

January 26, 2005

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

MEMBERS ABSENT: Mrs. Gray, Mr. LaMunier

ALTERNATES PRESENT: Mr. Bedini, Mrs. Korzenko

ALTERNATE ABSENT: Ms. Coe

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Neff, Mr. Klein, Mr. Kraft

Mr. Picton called the meeting to order at 7:06 p.m. and seated Members Hill, Picton, and Purnell and Alternates Bedini and Korzenko for Mrs. Gray and Mr. LaMunier.

MOTION: To add subsequent business not already posted

on the agenda: 1) New Applications: A)

Calhoun Street Trust/62 Calhoun Street/

#IW-05-03/Addition to Existing Dwelling, B)

Armstrong/72 Mygatt Road/IW-05-04/Site

Restoration, C) Hill/59 River Road/#IW-05-05ATF

Clean Culvert and Build Chimney 2) 2005-2005

Budget, 3) Letter from WEC to Zoning Comm. re:

Matthews/89 Lower Church Hill Road 4) Executive

Session to Discuss Pending Litigation. By Mr.

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

Consideration of the Minutes

The 1/12/05 Regular Meeting minutes were accepted as corrected:

Page 2: 5th line: Change: '05 to '04.

Page 3: Bottom of page: Add: The possibility of holding a public hearing was discussed, but the Commission decided it was too late to do so.

Page 4: 1st line: Insert: Commission after Conservation.

Page 4: Next to last line: Change: '05 to '04.

Page 5: 14th line: Add: long term before cumulative.

Page 5: 3rd line under Kraft: Change: pass throughs to pass ways. Add: small before "pass ways"

Page 6: 7th line: Add: old barn before foundation.

Page 6: 7th line: Add: next to the house after foundation.

Page 7: 5th line from bottom: Change: natural to native.

Page 9: 11th line: Change: housing diversity to multifamily housing.

MOTION: To accept the 1/12/05 Regular Meeting minutes

as corrected. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 1/18/05 Kraft Site Inspection minutes as written. By Mr. Picton, seconded by Mrs. Korzenko, and passed 5-0.

MOTION: To accept the 1/18/05 Young Site Inspection minutes as written. By Mrs. Korzenko, seconded by Mrs. Hill, and passed 5-0.

Pending Applications

H.O.R.S.E. of Ct./43 Wilbur Road/#IW-04-57E/Construct Sheds and Fence: Mr. Ajello had not yet sent the letter to Ms. Wahlers as discussed at the last meeting. There was no new information.

Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/ #IW-04-64/Resubdivide: Mr. Neff, P.E., was present. He submitted a letter dated 1/21/05 with attached sketch of the drainage area above the proposed house. The letter responded to several issues raised by Mr. McManus in his 1/12/05 report including the intermittent watercourse that had been reinvestigated by Mr. Temple, soil scientist, delineation of wetlands on the property, septic testing and septic system approval by the Health Department, scope of the proposed development, and clarification that the site contains Augen Gneiss bedrock, not Stockbridge marble. He also supplied information requested at the last meeting, noting that the effective drainage area above the proposed house site is .25 acres and that the proposed 1 ft. X 2 ft. wide grassed swale would divert the runoff around the west side of the house. Mr. Neff explained how the existing stone wall intersects the runoff coming down the property. Mr. Picton asked for calculations for the amount of flow through the site. Mr. Neff stated the proposed swale's capacity was well over the drainage needs for .25 acres. Mr. Picton said he would instruct Land Tech to carefully review the characteristics of the drainage area. He noted Land Tech had completed a preliminary review of the application, had estimated the fee would be \$1500, and would begin work when there was no snow on the ground and the applicants had paid the fee. Mr. Neff said he had discussed the fee with them. It was noted the Land Tech review was needed due to the contradictory soils reports that had been submitted. It was also noted the time limit for action on this application is 2/20/05 and it was not known whether Land Tech would be able to complete its review by that date.

Holly Hill Farm, LLC./87 Whittlesey Road/#IW-04-65/Restoration and Reforestation: Mr. Picton noted 1) Mr. Neff had submitted a letter to request an extension to 2/20/05 and 2) Mr. Childs had submitted an interim report. The Commissioners will review this report for discussion at the next meeting. Mr. Neff said he would fax a copy to Ms. Paca. Mr. Picton noted he thought the channelization of surface water should be avoided and natural systems should be left in tact. Ms. Purnell said a relevant issue to consider was what the impact of clearing the trees would be on the amount of water flowing through the area.

Kraft/53 Shearer Road/#IW-04-71/Extend Stone Wall: Mr. Picton noted a site inspection had been conducted on 1/18/05. Mrs. Korzenko noted the wetlands are closer to the wall than it appears from the site plan and that water was, indeed, running at the rear of the property. Mr. Picton noted the Commission had requested more accurate mapping, but Mr. Kraft said there were no trespassing signs on the adjoining property so he could not take any measurements. The applicant suggested he stop work on the wall at the point where it intersects with another existing wall, which would keep any disturbance away from the rear wetland area. Mr. Kraft asked if he could clear the trees already cut. He

was told that if he left a canopy and did not clear the understory, he could remove the fallen timber, but that if he wanted to cut more he would have to apply for a permit and have a soil scientist delineate the wetlands. Ms. Purnell suggested it would be better for the vernal pool if the fallen trees were left in that immediate area. Mr. Picton asked how much excavation was needed in preparation for the construction of the wall. Mr. Kraft said a trench approximately 6 inches deep and 30 inches wide was required. Mr. Kraft amended and initialed his site plan to show more clearly the extent of the proposed work. It was noted Mr. Kraft had addressed all the concerns raised and that the construction of a dry stone wall in this proximity to the wetlands was not likely to have an adverse impact.

MOTION: To approve application #IW-04-71 submitted by

Mr. Kraft to extend a stone wall at 53 Shearer

Road subject to the following conditions:

- 1) there shall be no additional clearing within 100 feet of a wetlands or watercourse whether mapped or not,
- 2) the areas within 100 feet of wetlands shall be allowed to revegetate to natural conditions,
- 3) excavation in preparation of construction shall be limited to approximately 6 inches deep and 30 inches wide,
- 4) the new wall along the south boundary line will stop at the intersection with the wall shown on the map, about 70 feet from the SW corner,
- 5) there shall be no new wall work within 100 feet of the west (rear) property line,
- 6) any extensive clearing in the back half of the lot shall require soil delineation by a soil scientist and review by the Inland Wetlands Commission, and
- 7) the wall shall have openings of at least 4 inches about 25 feet apart, set a little below grade.

By Mr. Picton, seconded by Mr. Bedini, and passed

5-0.

Denscot Pools/269 New Milford Turnpike/#IW-05-01/Parking and Storage Structure: The applicant was not present. Mr. Picton stated the Commission had asked for more specific measurements of the proposed parking area and that these had been provided. It was noted a description of the proposed buffer and a maintenance plan for the buffer zone had also been requested. A note had been

added to the map that a picnic area with plantings would be established, but the Commission did not think that was specific enough. The following information was requested: 1) exact location and size of the buffer area, 2) planting plan with specific plant types, and 3) maintenance plan. It was recommended the buffer area be at least 15 feet wide, be established along the length of the river, and that it be a non mowed area planted with native species. Ms. Purnell noted this was a critical component of the application since the proposed expansion of the parking area was so close to the river. Mr. Picton stated the buffer should replace lawn, but not the existing woodland. The vinyl lined containment structure was briefly discussed and it was noted the construction plans addressed the Commission's concerns. Mr. Ajello will contact Mr. Meeker concerning the additional information required.

New Application

Calhoun Street Trust/62 Calhoun Street/#IW-05-03/Addition to Single Family Dwelling: Mr. Neff, P.E., presented the map, "Soil Erosion and Sediment Control Plan," dated 1/25/05. He explained an addition was proposed on the east side of the house within 83 feet of the wetland boundary in a flat existing lawn area. He noted most of the foundation would be crawl space and that silt fencing would be installed around the construction area and would serve as the limit of disturbance. The Commissioners will inspect the site on their own before the next meeting and Mr. Picton asked Mr. Ajello to make an inspection to determine whether there are any concerns that must be addressed.

Pending Applications

Young/113 Litchfield Turnpike/#IW-05-02ATF/Drainage Work: Mr. Picton noted the existing swale had been cleaned out, deepened 6 inches, extended, and cleared of vegetation. He thought the silt in the bottom of the swale could erode until the vegetation had grown back. It was thought either rip rap, check dams, or staked hay bales should be installed to slow down the flow until the vegetation is reestablished.

MOTION: To approve application #IW-05-02ATF submitted by

Mrs. Young for drainage work at 113 Litchfield

Turnpike subject to the following conditions:

- 1) the after the fact fee be submitted, and
- 2) that 3 check dams of staked hay bales be installed across the width of the swale; one within 10 feet of the culvert and two more equally spaced.

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

It was noted the work done had been maintenance of an existing swale, the work had not changed the character of the swale, and once the swale was revegetated there would be no further impact. Issuance of a citation was discussed. It was the consensus that a citation should be issued to be consistent with past actions by the Commission. Further, it was agreed that Mr. Ajello should take the initiative to issue citations whenever there is ground disturbance, excavation, or filling in a wetlands or watercourse without a permit and that mitigation should be required in these cases. Mr. Ajello was asked to issue the citation and to collect the \$60 after the fact fee.

New Applications

Armstrong/72 Mygatt Road/#IW-05-04/Restoration Work: Ms. Purnell read the 1/26/05 WEO Report. Mr. Picton reviewed the 1/19/05 letter from Mr. Armstrong, which detailed the proposed work and the sketch plan by Mr. Tanner, contractor, but it could not be determined from the sketch where the wetlands were located. The sketch also did not include a scale, north arrow, contours, location of the well, or trench from the well and so was considered to be incomplete. Ms. Purnell offered to check for consistency between the proposed work and the plan originally approved by the Commission. It was noted the Commission would require a bond to ensure the work is satisfactorily completed and that a cost estimate from the contractor had been submitted. Mr. Ajello was asked to contact the applicant to get the additional information required.

Hill/59 River Road/#IW-05-05ATF/Clean Culvert and Build Chimney: Mrs. Hill noted the Commission had previously placed a Notice of Violation on the Land Records because this work had been done without a permit. The Commission asked Mr. Ajello to investigate the violation and the Notice posted on the Land Records. This matter will be discussed at the next meeting.

Enforcement

The 1/26/05 WEO Report was reviewed.

Shanks/208 Bee Brook Road/Deck: The Commission is waiting for additional information.

Stiteler-Giddins/198 Tinker Hill Road and West Shore Road: Mrs. Korzenko recommended the Commission acknowledge receipt of the petition for a public hearing and inform Mrs. Weeks it was received too late to schedule one.

Bailey/93 Old Litchfield Road/#IW-04-V7: This item may be taken off the agenda.

Beck/132 Calhoun Street/#IW-02-V1/Clearing in Wetlands: This property must be monitored for three years and reports are required from the property owner. Mr. Ajello was asked to continue to check on this site and on the reports.

Woodruff/3 West Shore Rd./Complaint re: Construction, Excavation: Mr. Ajello was asked to inspect the property to determine whether Inland Wetlands permits are required for the ongoing work.

Other Business

By-laws: Mrs. Korzenko made revisions on page 2. Copies of the revised language will be posted in the Town Clerk's Office. Adoption of revision of the by-laws will be placed on the next agenda.

Town Newsletter: Ms. Purnell will submit an article on typical violations, the citation process, and the functions and values of wetlands.

2005-2006 Budget Request: This is due by 1/15/05. Mrs. Korzenko will review the budget and work on a proposal for the upcoming year, which will be discussed at the next meeting.

Correspondence

Mr. Picton noted he had received a copy of the letter sent by the Washington Environmental Council to the Zoning Commission regarding the Matthews application for a house and pool at 89 Lower Church Hill Road.

MOTION: To go into Executive Session to discuss pending litigation at 9:16 p.m. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

MOTION: To come out of Executive Session at 9:35 p.m.

By Mrs. Hill, seconded by Ms. Purnell, and passed
5-0.

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

Mr. Picton adjourned the meeting at 9:35 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator