Gentile responded that 2 loads of fill had been brought in and the disturbed soil had been seeded and mulched. It was noted the Gentiles had been asked at the last meeting not to bring additional fill in until the Commission had acted on the revision request. Mr. Ajello noted a new parking area had been built within 100 ft. of the stream on the lower portion of the property. Mr. Picton said this would require an application or would be put on the agenda under enforcement. He asked Mrs. Gentile to submit an application with an enlarged map to show both the parking area and the access to it, and said she could add the deck stairs to the application if she wished.

MOTION: To approve the request to revise Permit #IW-03-68 issued to Mr. Gentile/38 Winston Drive to include a retaining wall as built in the location shown in red on the map, "Plot Plan and Grading Plan, by Mr. Trinkaus, revised to 3/9/04 with further undated and unsigned revisions in red. By Mr. Picton, seconded by Mr. LaMunier, and passed 4-0.

#### Other Business

**Myfield, LLC./7 Mygatt Road/ Revisions to the Conservation Easement per Conservation Comments:** Mr. Boling reviewed the minor revisions on a draft dated 10/24/06. On pages 1 and 2 references to wildlife habitat had been deleted, on page 2 a reference to the property constituting a significant natural area was deleted, and on page 3 wireless telecommunications infrastructure was added to the list of prohibited uses. On page 5, a sentence was added to Section 3.3 to state that a qualified professional may be retained to use herbicides to eradicate invasive species if non chemical methods are not effective or practical.

MOTION: To approve the revisions to the conservation Easement for Myfield, LLC./7 Mygatt

Road/Permit #IW-05-54 as specified in the 10/24/06 final draft and to authorize the WEO to OK any other minor changes if they become necessary prior to the next Inland Wetlands Commission meeting. By Mr. Picton, seconded by Mr. Thomson, and passed 3-1.

Mr. LaMunier voted No because he thought the proposed revisions were spurious.

#### New Application

**Hochberg/15 Couch Road/#IW-06-55ATF:** Mr. Ajello showed the August photos of the muck that had been excavated from the pond. He said Mr. Hochberg admitted that a lot of the dredgings had washed downstream. It was the consensus of the commissioners that Mr. Hochberg knowingly violated the Regulations and that a citation and fine should be issued. It was also noted the after the fact fee was due. Mr. LaMunier said this was a major violation and a specific engineering plan and remediation plan should be included with the application. Mr. Ajello will write to Mr. Hochberg to request additional information and the after the fact fee.

#### Other Business

#### **Schaeffner/12 Painter Ridge Road/Request to Transfer Permit**

**#IW-06-11:** Mr. Ajello noted he had already reviewed the erosion control requirements with the new owner's contractor. Mr. Picton asked him to make sure that the contractor doesn't clear more woodland than was approved by the Commission.

MOTION: To approve the transfer of Permit #IW-06-11 issued to Mrs. Schaeffner/12 Painter Ridge Road to Ms. Solomon. By Mr. Picton, seconded By Mrs. Hill, and passed 4-0.

#### Enforcement

**Moore/25 Litchfield Turnpike/Unauthorized Filling, Clear Cutting:** Mr. Picton read the undated letter from Mr. Moore, who was unable to attend the meeting. Mr. Ajello pointed out that at the last meeting Mr. Moore had agreed to have borings done to determine how much fill had been placed over the wetlands, but according to his letter, he did not think this would be worthwhile. Mr. Ajello suggested an exploratory swath be excavated from the wetlands towards the road so that a cross section of the strata could be seen by a soil scientist, probably Mr. Allen of Land Tech. It was the consensus that this was a good idea and that two trenches should be dug; one close to the pig pen and the second 20 to 30 feet to the west. Mr. Picton asked Mr. Ajello to write up a "settlement offer" stating what the Commission proposed and the reasons for it and containing specific information on wetlands setbacks and vegetative buffer requirements. Mr. Picton will review the letter before it is sent to Mr. Moore.

**Knudsen/Nettleton Hollow Road/Streambank Retaining Wall:** Mr. Picton asked Mr. Ajello if the work done was per the approved permit. Mr. Ajello said it was.

**Corbo/40 Nettleton Hollow Road/#IW-06-34/Analysis of Alternate Driveway Route per Condition of 9/27 Approval:** Mr. Ajello said Mr. Corbo was working on a plan with 2 ft. contours and an alternate driveway route analysis.

**9 Main St. Assoc./9 Main Street/Unauthorized Construction of Stone Wall:** Mr. Johnson submitted a map with an overlay showing the location of the existing grass, brush, and wall. Mr. Ajello explained Mr. Johnson proposed to add woody growth in all the area within 50 ft. of wetlands that is not already planted. Mr. Picton read Mr. Johnson's 10/25/06 memo, which detailed the rationale for the proposed 50 ft. buffer. Mr. Picton asked that a note be added to the map that the vegetation in the 50 ft. buffer would be left to grow in its natural condition.

**Caco/16 Flirtation Ave./Unauthorized Clearing, Grading:** Mr. Ajello reported there had been no progress on this matter.

**Collins/323 West Shore Road/Unauthorized Clearing and Soil Disturbance:** Mr. Ajello reported there had been no progress on this matter.

**Revision of the Inland Wetlands Regulations:** It was noted Ms. Purnell still had the copy of Mr. Picton's Regulations with his recommended revisions. Mr. Picton hoped all the Members would make comments and that Ms. Purnell would pass his copy on to them soon.

#### Communications

It was noted the November meetings will be held on November 15 and 29, the third and fifth Wednesdays of the month.

MOTION: To enter into executive session at 10:08 p.m. to discuss pending litigation. By Mr. Picton, seconded by Mrs. Hill, and passed 4-0.

MOTION: To end executive session at 10:38 p.m. By Mrs. Hill, seconded by Mr. Picton, and passed 4-0.

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

Mr. Picton adjourned the meeting at 10:40 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator