

# November 14, 2012

7:00 p.m., Upper Level Meeting Room

**MEMBERS PRESENT:** Mr. Bedini, Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

**MEMBER ABSENT:** Ms. Cheney

**ALTERNATE ABSENT:** Mr. Martino

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

**ALSO PRESENT:** Mr. Harris, Mr. Studer, Mr. Woodruff, Mr. Hunt, Mr./Mrs. Condon, Mr. Cavallaro

Mr. Bedini called the Meeting to order at 7:00 p.m. and seated Members Bedini, LaMuniere, Papsin, and Wadelton. He noted there was no subsequent business to add to the agenda.

## Consideration of the Minutes

MOTION:

To accept the 10/24/12 Regular Meeting minutes as written.

By Mr. LaMuniere, seconded by Mr. Papsin, and passed 4-0.

MOTION:

To accept the 11/2/12 Woodruff site inspection minutes as written.

By Mr. Papsin, seconded by Mr. Wadelton, and passed 4-0.

## Pending Applications

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

This pond had been dredged about six years ago and there had been no concerns raised at the last meeting. The plan, "Pond Cleanout Plan," by Mr. Neff, dated 7/28/05 was reviewed. Mr. LaMuniere noted there had been no changes to the previously approved plan. He reviewed the construction sequence and recommended approval based on this sequence.

MOTION:

To approve Application #IW-12-38 submitted by Bernhard and Cahill to dredge the pond at 7 Old Litchfield Road per the plan, "Pond Cleanout Plan," by Mr. Neff, dated 7/28/05; the permit shall be valid for two years and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. LaMuniere, seconded by Mr. Wadelton, and passed 4-0.

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

Mr. LaMuniere reported that he had inspected the site and it had looked OK. Mr. Ajello noted there had been no questions from the commissioners at the last meeting. Mr. Papsin noted that the DOT had approved the plan. It was also noted that at the last meeting, Mr. Fleischmann had agreed to leave up the silt fence all winter and to mulch all disturbed areas.

## MOTION:

To approve Application #IW-12-39 submitted by Mr. Fleischmann to relocate and install the driveway at 219 Roxbury Road per the plan, "Final Subdivision Plan," by Mr. Riordan, dated 6/30/89 (filed on the land records on 9/25/99) with handwritten modifications indicating the changes applied for; the permit shall be valid for two years and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. LaMuniere, seconded by Mr. Papsin, and passed 4-0.

## New Application

Harris/193 West Shore Road/#IW-12-40/Demolish. Rebuild House. Septic System. and Driveway and Install Drainage System:

Mr. Harris and Mr. Studer, landscape architect, were present. The plans, "Existing Conditions Survey of Property," by Mr. Fowler, revised to 11/9/12, "Site Development Plan for Stormwater Management," by Mr. Fowler, revised to 11/12/12, "New Residence," Sheets LA-1, LA-2, LA-3, and undated elevations sheet, by Studer Design Associates, Inc, dated 11/9/12, and "Harris Residence," Sheets PR-1 and PR-2, by Mose Associates Architects, revised to 11/14/12 were reviewed. In addition, Mr. Studer presented an untitled, undated site plan, which compared the current vs proposed impervious surfaces. A decrease of 250 sq. ft. is proposed. A photo of the existing house was also circulated. Mr. Studer stated that the reconstruction would include a new full basement. The depth of the excavated area would average 4 to 4.5 feet. Some of the excavated material will be used for regrading along the sides of the property and any that can't be used there, possibly 100 c. yds, would be taken off site. He pointed out the 100 ft. and 75 ft. setbacks from the lake. He noted that while a soil scientist had found no wetlands soils on the property, there was runoff from the hillside, which flows through a drainage swale and eventually into the lake. Also noted; the width of the existing curb cut would be reduced, a planting plan is proposed for screening and mitigation purposes, and 100 yds. of sand would be deposited for the septic system. Mr. Bedini noted his concern about drainage for the garage, and so Mr. Studer discussed the elevation of the garage floor and noted the grade would be pitched away from the house. Stormwater retention was reviewed. Mr. Studer said there was no room on site for rain gardens and so a Cultec stormwater retention system was proposed. The runoff from roof leaders would flow to a distribution box, then to the Cultec chamber, then to an existing catch basin, and finally it would flow under the road through an existing 12 inch pipe to a drainage channel that empties into the lake. Mr. Studer said he would not use the roof leaders if the Commission did not want them. Mr. Ajello noted the stormwater calculations were based on more than a two year storm event, but he voiced his concern that excess runoff would sheet flow across the road and freeze in the winter. He encouraged the use of the underground rechargers. Mr. Studer said there are two catch basins on this side of West Shore Road so in theory, this should not be a problem. Construction staging was reviewed. The staging area will be in the area proposed for the new septic system, which will be installed last. He also noted there would not be stockpiling of materials on site; they would be brought in as needed. Mr. Studer noted a revision to the erosion control plan,

which gave Town staff the right to request additional erosion control measures. Mr. Bedini asked for the construction sequence. Mr. Studer said it was not yet completed. A site inspection was scheduled for Tuesday, November 27, 2012 at 4:00 p.m.

## **Other Business**

### Strawman, LLC./135 Bee Brook Road/Permit for Bridge:

It was noted that this is a nine year permit, which will not expire until April 2019.

## **Enforcement Report**

Mr. Ajello reviewed his 11/14/12 report. In addition, the following was noted:

### Ingrassia/143 East Shore Road:

Mr. Ajello circulated photos taken earlier in the day showing a 50 ft. long boulder wall under construction in the area between the new septic location and the shoreline; less than 10 feet from the lake. This was compared to the approved site plan, which did not include this wall. Mr. Ajello said he had discussed this matter with the contractor, who said the boulder wall had been shown on the septic plan submitted to the Health Dept. The revisions on the septic plan had not come before the Inland Wetlands Commission for approval as required. Mr. Ajello had not been able to reach the Sanitarian to find out whether she had approved the plan. It was the consensus of the commissioners that Mr. Ajello should stop the work until the Commission has the opportunity to review the revised plans and it can be determined whether the Health Dept. has approved them.

### Smith/22 Parsonage Lane:

Mr. Wadeldon thought it was important that Mr. Caroe receive a response to all of his letters and concerns and asked Mr. Ajello if he had done so. Mr. Ajello said he had.

### 18 Titus Road, LLC./18 Titus Road:

A specific riverside buffer planting plan had been included in the permit approval, but although two planting seasons have passed, the owner never did the required planting. Mr. Ajello circulated photos of the current conditions. Mr. Ajello will contact the property owner.

### Woodruff/2 West Shore Road/Request to Release Notice of Violation on Land Records:

Mr. Bedini noted that Mr. Woodruff's request to release the notice of violation filed on the land records had prompted the Commission to conduct a site inspection. He noted four commissioners had inspected the property and photos of the current site conditions had been taken for the file. He said they had observed that material had been deposited to widen the driveway and that wood and brush had been dumped over the bank down towards the river. Mr. Bedini noted the location of a sediment laden rivulet flowing into the river. He also noted that the area where the driveway material had been deposited was not stabilized; there was no overgrowth on it and most of it was bare earth. He said the Commission had a problem with all of the material; dirt, rocks, brush, and wood that had been dumped over the side of the driveway. Mr. Woodruff responded that the wood was from Storm Irene last year, that half had already been removed, and that the other half would be taken out by spring. As for the driveway material, he said he had not dumped any more since the initial work was done. Mr. LaMunier read the list of corrective measures that the Commission had ordered him to make in its 1999 and May 2000 enforcement letters and stated that based on

the observations made during the site inspection, Mr. Woodruff had not completed the work ordered. Mr. LaMuniere also stated that the Commission would not be able to reach the disturbed area to do a thorough inspection until the debris was removed from the site. He noted there were ruts across driveway from which runoff flowed towards the river. Mr. Woodruff said he had tried to maintain a water bar across the driveway, but that this had not been possible due to the large volume of water flowing off the hillside. He reviewed the list Mr. LaMuniere had read and said he had installed silt fence and had completed items #1 and #3. Mr. LaMuniere said the water bar was supposed to direct the runoff to the rip rapped channel. Mr. Woodruff said he objected to the drainage plan in the 1999 order because he did not want so much runoff directed through his filled/repared driveway area because it had previously washed out. He discussed the drainage in this area and noted that even without having done all of the repairs ordered by the Commission, the material he deposited ten years ago had not eroded. He said he would take whatever action now that the Commission orders, but again said he did not want the runoff routed through the repaired driveway area. Possible drainage solutions were briefly discussed. The commissioners agreed that the actual site conditions could not be determined from the photographs, and could not be observed on site until all the debris was removed. Mr. Papsin thought, and the rest of the Commission agreed, that the area should be cleaned up before it snows. But Mr. Woodruff was not sure he could get it done so quickly. Mr. Bedini asked Mr. Woodruff to submit an application to correct a violation. Once this has been submitted, Mr. Bedini will review it and if it is complete, will give Mr. Woodruff the OK to begin removing the debris from the regulated area. Once the area is clean, a second site inspection will be conducted and based on the current site conditions, the Commission will make a determination of what should be done to stabilize the area. The Commission recessed for 5 minutes to get Mr. Woodruff the application forms he needed.

**MOTION:**

To recess the Meeting for 5 minutes.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 4-0.

Mr. Bedini reconvened the Meeting at 8:44 p.m.

**CAWS 12/6/12 Legal Seminar:**

Mrs. Hill will check on whether Mr. LaMuniere, Mr. Bedini, and Mr. Wadelton are registered as they have not yet received any notification.

**MOTION:**

To adjourn the Meeting. By Mr. Papsin.

Mr. Bedini adjourned the Meeting at 8:50 p.m.

**FILED SUBJECT TO APPROVAL**

Respectfully submitted, Janet M. Hill

Land Use Administrator