

January 12, 2005

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

MEMBER ABSENT: Mrs. Gray

ALTERNATE PRESENT: Mrs. Korzenko

ALTERNATES ABSENT: Mr. Bedini, Ms. Coe

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

ALSO PRESENT: Ms. Weeks, Mr. Klein, Mr. Kleinberg,
Mr./Mrs. Buonaiuto, Mr. Wellings,

Mr. Ross, Mr./Mrs. Frank, Mr. Woodruff,

Mrs. Matthews, Press

Regular Business

Mr. Picton called the meeting to order at 7:01 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Korzenko for Mrs. Gray.

MOTION: To add subsequent business to the agenda:

1) Arciola/9 Dark Entry Road/Pave Driveway,

2) Town newsletter article, 3) Executive

session to discuss Gatto appeal. By Ms.

Purnell, seconded by Mrs. Hill, and passed

5-0.

Consideration of the Minutes

The 12/8/04 Regular Meeting minutes were accepted as corrected.

Page 2: 6th paragraph: 5th line: Delete "be."

6th paragraph: 6th line: Add "framing of the new deck" after "wood."

6th paragraph: 7th line: Add "CCA" before "pressure treated."

6th paragraph: 7th-8th lines: Delete "with" and "had been used" and add "augmented with" before "the application."

Page 8: Motion for Gatto: Add to Mrs. Hill's reasons for her No vote that she thought the impact of the deck on the wetlands was insignificant.

Page 10: 2nd line: Change "compact" to "impact."

MOTION: To accept the 12/8/04 Regular Meeting minutes

as corrected. By Mrs. Korzenko, seconded by

Ms. Purnell, and passed 5-0.

The 12/14/05 Site Inspection minutes were accepted as corrected.

2nd paragraph: Add "and gravel" after "sand."

Last paragraph: The Natural Resources Conservation Service is the entity referred to for advice regarding best management practices.

MOTION: To accept the 12/14/04 H.O.R.S.E. of Ct. site inspection minutes as corrected. By Ms.

Purnell, seconded by Mr. Picton, and passed

5-0.

Pending Applications

H.O.R.S.E. of Ct./43 Wilbur Road/#IW-04-57E/Construct Sheds and Fence: There was no one present to represent the applicant and no new information had been submitted since the last meeting. Mr. Ajello will write to Ms. Wahlers to ask that she submit the following information within two months: 1) a map with greater detail to include which sheds will remain and which are to be removed and the location of other buildings, drainage, and wetlands and 2) a review of the proposed plans and consultation regarding best management practices by NRCS. It was noted there are currently paddocks of churned mud near streams and "mud hole basins," which she plans to fill in with sand to use as paddocks. The Commissioners thought NRCS would guide Ms. Wahlers to minimize the impact on wetlands and watercourses and possibly recommend that she choose paddock sites farther from the wetlands.

Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/

#IW-04-64/2 Lot Resubdivision: The map, "Proposed Site Development Plan," by Mr. Neff, revised to 12/8/04 was reviewed. Mr. Picton noted the Commission was waiting for the information requested from Mr. Neff at the last meeting on the size of the watershed and amount of flow and the review of the proposed erosion control measures by Northwest Conservation District. Ms. Weeks, adjoining property owner, hired REMA Ecological Services, Inc. to review the application for consistency with the Ct. Inland Wetlands and Watercourses Act. Mr. McManus, soil scientist, discussed his 1/12/05 report with the Commission. He found an approximate 5000 sq. ft. potential wetland area in the northern section of the property and an extension of an intermittent watercourse and a wooded swamp down grade of the proposed septic site. These had not been flagged by Mr. Temple. He said this northern area not only received a great deal of runoff, but also had a high water table. Mrs. Weeks pointed out the location of two road culverts, but said they did not drain all the water from this area. Mr. McManus voiced his concern about the proposed septic site and said he had not found any evidence of deep hole testing in this area. He recommended the Commission hire a third soil scientist to verify his findings and said if the wetlands were found to be as extensive as he thought, a public hearing was warranted. Finally, he noted the stockbridge marble in the area and recommended the applicant hire a botanist to screen the site for rare plants that are often associated with marble districts. Mr. Picton thought it was possible that the new wetlands delineation showed what happens to the water that flows down the hill after it leaves the intermittent watercourse that had been added to the 12/8/04 site plan. He also noted that if this watercourse extended 50 ft. further up the hill, it was within 100 feet of the septic reserve area. Ms. Weeks noted in the last year and a half the property owners have filled and cleared in the proposed driveway area and installed a path of woodchips. She asked if a permit had been issued for this work. She also expressed her concern about the proposed driveway plan because of the clearing, which would be required in the wetlands. Mr. Picton noted no clearing in wetlands for the driveway had been indicated on the 12/8/04 site plan as wetlands had not been flagged in that area. Ms. Purnell advised Ms. Weeks the Commission was concerned there might be significant runoff changes when the trees are removed, noting there had previously been erosion problems on the upper part of the property when 4

acres had been cleared. A copy of the 1/12/05 report will be sent to Mr. Neff for his comments. It was the consensus of the Commissioners to hire a consultant, Land Tech, which the applicant will be required to pay for. Mr. Picton will write a detailed letter to Land Tech to explain what analysis should be included in the report. The Commission asked that the perc and deep hole test information be submitted for the file. It was also noted that the property owners did not have a permit for construction of the trail or for thinning out the understory.

Holly Hill Farm, LLC./87 Whittlesey Road/#IW-04-65/Restoration and Reforestation: No one was present to represent the applicant. The January 2005 report from the Conservation Commission was received. Mr. Picton summarized it saying Conservation recommended that other than removing invasive species, the forest should be left alone to regenerate naturally. Mrs. Hill will send copies of the report to Ms. Paca and Mr. Neff. Mr. Picton will contact Mr. Childs to find out when his report will be completed. Mr. Ajello will contact the applicant to ask for an extension.

Matthews/142 Upper Church Hill Road/#IW-04-70/First Cut and Driveway: Mrs. Matthews was present. The site development plan by Mr. Neff revised to 12/20/04 and the revised DEP reporting form were reviewed. It was noted that as requested by the Commission at the last meeting, the site development plan now showed 1) the limit of clearing, 2) three culverts placed 20 ft. apart at the driveway crossing and 3) the notation that there was no proposed driveway in the right of way off Upper Church Hill Road. In addition, proposed lot #2 had been reduced in size to 12.00 acres and an erosion control plan revised to 12/31/04 had been submitted. Ms. Purnell thought three culverts set at the deepest portion of the crossing had been requested, but Mr. Ajello and Mr. Picton noted the flow was spread out because there was no clear channel and said the Commission had not wanted to restrict that flow. Conditions for approval were discussed in detail. Mrs. Matthews stated she had no plans to resubdivide and so had no objections to a condition that the property could not be resubdivided. Ms. Purnell said she appreciated the effort made by the applicant to minimize the impact to the wetlands, but said she would vote No due to the potential long term impacts of development and because the proposed dwelling would be located within a series of contiguous wetlands, which would fragment the wetland area.

MOTION: To approve application #IW-04-70 submitted by

Mr. and Mrs. Matthews for a first cut and

driveway at 142 Upper Church Hill Road per the

map, "Proposed Site Development Plan," by Mr.

Neff revised to 12/30/04 and the "Soil Erosion

and Sediment Control Plan," by Mr. Neff revised

to 12/31/04 and as revised at the 1/12/05

Inland Wetlands Commission meeting subject to

the following conditions:

1) approval includes construction of the

driveway across the wetland and through the

regulated area to the location of the soil

stockpile as shown on the above referenced

site plan,

2) clearing is limited as shown on the 12/30/05 site plan,

3) there may be no vegetation cut or disturbance of soil within 100 ft. of wetlands and watercourses except for cutting for the approved driveway route,

4) based on statements by the applicant, the two approved lots may not be resubdivided, and

5) any additional disturbance/construction on lot #2 requires review and approval of a more detailed site plan by the Commission.

By Mr. Picton, seconded by Mrs. Korzenko, and passed 4-1. Ms. Purnell voted No because it would cause fragmentation of the wetlands and the cumulative effects of development such as the flow of herbicides and pesticides into the wetlands would negatively impact the wetlands.

Kraft/53 Shearer Road/#IW-04-71/Extend Stone Wall and Fence: Mr. Kraft was present and stated he proposed to construct a dry wall with "pass throughs" for wildlife. Mr. Picton stated he had received a letter dated 12/13/04 from the adjoining property owners who pointed out the proposed work was close to wetlands and a vernal pool on their property. Mr. Ajello said he had inspected the site and found the proposed wall was 30 to 40 feet from the wetlands and that he had asked Mr. Kraft not to move any more stones until the application was approved. Mr. Picton asked Mr. Kraft to add the location of the wetlands, the existing tree line, and the distances from the wetlands to the wall on the map submitted with the application. Mr. Buonaiuto, neighbor, stated there is running water in the rear corner of his lot and a 15 ft. drop in elevation to the area where the wall is proposed. He questioned whether the work would divert the water elsewhere, possibly onto other adjoining properties to the rear of the Kraft lot. He also complained Mr. Kraft had continued to grub and bury stones within 50 feet of the vernal pool after he had been advised a permit was required. A site inspection was scheduled for Tuesday, January 18, 2004 at 3:30 p.m.

Ranieri/25 Nettleton Hollow Road/#IW-04-72/Install Dry Hydrant: It was noted Mr. Woodruff, authorized agent, had submitted photos of dry hydrants recently installed by the Fire Department on the Bronson and Young properties for the file. Mr. Ajello said in both cases there had been little disturbance. Mr. Picton noted the application was complete and the fee would be waived.

MOTION: To approve application #IW-04-72 submitted by Mr. Ranieri for the installation of a dry hydrant at 25 Nettleton Hollow Road. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

New Applications

Denscot Pools/269 New Milford Turnpike/#IW-05-01/Parking and Temporary Structure: Mr.

Meeker explained eventually he would like more employee parking, but currently is parking to the edge of the old foundation, which is 40 feet from the river. He proposed to install stone wheel stops to contain the vehicles and to plant trees between the parking area and the river. The size of the proposed area was reviewed on the sketch map, "Proposed Parking Layout," by Mr. Towne, dated 3/6/04. Also proposed was a storage structure for pool chemicals because the Fire Marshal would not allow them to be stored inside the existing building. Mr. Meeker said the storage structure would be located on the existing stone foundation. It would have a

5' X 5' catch area with liner in which to store the lidded plastic pails of chlorine and paper bags of baking soda. The Commission requested written approval from the Fire Marshal and specifications for the structure. Mr. Meeker said it would have a tubular frame anchored to the ground and would be covered with polypropylene. Mr. Picton asked that the map submitted with the application accurately reflect the existing conditions on site and that the outside dimensions of the proposed parking area and a natural vegetated area along the river be added. A written description regarding how the buffer will be maintained was also requested.

Young/113 Litchfield Turnpike/#IW-05-02ATF/Drainage Work: Mr. Underwood, agent, represented Mrs. Young. He explained he had 1) unplugged a culvert, 2) cut trees and vines, 3) dug out multiflora rose with an excavator, and 4) extended the existing ditch 39 feet so it could pick up additional runoff. Mr. Ajello reported the area is now stabilized and mulched. Mr. Picton asked if the work done would drain the wetlands. Mr. Ajello said it would help to manage surface and road runoff in the upland review area, but would not drain the wetlands. It was noted an after the fact fee of \$60 is required. A site inspection was scheduled for Tuesday, January 18, 2005 at 4:15 p.m.

Privilege of the Floor

Mrs. Weeks asked if consideration of the Stiteler-Giddins application, #IW-04-64, could be postponed. She was advised that an extension had been granted and could not be extended beyond February 20. Mr. Kleinberg said the application was incomplete and suggested the Commission vote to deny it without prejudice and schedule a public hearing when it was resubmitted. Mr. Picton advised those present that a determination that the application is incomplete would depend on Land Tech's review and that the public could submit letters for the file. Mr. Wellings asked if it was proper to accept applications for properties that have existing violations. Ms. Purnell stated any violations would be investigated when a written complaint was received. Mr. Picton said he would write Land Tech a request for a very specific review, which will address the volume of water flowing through the site, the volume of water in the wetlands, possible non flagged wetland areas, etc.

Enforcement

Armstrong/72 Mygatt Road: Mr. Ajello reported on the unstable site conditions and asked if the Commission would request a bond so the Armstrongs could move into their house now and complete the site work in the spring. He was advised that the Commission may only request a bond prior to issuance of a permit. He was asked to send Mr. Armstrong a list of all his concerns and to request they be addressed immediately or a notice of violation might be needed. Mr. Picton asked if there was an immediate threat to the wetlands. Mr. Ajello said there was not and that Mr. Armstrong was doing his best to stabilize the property.

Greenfield/12 Ives Road: Mr. Ross, contractor, submitted a letter of authorization from the Greenfields and presented an

A-2 survey map with wetlands flagged by Mr. Temple, soil scientist. He said 800 to 1000 sq. ft. had been cleared in the NE corner of the property and noted this was the area of wetland flags #16, #17, and #18. In addition to this work, the Greenfields proposed to enlarge the existing barn and put in an

accessory apartment. He asked if this could be applied for in one application, or if the work already done required a separate ATF application. Mr. Ajello circulated photos of the property. It was the consensus all the work could be applied for at once. Mr. Picton directed that until an application was submitted and approved, no additional work could be done in the regulated area, that the natural species should be allowed to grow back, but invasive species could be removed.

Fowler/138 Nichols Hill Road/#IW-04-V5: Mr. Ajello was asked to monitor the property to make sure the area in question is not converted to lawn.

H.O.R.S.E. of Ct./43 Wilbur Road/#IW-04-57E: Mr. Ajello will send a letter providing the applicant with a time frame in which to submit the required information.

Matthews/89 Lower Church Hill Road: Mr. Ajello sent a letter on 12/13/04 requesting a wetlands application. To date there has been no response.

Sasson/4 East Shore Road: Mr. Ajello took photos of the recent work as requested by the Commission at the last meeting. These will hopefully be developed by the next meeting.

Shanks/208 Bee Brook Road: Mr. Ajello reported a deck had been constructed with no permits. There was a brief discussion about whether to issue a citation, but Mr. Picton noted usually that is done only when there has been cutting, grading, or filling in the wetlands and it has damaged the wetlands. If an application is not received by the next meeting, Mr. Ajello will send an enforcement letter. This matter will be discussed again at the next meeting.

By-laws: Mr. Ajello asked whether the Commission would put this on the next agenda so that the schedule of meetings can be amended. He also asked that improvements to Section 5a be considered. Mrs. Korzenko will work on a draft revision.

Howard/99 West Shore Road: Mr. Ajello reported there had been no further cutting.

Robbins-Guliano/Winston Drive/Driveways: These two driveways had been paved without permits, but this did not cause a damaging change to the surface runoff.

Pullaro/23 Calhoun Street: Mr. LaMuniere noted the corrective driveway work discussed at the last meeting had not yet been done.

Arciola/9 Dark Entry Road/Pave Driveway: Mr. Arciola had submitted a request to revise his permit to include paving of the existing driveway. Mrs. Hill noted neighbors were concerned about how the drainage was being directed. Mr. Picton noted the Commission was relying on Mr. Ajello to make sure it was installed as approved. Ms. Purnell asked if subsurface material would be deposited and if there would be any changes to the runoff when it was paved. Mr. Ajello said the driveway was more than 100 feet from wetlands and there would be no changes to the runoff. Mr. Ajello was asked to write to Mr. Arciola to advise him he could pave the driveway, but was not allowed to enlarge it or to redirect the runoff.

Communications

Mr. Picton said he will attend a meeting of Commission chairmen regarding coordination of the implementation of the Plan of Conservation and Development.

Mr. Picton reported he had received an analysis of the strategic planning poll and interested Commissioners could borrow it.

Mr. Picton said Mr. Fowlkes had advised him he would be making a housing diversity application on property at the corner of Mygatt and Scofield Hill Roads.

Mrs. Korzenko and Ms. Purnell noted they had received a letter from Mr. Swain regarding the Gunnery

driveway off South Street.

It was noted that most people claim ignorance when they are informed they have violated the Regulations. It was the consensus that an educational article about the most frequently occurring violations would be a good idea for the Town newsletter. Mr. Ajello was asked to prepare a list of recent violations so they can be discussed in the article. The deadline for the newsletter is January 24.

MOTION: To enter Executive Session at 10:16 p.m. to

discuss the suit regarding Gatto/155 Woodbury Road/Unauthorized Deck. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

MOTION: To end Executive Session at 10:31 p.m. By Mrs.

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

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

Mr. Picton adjourned the meeting at 10:32 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator