

February 9, 2005

MEMBERS PRESENT: Mrs. Gray, Mrs. LaMuniere, Mr. Picton,
Ms. Purnell

MEMBER ABSENT: Mrs. Hill

ALTERNATES PRESENT: Ms. Coe, Mrs. Korzenko

ALTERNATE ABSENT: Mr. Bedini

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Ms. Paca, Mrs. Weeks, Mr. Neff, Mr. Meeker, Mr. Armstrong, Atty. Kelly, Mrs. M. Hill, Press

Mr. Picton called the meeting to order at 7:07 p.m. and seated Members Gray, LaMuniere, Picton, and Purnell and Alternate Coe for Mrs. Hill.

MOTION: To add subsequent business not already
posted on the agenda: Executive Session
to discuss pending litigation. By Ms.
Purnell, seconded by Mr. Picton, and
passed 5-0.

Consideration of the Minutes

The 1/26/05 Regular Meeting minutes were accepted as corrected.

Page 3: 8th line: Change: "suggested" to "offered to."

Page 4: 2nd line in condition #4: Add: "existing" before "wall."

MOTION: To accept the 1/26/05 Regular Meeting
minutes as corrected. By Mr. Picton,
seconded by Ms. Purnell, and passed 5-0.

Pending Applications

H.O.R.S.E. of Ct./43 Wilbur Road/#IW-04-57E/Construct Sheds and Fence: No new information had been submitted. Mr. Ajello said he had not been able to contact Ms. Wahlers since the last meeting. Mr. Picton asked him to write to her to request all the information specified in the 1/12/05 minutes and a review from the NRCS. It was noted there is no time limit for consideration of this application because it is for an exemption.

Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/#W-04-64/ 2 Lot Resubdivision: Mr. Picton noted a letter from Atty. Kelly dated 1/26/05 had been sent too late to have been read at the last meeting. In this letter Atty. Kelly maintained the Commission had enough information on which to act since it had found there would be no adverse impacts and so had not scheduled a public hearing. Ms. Purnell pointed out the Commission did not yet have sufficient information upon which to base a decision, noted it had raised concerns, and said it had asked that the wetlands be reflagged. Mr. Picton stated Mr. Neff had responded to the issues raised, but the Commission's consultant had not yet been able to do so. Mr. Neff, engineer, was present and noted the owners had instructed him not to withdraw

the application. It was the consensus the Commission was not comfortable making a decision at this time and informed the applicants they could resubmit.

MOTION: To deny without prejudice application

#IW-04-64 submitted by Stiteler-Giddins

for a 2 lot resubdivision at 198 Tinker

Hill Road and West Shore Road because the

Commission does not have the requisite

information. By Ms. Purnell, seconded by

Mr. Picton, and passed 4-0-1.

Mrs. Gray abstained because she was not

familiar with the application.

Atty. Kelly asked what was the purpose of the information the Commission had asked for and was told it pertained to site conditions, erosion control measures, characteristics of the watershed, and potential problems that might arise during construction. Atty. Kelly asked if the denial meant the Commission had determined there were wetlands in the area proposed to be developed. Mr. Picton stated the Commission's consultant had not yet checked the wetlands delineation, but that based on the information in the file, the Commission could not make a determination as to whether there would be adverse wetlands impacts. Atty. Kelly noted the Town's wetlands map indicated there were no wetlands there, but Ms. Purnell pointed out that map was based on general information from the 1970's and so the Commission had asked a soil scientist for further wetlands delineation. Atty. Kelly said the Commission did not have to act on the application at this point because failure to do so was not an approval per state statute. Ms. Purnell responded that in the past Atty. Zizka had advised the Commission to act within the time frame. Atty. Kelly said by acting tonight the Commission had eliminated the opportunity for the applicants to go to the Commissioner for approval; that he must now either resubmit or go to Superior Court. Ms. Purnell said she thought applicants could always apply to the DEP Commissioner. Mr. Ajello noted upon resubmittal the application fee would be waived, but a second state tax of \$30 would be required. Mr. Picton asked Ms. Purnell to carefully review the existing conservation easements when the application is resubmitted.

Holly Hill Farms, LLC./87 Whittlesey Road/#IW-04-65/Restoration and Reforestation: Mr. Picton noted the preliminary report from Mr. Childs had been received at the last meeting, but the final report had not yet been submitted. In response to some points raised in the report, Mr. Neff said he was concerned about the possibility of installing structural drains because it would be difficult to find a place to discharge to once the runoff was collected and he was not sure it would be possible to get enough capacity in a dry well, especially for the amount of runoff anticipated. Mr. Picton agreed and said he had concerns about an engineered solution for a natural landscape. He noted, for example, there were washed out gullies on site, but said their repair should not involve reengineering the hydrology of the entire hillside. Mr. Neff also questioned whether curtain drains should be installed because he did not know what could be done with their discharge. Ms. Purnell thought curtain drains might also pick up water from the seeps, which might not be good. Mr. Picton said he would contact Mr. Childs to find out when the final report would be submitted and said it would be forwarded to Ms. Paca. It was noted the time period in which to act on the application would soon expire. It was also noted the activities previously approved by the Commission were still approved unless work had been specifically ordered to stop. Placing rocks in the gullies, cleaning up the dump site, and any work on the hills or within 100 feet of the stream had been stopped. Ms. Paca was advised to carefully check the minutes to review

what work could be done. Ms. Purnell asked if the silt fence had been repaired. Ms. Paca said it had.

MOTION: To deny without prejudice application

#IW-04-65 submitted by Holly Hill Farm,

LLC. for restoration and reforestation at

87 Whittlesey Road because the Commission

has run out of time in which to consider

the application and the information

required for a proper vote is not yet in.

By Ms. Purnell, seconded by Mr. Picton,

and passed 4-0-1.

Mrs. Gray abstained because she was not

familiar with the application.

Denscot Pools/269 New Milford Turnpike/#IW-05-01/Parking and Accessory Structure: Mr. Picton read the letter dated 2/9/05 from Mr. Meeker, which responded to Mr. Ajello's request for additional information. He proposed a 30 ft. wide by 40 ft. deep buffer to replace a section of the existing lawn and included a list of native species that would be planted and a statement that the area would not be mowed. The Commission was appreciative of the 30 ft. buffer as Ms. Purnell explained at least 30 ft. is needed to achieve water quality and habitat benefits. Ms. Purnell stated the proposed activities within 100 ft. of the watercourse concerned her, but the 30 ft. buffer and the containment construction of the accessory building addressed those concerns.

MOTION: To approve application #IW-05-01 submitted

by Denscot Pools for parking and an accessory

structure at 269 New Milford Turnpike on the

grounds that the proposed activities are

clearly defined so it can be seen there is

little risk of adverse impact to the wetlands

and the mitigation of the streamside buffer

protecting the stream offsets the increased

activity on the lot. By Mr. Picton, seconded

by Mrs. Gray, and passed 5-0.

Calhoun Street Trust/62 Calhoun Street/#IW-05-03/Addition to Existing Dwelling: Mr. Neff, engineer, presented his map, "Soil Erosion and Sediment Control Plan," dated 1/25/05. Mr. Picton noted the proposed addition was confined to the top of the knoll, it would be surrounded by silt fence, and there was established lawn below the work area. Mr. Ajello had inspected the property and said the construction area was flat. Mr. Neff noted the proposed limit of disturbance was shown by the location of the silt fence. Ms. Purnell asked if there were plantings proposed to offset the encroachment. Mr. Ajello responded the property was already heavily landscaped. Mr. LaMunier stated the proposed construction would have no drainage impact.

MOTION: To approve application #IW-05-03 submitted by Calhoun Street Trust for an addition to the existing dwelling at 62 Calhoun Street per the plans, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 1/25/05 because a complete and detailed description of the work to be done was submitted and it will not cause any serious erosion hazards and with the condition that the silt fence shown on the plan is the maximum limit of ground disturbance. By Mr. Picton, seconded by Mr. LaMuniere, and passed 5-0.

Enforcement Report

Bialobrezeski/113 Woodbury Road/Construction of Accessway: There had been soil disturbance and deposition of material within the upland review area. Mr. Ajello advised the Commission he had sent a Notice of Violation requesting that no further work be done without the required permit. He said the work done was not for a formal driveway, but was an access to the septic area for work that was recently done there. Mr. Ajello was asked to send a second letter requesting an after the fact application, after the fact fee, and a restoration plan. Ms. Purnell voiced her concern about the continued lack of communication by the Health Department.

Sasson/4 East Shore Road/Repair Stone Deck, Retaining Wall: Mr. Ajello compared the old photos of the stone deck with a recent one he had taken and said they showed the current deck was a repair/rebuild of the previous deck. Mr. Picton and Mrs. Korzenko did not think the photos were conclusive. Mr. LaMuniere noted two neighbors stated a dock was there previously and said when he inspected, it appeared that an older base had existed before and it looked like the deck had been resurfaced. Ms. Purnell said Mr. Sasson had been asked to check aerial photos for proof of the size of the previous deck, but Mr. Ajello reported these photos had a shadow covering that corner of the lake. Ms. Purnell suggested discussion be tabled so that she could check the aerial maps herself. It was the consensus to table this matter. Discussion will continue at the next meeting about whether an enforcement order should be issued or an after the fact application submitted.

Pending Applications

Hill/59 River Road/#IW-05-05/Clean Culvert, Build Chimney: Mrs. M. Hill was present. It was noted this was an after the fact application. Mr. Ajello advised the Commission that a Notice of Violation had been filed on the Land Records because the owner had not responded when notices were sent. Ms. Purnell reviewed the application and noted there was no indication of any adverse impacts resulting from the work. The site plan was reviewed. Mrs. Hill added the following information and initialed her revisions: 1) size of the sediment basin - 8' X 6', 2) the sediment basin had been cleaned and the excavated material moved to a non wetland area, 3) the work had been done before 2/9/05. It was noted the chimney had been built within 100 ft. of the wetlands in a paved portion of the driveway. Mr. Picton noted for the record that all the work had been completed and the basin was now stabilized.

MOTION: To approve application #IW-05-05ATF submitted by Mr. Hill to clean a culvert and construct

a chimney at 59 River Road per the application and modifications made to the site plan on 2/9/05 as they have taken place with minimal impact and to note approval of this application resolves the notice of violation filed on the Land Records on 2/27/98. By Ms. Purnell, seconded by Mr. Picton, and passed 5-0.

Armstrong/72 Mygatt Road/#IW-05-04/Restoration Work: Mr. Armstrong submitted a description of the work proposed and a copy of the originally approved map with revisions shown in color, entitled, "Revised Armstrong Site Plan. Mr. Armstrong proposed to remove the stockpiled material and install a curtain drain to get the water to drain away from the house. He explained the well was overflowing and that water had to be directed to an existing drain to the right of the driveway. Also proposed was regrading and deposition of stone on the driveway. Ms. Purnell said she did not object to the curtain drain taking the water into the wetland as the water would be uncontaminated. Mr. Armstrong amended the site plan to more accurately reflect the end of the curtain drain and the discharge to the wetlands. Mr. Picton noted the outlet would be approximately 25 ft. from the wetlands. Mrs. Korzenko asked what would be done with the stockpiled material. Mr. Armstrong said the top soil would be used on site and the rest of the stockpiled material would be trucked off site. The posting of a bond was discussed and it was agreed the estimate of \$7390 submitted by Mr. Tanner, contractor, would be required. It was noted the permit would not be issued until the bond was in place.

MOTION: To approve application #IW-05-04 submitted by Mr. Armstrong for restoration work at 72

Mygatt Road according to the list of proposed activities submitted with the application and the site plan, Revised Armstrong Site Plan," dated 2/9/05 showing the curtain drain located no closer than 20 feet from the wetlands on the east end of the site and no closer than 40 feet from the wetlands at the west end of the site, with the pipe at its outlet directing water towards the watercourse, and outletting 15 feet from the watercourse as shown on the above referenced plan with the stipulation that a bond be submitted to the Town of Washington in the amount of \$7390 per the quote submitted for the file to cover the completion and stabilization of the site work. By Mr. Picton, seconded by Mr. LaMuniere, and

passed 5-0.

Other Business

Revision of the By-Laws: The Commissioners agreed to adopt the revisions to the meeting dates as discussed at the last meeting.

MOTION: To approve the revisions to Section 7, Meeting

Dates of the Town of Washington Inland

Wetlands Commission By-Laws; Section 7 to

read as follows: The Commission shall meet

on the second and fourth Wednesday of each

month except July, August, and December, when

there shall be only one meeting, on the

fourth Wednesday of July and the second

Wednesday of August and December. Meeting

dates that fall on legal holidays must be

rescheduled. By Mrs. Gray, seconded by Ms.

Coe, and passed 5-0.

2005-2006 Budget: Mrs. Korzenko presented proposed budget figures. She said after a discussion with Mr. Ajello mileage was decreased by \$300 and because this year the Commission was already over what had been budgeted for education, she suggested \$100 be added to this item. She also recommended adding \$2500 to the legal budget as the Commission was already over on this item, too. She will discuss the figures for education and the NW Conservation District with Mrs. Gollow and also advise her the amount budgeted for the DEP should be based on \$30 per application, not \$9. It was the consensus to submit the budget as drafted by Mrs. Korzenko.

Newsletter: Ms. Purnell wrote the Wetlands article for the latest issue of the newsletter.

Communications

It was noted there would be a seminar hosted by the Ct. Assoc. of Wetlands Scientists on 2/25/05.

MOTION: To go into Executive Session at 9:15 p.m.

to discuss pending litigation. By Ms.

Purnell, seconded by Mr. Picton, and

passed 5-0.

MOTION: To come out of Executive Session at 9:58 p.m.

By Mr. Picton, seconded by Ms. Purnell, and

passed 5-0.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill
Land Use Coordinator