

June 22, 2005

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

ALTERNATES PRESENT: Mr. Bedini, Ms. Coe, Mrs. Korzenko

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

ALSO PRESENT: Mr. Charles, Mr. Boling, Mr. Fowlkes, Mr. Neff, Mr. Worcester, Ms. Baechle, Atty. Ebersol, Mr. Mandell, Mr. Wilson, Mr. Feola, Atty. Sabin, Mr. Stiteler, Atty. Kelly, Ms. Moriniere, Mr./Mrs. Donnolly, Mr. Jack Johnson, Press, Mr. Elliot Johnson, Mr. Washington, Residents

PUBLIC HEARING

Myfield, LLC./7 Mygatt Road/#IW-05-25/10 Single Family Dwellings/ Con't.

Mr. Picton reconvened the public hearing to order at 6:04 p.m. and seated Members Gray, Hill, LaMuniere, Picton, and Purnell.

Mr. Picton noted Land Tech had given an estimate for its review of the application, but had not yet completed a review.

Mr. Boling stated the applicant had made significant revisions to the plans including delineation of an additional wetlands area and had also drawn a plan showing the three affordable houses in the field, which he said was feasible, but not prudent. Mr. Picton read Atty. Ebersol's 6/14/05 letter, which detailed the changes to the plans and notified the Commission the applicant wanted only the 6/2/05 and 6/10/05 plans to be considered. In his letter, Atty. Ebersol stated that limiting the impacts of the three proposed affordable units did not outweigh the loss of the meadow. The 6/22/05 letter from Mr. Neff was submitted, which stated the entire property was located in the same watershed, DEP subregional drainage basin #6502.

The maps by Mr. Alex with roads, buildings, and new grading added by Mr. Worcester, "Alternate Site Analysis Plan," revised to 6/21/05 and "Alternate Site Analysis Plan #2," 2 pp., dated 6/21/05 were reviewed and compared. It was noted the market value houses had been moved out of the regulated area and that no regrading would be required within 46 feet of the wetlands. An alternate plan showed the three affordable houses in the field in the NE corner of the property with a berm and heavy planting to buffer them from the larger dwellings. Mr. Boling did not support this layout because it would eliminate the field.

Ms. Purnell noted the plan showed the septic and utility lines running along the road and asked if mitigation was proposed for this encroachment. Mr. Boling responded that a conservation easement was proposed for all of the wetlands and 80% of the upland review area. Ms. Purnell noted the trench would be kept to a minimum width, but thought to minimize the possibility of undermining the road, the utilities would have to be moved closer to the wetlands.

Mr. Boling reviewed the drawbacks of "Alternate Site Analysis Plan #2." He said it would create a potential economic problem for the applicant and would preserve the upland review area at the expense of views and prime farmland that are also worthy of preservation. Mrs. Korzenko thought Plan #2 was more in the spirit of the St. Affordable Housing Statute because the different sized housing was intermingled. Mr. Boling pointed out that moving the smaller houses to the field would eliminate their walkout basements. Mr. LaMuniere thought Plan #2 was best for the wetlands, but he was not sure it was the best plan overall.

Mr. Boling pointed out the Commission had approved the layout for the Dodge Farm apartments, which had a building located in the wetlands and a large area of impervious surfaces. Ms. Purnell

thought the reason that site plan was approved was because the Commission must take into account the purpose and social benefits of a proposal.

Mr. Boling submitted a letter dated 6/22/05 requesting that the public hearing be continued. He said he would submit detailed mechanical plans, figures on how much of the field would be lost under the various alternate layouts, and percentage of wetlands vs. upland review area that would be preserved in the proposed open space.

Atty. Ebersol requested the Land Tech report be submitted a week prior to the next meeting so that the applicants would have time to respond to any concerns raised. Mrs. J. Hill noted Land Tech would not begin its review until the applicant had signed the consultants' fee form and had paid the estimated fee.

Ms. Moriniere asked if there had been any change made to the proposed driveway off Scofield Hill Road. Mr. Worcester stated there was no change in one plan, but it had been deleted in Plan #2. Mrs. Moriniere said she did not support a driveway entrance on Scofield Hill Road due to the existing drainage problems in the area. She noted over ten years ago the runoff from a storm had washed out Wheaton Road and said there were wetlands issues on Scofield Hill. Mr. Picton said the applicant had been asked to submit a stormwater management plan and that this would be reviewed by the Commission's consultant.

Ms. Baechele reminded the Commission that at the last session of the hearing she had submitted a petition with 34 signatures against the application.

Mr. Mandell voiced his support for the proposal. He thought the applicant's preferred plan should be strongly considered and that it was an example of intelligent growth. He also liked Plan #2 because it had no impact to the wetlands.

Mrs. Korzenko asked about the management of the open field. Mr. Boling stated Mrs. Corrigan had recommended the field be managed as a bird sanctuary, but that this was not included in the application at this time.

Mr. LaMuniere noted in Plan #2 the loss of some of the field was off set by the lesser amount of regrading required near the slopes.

Mr. Picton asked the applicant to address the point discharge from the detention basin. Ms. Purnell asked if there would be directed runoff. Mr. Worcester said there would be a stone lined level spreader 10 feet wide and 15 feet long. Mr. Picton noted this would concentrate the runoff, which had previously spread over 400 feet, and so asked what the cumulative effect of the concentrated runoff would be on the wetlands. Mr. Ajello noted Land Tech had requested a stormwater control plan.

Ms. Purnell suggested the applicants should not limit their consideration of feasible and prudent alternatives to just the two options submitted that evening. Mr. Picton thought the applicant was moving in the right direction with the two revised plans.

Possible mitigation such as management of the area now overgrown with invasives was briefly discussed.

Ms. Purnell asked if the EPA's Phase II stormwater management program would require that the application be signed off by the DEP since more than one acre would be disturbed. Mr. Ajello will investigate.

Ms. Moriniere asked what Land Tech's review would include. Mr. Picton stated issues covered in the review would include the potential impacts to the wetlands and watercourses and to water quality and the adequacy of the technical plans for stormwater management and septic system design.

MOTION: To continue the public hearing to consider

Application #IW-05-25 submitted by Myfield, LLC. to construct ten single family dwellings at 7 Mygatt Road to Wednesday, July 27, 2005 at 6:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

At 6:48 p.m. Mr. Picton continued the public hearing to 6:00 p.m. on Wednesday, July 27, 2005 in the Land Use Meeting Room.

In the time between the two hearings the Commission briefly considered the need to discuss administrative matters. A Special Meeting was scheduled for October 5, 2005 at 5:00 p.m.

SHOW CAUSE HEARING

Feola/84 Carmel Hill Road/Unauthorized Excavation in Wetlands

Mr. Picton called the show cause hearing to order at 7:05 p.m. and seated Members Gray, Hill, LaMunier, Picton, and Purnell. He noted the purpose of the hearing was to provide Mr. Feola an opportunity to show why the 6/13/05 enforcement order should not remain in effect. He briefly stated the reason for the enforcement order. It had been reported to the Land Use Office that there was ongoing activity in the vicinity of a vernal pool at 84 Carmel Hill Road, but that the vernal pool had been dug out and filled in before the Enforcement Officer could make the inspection and confirm the existence of the vernal pool. Information to substantiate the previous existence of a vernal pool had since been submitted. This evidence consisted of 1) the wetland symbol on the USDA map, 2) the 6/8/05 email from Mrs. Corrigan, Conservation Commission member, employee of the NW Conservation District, and member of the Litchfield County Conservation District committee that conducted the vernal pool inventory for the Town of Washington, 3) letters from neighbors and the previous property owners, and 4) photos of the excavated material. Mr. Picton said the above information was substantial.

Mr. Feola said he had not had time to review and respond to the information in the file and so asked that the hearing be continued. He thought a lot of the documentation cited was hearsay and asked how the Commission could ask him to reestablish a feature when no one was sure exactly what had previously existed. He said there was no vernal pool on the property prior to the excavation.

Ms. Purnell stated the field card for the vernal pool inventory includes the approximate location and dimensions of the pool. She also noted a statement from a previous property owner is not hearsay.

Mr. Picton explained that the 6/13/05 order set forth the sequence of events the Commission wants to see accomplished. The order included a request for a mapped plan for the reconstruction of the pool or a mitigation plan. Mr. Picton stated the Commission would work with Mr. Feola to resolve this matter.

Mr. Feola noted he had cooperated immediately when the Enforcement Officer had contacted him and said he thought the Commission's requests were unfair. Mr. Picton asked him to review the record and at all the evidence regarding what had previously existed on site.

MOTION: To continue the show cause hearing to provide Mr. Feola an opportunity to show cause why the 6/13/05 enforcement order

issued to Mr. Feola for unauthorized work at 84 Carmel Hill Road should not remain in effect to 6:45 p.m. on Wednesday, July 27, 2005 in the Land Use Meeting Room, Bryan Memorial Town Hall. By Mrs. D. Hill, seconded by Mr. Picton, and passed 5-0.

At 7:14 p.m. Mr. Picton continued the show cause hearing to 6:45 p.m. on Wednesday, July 27, 2005 in the Land Use Meeting Room.

These hearings were recorded on tape. The tapes are on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Picton called the Regular Meeting to order at 7:16 p.m. and seated Members Gray, Hill, LaMuniere, Picton, and Purnell.

MOTION: To add the following subsequent business to the agenda: 1) New Applications: A.

Calhoun Street Trust/62 Calhoun St/#IW-05-37/

Pond, Well, and Wetlands Restoration, B.

Leach-Smith/115 River Road/#IW-05-38/Dredge

Pond, 2) Enforcement: Sarjeant/28 Tinker

Hill Road/Landscaping Violation, 3) Communications: Michael Harwood Lecture

Series, 4) Other Business: Appointment of

Nominating Committee. By Mrs. D. Hill,

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

Consideration of the Minutes

The 6/8/05 Regular Meeting minutes were accepted as corrected.

Throughout: Tow of slope should be toe of slope.

Page 2: Last paragraph: Mr. McGowan is a consultant for the Lake Waramaug Association.

Page 4: 2nd paragraph: It should be USDA soils map.

Page 5: 3rd sentence above the motion: Insert "again" to read, "...and again asked what it was."

Page 6: 3rd full paragraph: Capitalize Power Point.

Page 8: Last sentence in 2 nd full paragraph: Change to: Mr. Picton suggested that he must be referring to the vicinity of the lower envelope for the three affordable units, which is next to the ravine.

Page 11: Sentence just prior to the motion: Change to: He did not consider the proposed driveway improvements to pose a significant risk of adverse impact to wetlands.

Page 12: #8 condition in motion of approval: Add quotations around "Restricted areas...in perpetuity."

Page 13: Insert prior to last sentence before motion: Ms. Purnell disagreed, stating that her training had

explained that a deed restriction is not as strong as a conservation easement.

Page 14: Under Rosen: Address should be 304 Nettleton Hollow Rd.

Page 16: 8th line from the bottom: It should be ...grade of 15%.

Page 19: 3rd line from the bottom: Add: in the Litchfield County Conservation District's vernal pool inventory and in Washington's Natural Resource....

Page 20: Under the motion to approve Application #IW-05-16: Ms. Purnell did not vote No. She abstained.

Page 20: 7th line from the bottom: Change Mrs. to Mr. Sears.

MOTION: To accept the 6/8/05 Regular Meeting minutes

as corrected. By Mr. Picton, seconded by Ms.

Purnell, and passed 5-0.

The 6/21/05 Kappes site inspection minutes were accepted as corrected. Sono tubes should be changed to concrete piers.

MOTION: To accept the 6/21/05 Kappes site

inspection minutes as corrected. By Mr.

Picton, seconded by Mrs. D. Hill, and

passed 5-0.

MOTION: To accept the 6/21/05 Beck site

inspection minutes as written. By Mr.

Picton, seconded by Mr. LaMuniere, 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 reported Ms. Wahlers would continue to make

better use of the upland areas, would move the remaining grassed paddocks away from the stream in the near future, had regraded and seeded the disturbed areas, and had installed hundreds of feet of fencing and buffers to keep the animals away from the wetlands and watercourse. Mr. Ajello showed a sketch map, "HORSE of Ct, 43 Wilbur Road," with all ongoing activities shown in yellow and future activities shown in orange. He noted Ms. Wahlers had followed the advice of Mrs. Johnson from the NRCS and that the continuing work complied with best management practices. It was the consensus that the applicant was succeeding in her efforts to prevent adverse impacts to the wetlands and so should be granted the agricultural exemption applied for. Mr. Ajello was asked to inspect the property again in six months.

MOTION: To approve Application #IW-04-57E submitted

by H.O.R.S.E. of Ct. for an agricultural

exemption to construct sheds and fences at

43 Wilbur Road per the 6/22/05 letter from

Ms. Wahlers and the map received 6/8/05

entitled, "HORSE of Ct., 43 Wilbur Road," referencing activities for the purpose of completing the transfer of potentially damaging activities away from the wetlands and regulated areas as recommended by the NRCS and the WEO subject to the following condition: The WEO shall continue to monitor any potentially polluting activities as needed. By Mr. Picton, seconded by Mrs. D. Hill, and passed 5-0.

Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/#IW-05-13

2 Lot Resubdivision: The map, "Proposed Site Development Plan," by Mr. Neff, revised to 5/25/05 was reviewed. The Commission discussed whether it was ready to act on the application and concerns it had about possible impacts to wetlands and water quality. These included: 1. Construction plan for the proposed swale: Mr. LaMuniere did not think the plans for the swale were specific enough. He pointed out the December '04 minutes indicated it would be 6 to 12 inches deep and the January minutes said it would be 1 to 3 feet wide. He thought this would be insufficient to handle the drainage from the 4.6 acre watershed, that the swale would have to be extended and would require a detention basin, and that sediment controls would be needed on both sides of the swale. Mr. Picton agreed. He said Land Tech had asked for a more detailed treatment for ground water and surface water management, but the application still called for a grassed swale with no description of how it would be stabilized prior to the start of construction. He said the adequacy of the plans was questionable. 2. Accuracy of wetlands mapping: Ms. Purnell pointed out that in its 5/5/05 report, Land Tech noted a potential watercourse not indicated on the map, that on its site visit, the Commission had observed this area to be wet, and that the 6/12/05 REMA report also questioned whether this area was a watercourse. She said they proposed to construct the driveway through a swamp. It was noted the reason the Commission had not declared the proposal to be a significant activity was because it had continually requested more accurate information upon which to base such a determination. Mr. Picton discussed the red maple swamp. He noted Mr. McGowan said it was located in the 100 year flood plain, but it was not indicated on the map. 3. Plans for driveway construction: Mr. LaMuniere stated the information on Mr. Sabin's landscaping plan that the disturbed swath would be 40 feet wide was not identical to Mr. Neff's statement that it would only be 20 feet wide. 4. Conservation easements: Ms. Purnell noted the property currently has four conservation easements, the fourth one done in 11/04, about the same time that the first subdivision application had been submitted to Wetlands. She noted the fourth easement differed from the first three as it allowed for things not permitted in the others such as a right of way through wetlands. She said the applicant had boxed himself in with this series of easements and was forcing the Commission to deal with a very constricted site. She thought the placement of the conservation easements limited the options for the sensitive development of the property. She asked if in order to preserve the wetlands and watercourses on site, the easement for Parcel A, for example, could be traded or altered to allow the house site to be located there. She did not find any language in the easements to say this could not be done. 5) Feasible and prudent alternatives: Ms. Purnell read Section 8.13 of the Regulations. Mrs. Gray asked if, considering the conservation easements, a feasible and prudent alternative did not exist. Mr. Picton suggested several alternatives; a) They don't build. b) They propose to construct a smaller structure. c) They propose a temporary structure. Each

Commissioner will generate his own list of reasons for approving and/or denying the application and of feasible and prudent alternatives. These will be used to draft a motion to approve or deny the application at a Special Meeting at 3:00 p.m. on Wednesday, July 29, 2005 in the Land Use Meeting Room. Mrs. Gray noted she would abstain from the vote because she had not been involved with much of the consideration of this application.

Matthews/142 Upper Church Hill Road/#IW-05-23/Reconstruction and Extend Driveway: Mr. Neff said the driveway plans had not yet been finalized. It was noted the application had been submitted on 5/11/05 and action could not wait until the next meeting. Mr. Neff advised the Commission that Mrs. Matthews would submit a request for an extension. If this is not received, the Commission will act at the Special Meeting scheduled for Wednesday, July 29, 2005 at 3:00 p.m. in the Land Use Meeting Room.

Rosen/304 Nettleton Hollow Road/#IW-05-24/Tennis Court: Mr. and Mrs. Rosen, owners, and Mr. Sabin, landscape architect, were present. Mr. Sabin noted at the last meeting he had submitted revised plans to push the court into the hillside and realign the driveway. The following documents were submitted and reviewed: 1) "Proposed Tennis Court," by Mr. Sabin, dated 6/20/05 (drawn on the "Property/Boundary Survey," by Mr. Alex, dated 4/05), 2) "Septic System Repair Plan," by Mr. Neff, dated 6/20/05, and 3) "Project Synopsis" and attached site plan by Mr. Sabin, dated 6/20/05. Mr. Sabin said the area behind the existing house was not a feasible and prudent alternative for the court because it would require extensive regrading and would take up a large portion of the back yard. Ms. Purnell thought that although the court was pulled back as far as possible from the wetlands, there could still be short term impacts to the watercourse. She suggested a bond be posted in case of a significant failure. It was noted 1) The area below the court would be revegetated with native species. 2) At the bottom of the filled slope, the land flattens towards the wetlands and would act as a buffer area. 3) The installation of the court would not increase the percentage of impervious surfaces on the property to the point where it would impact the wetlands. 4) An underground recharge system was proposed, but in the event of a major storm, the overflow would outlet from a 6 ft. wide level spreader into a dense meadow. 5) The duration of construction would be 6 to 8 weeks. 6) The soil stockpile area shown on the map was adequate.

MOTION: To approve Application #IW-05-24 submitted

by Mr. and Mrs. Rosen to construct a tennis

court at 304 Nettleton Hollow Road per the

maps, "Proposed Tennis Court," by Mr. Sabin,

dated 6/20/05 (drawn on the 4/05 "Property/ Boundary Survey by Mr. Alex) and the "Septic System Repair Plan," by Mr. Neff, dated

6/20/05 and all other documents revised

through 6/20/05 including the 6/20/05 "Project

Synopsis" with attached map subject to the

following conditions:

1. All activities within 50 feet of wetlands

and watercourses must be done by hand or

non powered hand tools.

2. No excavation equipment is permitted within

50 feet of wetlands and watercourses.

3. No filling, excavation, or regrading is permitted within 50 feet of wetlands and watercourses.

4. A \$3000 bond shall be posted prior to the issuance of the permit and will be released when all construction is satisfactorily completed and all conditions of approval have been satisfied.

5. All construction and stabilization of all disturbed surfaces shall be completed by October 15, 2005.

By Mr. Picton, seconded by Mrs. D. Hill, and passed 4-0-1.

Mr. LaMuniere abstained because he had not attended the site inspection.

Myfield, LLC./7 Mygatt Road/#IW-05-25/Ten Single Family Dwellings:

Discussion was tabled until the continuation of the public hearing on July 27, 2005.

Calhoun Street Trust/62 Calhoun Street/#IW-05-28/Guest House and Driveway: Mr. Neff, engineer, submitted revised plans, "Subsurface Sewage Disposal System," by Mr. Neff, revised to 6/18/05 and "Soil Erosion and Sediment Control Plan," by Mr. Neff, revised to 6/19/05. These showed the driveway pulled back approximately 10 ft. from the wetlands. Mr. Neff noted all the driveway drainage would flow away from the wetlands towards the lawn area. He had also reduced the amount of gravel that would be deposited on the driveway within the regulated area.

MOTION: To approve Application #IW-05-28 submitted by

Calhoun Street Trust to construct a guest

house and driveway at 62 Calhoun Street per

the "Soil Erosion and Sediment Control Plan," by Mr. Neff, revised to 6/19/05 and "Subsurface Sewage Disposal System," by Mr. Neff, revised

to 6/18/05 with the condition that the surface

of the parking area slope to the south and not

towards the wetlands. By Mr. LaMuniere,

seconded by Ms. Purnell, and passed 5-0.

Frisbee Farm Estates, LLC./61 Frisbee Road/#IW-05-29/First Cut and Development: Mr.

Szymanski, engineer, submitted a letter dated 6/22/05 requesting a 30 day extension of the time period in which to begin a public hearing. Further discussion was tabled to the next meeting.

Whalen/138 Baldwin Hill Road/#IW-05-30/Stone Wall: Mr. Whalen submitted a letter dated 6/22/05,

which he read, and a revised plan by Mr. Neff, "Stonewall Reconstruction Plan," revised to 6/21/05. He stated the bobcat would be used only along the stone wall and the wetlands vegetation would be allowed to regrow; the existing lawn would not be extended. Mr. Picton noted the cut area could not be converted to lawn or meadow. Mr. Picton asked if it would be possible to work on rebuilding the wall from the side along the road and the stone pile from the lawn side in order to limit the compaction of the soils and the travel of machinery through the wetlands. Mr. Whalen responded the area in front of the wall was wetter than the area behind it.

MOTION: To approve Application #IW-05-30 submitted by

Mr. Whalen to construct a stone wall at 138

Baldwin Hill Road per the map, "Stonewall

Reconstruction Plan," by Mr. Neff, revised to

6/21/05 and the 6/22/05 letter from Mr. Whalen

to the Commission subject to the following

conditions:

1. The access by mechanical equipment is limited to within 10 feet of the stone wall.
2. The cleared area up to the original lawn edge as shown on the above referenced map shall be allowed to regrow with natural species and invasive species controlled under the monitoring of the Wetlands Enforcement Officer.

By Mr. Picton, seconded by Mr. LaMuniere,

and passed 5-0.

Croasdaile/67 River Road/#IW-05-31/Garden Maintenance: It was noted the application had been complete at the last meeting. Mr. Ajello said he had inspected the site and the heavy mulch had not yet been spread.

MOTION: To approve Application #IW-05-31 submitted by

Mrs. Croasdaile for garden maintenance at 67

River Road subject to the condition that the

restoration work proceed under the supervision

of the WEO. By Ms. Purnell, seconded by Mr.

Picton, and passed 5-0.

Kappes/8 Christian Street/#IW-05-32/Deck: Mr. Picton suggested the applicant be asked to redesign the deck so that it doesn't come closer to the riverbank than the existing house already does. He noted the Commission was concerned about a new structure so close to the stream. Ms. Coe noted the bank was vertical and unstable. Mrs. D. Hill said she was concerned about the proposed deck even if it was redesigned. Ms. Purnell agreed it would be a difficult decision due to the constricted lot and the cumulative impact to the East Aspetuck River. She suggested feasible and prudent alternatives be

considered. Mr. Ajello will work with the applicant to draft a better plan and will advise him that even if redesigned, approval is not guaranteed.

Calhoun Street Trust/62 Calhoun Street/#IW-05-33/Rebuild Pool Wall and Extend Parking: Mr. Rosiello from Kent Horticultural Services represented the applicant. The maps, a sketch plan revised to 6/22/05 and the "Proposed Plot Plan," by Mr. Neff, revised to 5/12/05 were reviewed. Mr. Rosiello explained the proposal to take out the northeast side of the wall surrounding the pool and to extend it away from the wetlands, which were over 100 feet away. A flower bed and an evergreen screen would be planted near the wall. The applicants also proposed a 40 ft. by 50 ft. "boxed out" parking court yard, which was reduced in size from the original application. At its nearest point, it would be 68 feet from wetlands and would consist of two layers of armor coating over a gravel base. Mr. Picton noted earlier the Commission had requested that Mr. Neff move the driveway farther from and slope it away from the wetlands. Mr. Rosiello agreed to pitch the driveway away from the wetlands. Mr. Picton noted many separate applications had been received for this property and that the improvements were creeping towards the wetlands. He asked for a comprehensive site plan showing all of the recently approved and proposed work on one map. He asked that it also include the upland review area and the distances from the proposed activities to the wetlands. A site inspection was scheduled for Wednesday, July 29, 2005 at 4:00 p.m.

New Applications

Casey/119 West Shore Road/#IW-05-34/Septic Repair: Mr. Neff stated the site was very tight and that the old septic must first be removed and taken off site before the new one could be installed. The map, "Septic System Repair Plan," by Mr. Neff, dated 5/20/05 was studied. Mr. Neff said the new system would be slightly larger than the old one. It was noted the plan called for silt fencing. The Commissioners will inspect the property on their own prior to the next meeting.

Johnson/30 West Mountain Road/#IW-05-35/3 Lot Subdivision: The map, "Proposed Site Development Plan," by Mr. Neff, dated 6/15/05 was reviewed. Mr. Jack Johnson explained the bulk of the land would remain with the existing house and barn and two interior lots were proposed. The wetlands within 100 feet of the proposed activities were pointed out and it was noted no wetlands crossings were proposed. A site inspection was scheduled for Wednesday, July 29, 2005 at 4:45 p.m.

Milstein/36 Hinkle Road/#IW-05-36/Install Septic System: Mr. Washington, agent, presented the map, "Subsurface Sewage Disposal System Plan," by Mr. Neff, dated 6/11/05. Mr. Ajello explained the septic line would be trenched down the middle of the existing level driveway and would have to cross a stream. Mr. Picton noted the septic system was outside the regulated area. Mr. Ajello will review the plans and report at the next meeting.

Calhoun Street Trust/62 Calhoun Street/#IW-05-37/Pond, Well, Wetlands Restoration: Mr. Rosiello submitted six copies of an untitled, colored map dated 6/22/05 and said he would add the upland review area and distances from wetlands for the next meeting. The application was for the installation of a pond surrounded by a marsh garden. Digging would occur as close as 20 feet to the wetlands. Once again, Mr. Picton asked for a comprehensive map for the property. Mr. Rosiello said there was an upcoming meeting for all contractors on site and he would try to coordinate their work. Mr. Rosiello proposed to dig a 12 ft. deep test hole in the center of the proposed pond. If enough water was found, a pond liner would not be needed. If not much water was found, the proposed well would supply it. It was the consensus the test hole should be dug as soon as possible so the Commission would know the specific details of the pond construction. Mr. Rosiello stated the test hole could be dug without any machinery crossing the wetlands. Mr. Picton reminded the Commission of the site inspection at 4:00 p.m. on July 29, 2005. He asked Mr. Ajello to review the plans. There will be further discussion at the next meeting.

Leach-Smith/115 River Road/#IW-05-38/Dredge Pond: The map, "Pond Cleanout Plan," by Mr. Neff, dated 6/4/05 was reviewed. It was noted the pond had last been cleaned in 1992. Ms. Purnell was familiar with the property and noted there was a fairly significant outfall from the pond. She asked if a plunge pool or sediment basin was proposed. Mr. Neff said, no, due to the small size of the pond. Mr. Neff briefly reviewed the work to be done. The pond would be dewatered, then excavated, and the spoils stockpiled. Once dry, they would be moved farther back on the property. 1:3 slide slopes were proposed. The Commissioners will inspect the site on their own before the next meeting.

Enforcement

Fowler/138 Nichols Hill Road/#IW-04-V5/Excavation in Wetlands and Watercourse: Mr. Ajello wrote Mr. Fowler on 6/1 with a copy to Atty. Kelly to advise him the Commission is waiting for the required information. Mr. Ajello was requested to warn Mr. Fowler that if he did not submit the required material, a notice of violation would be placed on the Town Land Records and possibly other appropriate enforcement measures would be taken. Mrs. Korzenko thought the Commission should find out whether he could be cited again for the continued violation.

Holly Hill Farm, LLC./Whittlesey Road: Mr. Picton stated he had received a report from Mr. Childs regarding the completion of work on several of the eroded gullies. Mr. Picton reminded him the Commission should have been notified after the completion of the first gully so that the required inspection could have been made. It was hoped both fabric and rocks had been used to stabilize the banks. Mr. Picton asked Mr. Ajello to inspect and noted an ongoing problem with water being diverted by the silt fence.

Washington Montessori School/240 Litchfield Turnpike/Request for Release of Bond: Ms. Purnell had not yet completed her review of the file to determine whether all the conditions of approval had been met and all required work completed. She said she did not think the bond should be released at this point, but also said to require new work would be unfair. Upon completion of the report, she will send a copy to Mr. McNaughton and leave copies in the Land Use Office for the Commissioners to review before the next meeting. Mr. Picton thanked her for her efforts.

Walker Brook Estates/New Milford: Mr. LaMuniere reported that Ms. Purnell had written an excellent letter to the New Milford Inland Wetlands Commission, who was pleased to received it. The public hearing was continued to 6/23/05.

Sarjeant/28 Tinker Hill Road/Landscaping: Mr. Ajello circulated photos of the landscaping and terracing being done along West Shore Road without a permit. Mr. Picton read the letter from Mr. Sarjeant explaining the work done to date. Mr. Ajello said the site was not stabilized. Since some of the work was in the state right of way, he thought DOT approval would be required. An after the fact application is required. Mr. Ajello will work on a list of recommendations for stabilizing the site.

Greenfield/12 Ives Road: It was noted the required application still has not been submitted. Ms. Purnell asked about clearing done across the street from Greenfield's. Mr. Ajello thought it was probably for the Klemm driveway, but will investigate.

Beck/132 Calhoun Street: Mr. Picton said the work done so far was good, but that it must continue to carry out the terms of the enforcement order. Mrs. Corrigan did not supervise the application of the herbicide, so she was not certain it was applied correctly. Mr. Ajello was directed to research the terms of the order to see if they have all been met. It was noted if Mr. Beck wants the enforcement order taken off the Land Records, he could post a bond to ensure the work is properly completed.

Carter/292 Walker Brook Road: The Commission did not know whether Mr. Carter had hired Mr. Neff to check the work completed for compliance with the permit. The Commission has not received the report requested.

Other Business

Pinover/Senff Road: Mr. Ajello was reminded to inspect the property. Mr. Picton suspected the Commission had the wrong pond in mind when it contacted Mr. Pinover several months ago about the proposed herbicide application.

Nominating Committee: Mrs. D. Hill and Mrs. Gray volunteered to serve on the committee. Mr. Picton and Mrs. Korzenko said they were willing to run for reelection.

MOTION: To go into Executive Session at 10:45 p.m. to discuss pending litigation. By Mr. LaMuniere, seconded by Mr. Picton, and passed 5-0.

MOTION: To come out of Executive Session at 10:57 p.m. By Mrs. D. Hill, seconded by Mrs. Gray, and passed 5-0.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator