

March 23, 2005

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

MEMBERS ABSENT: Mrs. Gray, Mr. Picton

ALTERNATES PRESENT: Ms. Coe, Mrs. Korzenko

ALTERNATE ABSENT: Mr. Bedini

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

ALSO PRESENT: Mr. Bachelier and son, Mr. Nelson, Mr. Neff,

Atty. Kelly, Mr. and Mrs. Baiocchi, Mr. Whelan

Mrs. Korzenko called the meeting to order at 7:00 p.m. and seated Members Hill, LaMuniere, and Purnell and Alternates Coe and Korzenko for Mrs. Gray and Mr. Picton.

MOTION: To add subsequent business to the agenda:

New Application: Bialobrzieski/113 Woodbury

Road/#IW-05-14ATF/Septic Repair and Access

and to delete this item under Enforcement.

By Mrs. Hill, seconded by Ms. Purnell, and

passed 5-0.

Consideration of the Minutes

The 3/9/05 Show Cause Hearing/Regular Meeting minutes were accepted as corrected.

Page 2: Beginning of 3rd paragraph: Change Cremona to Cavallaro.

Page 6: Under Cremona: Change next to last sentence to: Mr. LaMuniere noted that the Commission had asked Mrs. Reinhardt in November 2003 for information on the potential impact of the maintenance work carried out along Tinker Hill Road on the storm water runoff and drainage patterns down slope.

Page 8: Under Bialobrzieski: Correct spelling of Bialobrzieski noted.

Last sentence: Delete: "It was noted a citation would not be issued because this is reserved for unauthorized work in wetlands, not in the regulated area, but." New sentence to begin, "Mr. Ajello...."

MOTION: To accept the 3/9/05 Regular Meeting

minutes as corrected. By Ms. Purnell,

seconded by Mrs. Hill, and passed 5-0.

MOTION: To accept the 3/22/05 Reinhardt site

inspection minutes as submitted. By Mr.

LaMuniere, seconded by Mrs. Hill, and passed

5-0.

Mr. Ajello submitted 15 photos dated 2/19/05 for the Reinhardt and Cremona files.

Mrs. Korzenko noted due to the inclement weather the Commission would alter the order of the agenda

to accommodate those present.

Other Business

Adams/57 West Shore Road/Request to Revise Permit #IW-05-06/Steps, Wall, Landscaping: Ms. Dzenutis, employee of the landscape designer, represented the property owner. The map, "Proposed Site Improvement Plan," by Mr. Neff, hand marked "2/14/05, draft copy" was reviewed. Mrs. Korzenko read the 3/14/05 narrative, which listed the proposed revisions; 1) addition of three steps including a small dry layered stone border to hold the soil back on the upper side and level the grade on the lower side, 2) installation of a small planting bed edged with stone to be located between the corner of the house and the back wall, and 3) changes in the kinds and numbers of plants to be planted throughout the property. It was stressed all of the work would be done with "extreme sensitivity" to erosion problems. Ms. Purnell thought none of the proposed revisions were major, but asked if it would be possible to infiltrate any of the runoff from the new planting bed. Ms. Dzenutis said she would advise the landscaper that the Commission wanted him to try to maximize the infiltration on site. Ms. Purnell suggested 1) the source of the rhododendrons be checked due to the spread of sudden oak death and 2) that a low growing native species be substituted for the proposed pachysandra. Mrs. Korzenko noted the proposed revisions did not add to the impervious surfaces on site.

MOTION: To approve the request to amend permit

#IW-05-06 for Adams/57 West Shore Road for

changes to the plans for a wall, steps, and

landscaping per the 3/14/05 letter to the

Commission from Mr. Trapp and the map,

Proposed Site Improvement Plan," by Mr. Neff,

hand marked "2/14/05, draft copy." By Ms.

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

New Applications

Bachelier/267 New Milford Turnpike/#IW-05-11/Rebuild Shed: Mr. Bachelier noted he had amended his application to include only reconstruction of the existing shed. A sketch plan of the property, no title, no date, and the undated description of the work to be done were reviewed. Mr. Bachelier stated the section of the shed closest to the river had previously been rebuilt. It was noted the demolition material would be hauled away and there would be support posts below frost level. The applicant was advised that no other information was needed and the Commission would act at the next meeting.

Private Mortgage Fund, LLC/61 South Fenn Hill Road/#IW-05-12/ Driveway: Mr. Neff, engineer, represented the applicant. The plans by Mr. Neff, "Subsurface Sewage Disposal System," dated 3/7/05 and "Soil" was reviewed. Mr. Neff stated all of the proposed development was outside the regulated area except for the driveway crossing and noted the wetlands had been flagged. The driveway was proposed over an existing farm road, which constricted the wetlands on both sides. He said it had an existing culvert, but would be regrade and a conduit installed. Mr. Ajello asked if a 16 ft. culvert would be long enough and Mr. Neff responded the headwalls were existing and would be built up on both sides to keep the gravel in place. Ms. Purnell asked if the map showed the exact footprint and the final grade contours around the house. Mr. Neff said it did. Ms. Purnell noted the approved subdivision map had shown a house site, which did not require a wetlands crossing, in the NE portion of the property and said feasible and prudent alternatives would be considered. Mr. Neff stated there was a larger non

regulated area on the west side of the property where the house site is now proposed and that the slopes in this area were not as steep as those in the NE portion. Mr. Baiocchi, adjoining property owner, submitted copies of his deeds, which referred to his exclusive rights to the spring on this property. He voiced his concern that the driveway improvements would affect his water line and that approval of the house site to the west would make it possible to build two houses on the property. Mr. Neff noted the exact location of the water lines from the spring was unknown, but said they would have to be down at least 4 ft. so they would not freeze, while the proposed conduit would be 3 ft. deep. He added that if the driveway work damaged the line, the owner would repair it. A site inspection was scheduled for Wednesday, April 6, 2005 at 4:00 p.m.

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

#IW-05-13/2 Lot Resubdivision: There was nothing new submitted.

Holly Hill Farm, LLC/87 Whittlesey Road/#IW-05-09/Restoration and Reforestation: It was noted the 3/22/05 final report by Mr. Childs had been received. The Commissioners were asked to review it to prepare for a discussion with Ms. Paca and Mr. Childs at the next meeting. Mr. Ajello said Ms. Paca was preparing a response and would submit it at the next meeting.

Knudsen/236 Nettleton Hollow Road/#IW-05-10/Clean Silt Pond: Mr. Nelson, contractor, was present. The "Grading and Layout Plan," by Mr. Sabin, revised to 11/1/00 was reviewed. Mr. Nelson proposed to remove 30 yards of debris that had collected in the 3 ft. deep cement bottomed silt trap. It was noted this figure did not match the one specified on the application form, and so the form was subsequently amended by Mr. Nelson. Mrs. Korzenko read the 3/23/05 narrative and work sequence. The location of the erosion control measures was noted. Mr. Nelson was asked to submit a smaller section of map showing the immediate work area and what actually exists on the property and a letter of authorization with a fresh signature. He noted the property owner wants the work completed as soon as possible, and a brief discussion followed about whether the work would have to wait for the dry time of year or could be done in May during a time of low water flow. Mr. Ajello will inspect the site before the next meeting.

H.O.R.S.E. of Ct./43 Wilbur Road/#IW-04-57E/Construct Sheds and Fence: Ms. Wahlers had recently submitted a more accurate site plan entitled, "HORSE of Ct., 43 Wilbur Rd," which was briefly reviewed by the Commission. Mrs. Korzenko noted the owner had been asked to consult with NRCS regarding best management practices. It was suggested that to help protect the wetlands and watercourses on site, the proposed activities should be moved away from the sensitive areas and the proposed fences should be moved back to create natural buffer areas. It was noted the manure is already being trucked off site. Ms. Purnell asked that the proposed activities be differentiated from the existing structures on the map.

Enforcement

Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/Path: Mrs. Korzenko read the 3/23/05 letter from Atty. Kelly regarding the construction of this path. Ms. Purnell noted he had not provided any information on where the wood chips had come from.

Bialobrzewski/113 Woodbury Road/#IW-05-14ATF/Septic Repair and Access: An after the fact application had been submitted.

Aldridge-Daly/300 West Shore Road/Complaint Re: Clearing in Upland Review Area: Ms. Baldwin, adjoining property owner, had complained that clearing had been done and large equipment had been operating on the banks of Lake Waramaug without a permit. She sent four photos with her 2/18/05 complaint. It was generally thought a citation was warranted due to the proximity of the activity to the lake and the use of machinery in the regulated area. The Commissioners will inspect the

property on their own before the next meeting. This matter will be discussed again at that time.

Whalen/138 Baldwin Hill Road/Clearing in Wetlands: Mr. Ajello noted this matter was addressed in his 3/23/05 Report and that the owner had stopped work as soon as he had been asked to do so. Mrs. Korzenko read the 3/21/05 statement from Mr. Whalen, in which he said had not been aware the work in progress was in a regulated area and that he would cooperate with the Commission concerning any future work. It was noted an after the fact application for the clearing, the erection of a woodshed, and rebuilding of a section of the stonewall was expected. Mr. Whalen was advised to have a soil scientist flag the wetlands so the Commission could properly evaluate the application. Mr. Whalen was asked to submit the following: 1) survey map indicating a) the wetlands delineated a minimum distance of 100 ft. from the clearing, the woodshed, and the area where the wall would be repaired, b) location of the woodshed, c) limit of the clearing done, 2) a written description of the proposed work, 3) how much land had been cleared, 4) planting plan for the cleared area, and 5) after the fact fee of \$60.

Discussion of the remainder of the items under Enforcement was tabled due to the inclement weather.

MOTION: To enter into Executive Session at 9:04 p.m.

to discuss pending litigation. By Mrs.

Hill, seconded by Ms. Purnell, and passed

5-0.

MOTION: To come out of Executive Session at 9:31 p.m.

By Mrs. Hill, seconded by Ms. Coe, and passed

5-0.

Reinhardt/10 Perkins Road/Clearcutting

Cremona/8 Perkins Road/Clearcutting:

MOTION: To issue a citation to the contractor, Aserrin

Tree Service, for the clearing done on the

Reinhardt, Cremona, and Cavallaro properties.

By Ms. Purnell, seconded by Mrs. Hill, and

passed 5-0.

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

Mrs. Korzenko adjourned the meeting at 9:32 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator