

## **August 10, 2005**

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

ALTERNATE PRESENT: Mr. Bedini

ALTERNATE ABSENT: Ms. Coe

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

ALSO PRESENT: Mr. Neff, Mr. Charles, Mr. Boling, Mr. Sabin, Mr. Worcester, Mr. Fowlkes, Mr. Papsin, Mr. Tagley, Mr. Etherington, Atty. Ebersol, Mr. Finkler, Mr. Piskura, Mr. Altermatt, Mr. Hildmann, Ms. DeDell, Mr. J. Potter, Mr. Branson, Mrs. Branson, Mr./Mrs. Feola, Mr. McNaughton, Residents, Press

### **PUBLIC HEARING**

#### **Myfield, LLC./7 Mygatt Road/#IW-05-25/10 Single Family Dwellings**

Mr. Picton reconvened the public hearing at 6:06 p.m. and seated Members Hill, Korzenko, LaMuniere, Picton, and Purnell. For the record, Mr. Picton read the list of documents submitted since the last session of the hearing. (See attached list.)

Mr. Boling and Mr. Worcester represented the applicant. Mr. Boling noted that earlier in the afternoon he had submitted a response to all of the concerns raised in Land Tech's 8/4/05 report, and also an invasive species management plan dated 8/10/05 and an attachment with modified figures for lot coverage and the area of wetlands disturbance. They had both decreased per the plan, "Proposed Prudent Alternative Number 2," received by Mr. Ajello on 8/9/05.

"Proposed Prudent Alternate Number 2" (PPA2) was discussed. Mr. Boling stated the original plan with the three affordable units located closer to Wheaton Road was the plan that better balanced all of the Town's goals, but said the applicant had agreed to submit the current plan to respond to the concerns raised by the Inland Wetlands Commission at the last meeting. It was noted there was no revision date on PPA2 so Mr. Worcester amended the date to 8/9/05 and initialed the change. Mr. Boling noted PPA2 had three "duplex units" and a barn in the field and no activities below the existing stone wall. He said the line of market value houses was now outside the 100 foot review area and only minor regrading and drainage were proposed within 100 ft. of wetlands.

Mr. Neff, engineer, briefly reviewed PPA2, sheet #2. The septic system had been redesigned and compressed in a smaller area. The groundwater discharge system included a roof drain infiltration system for each of the proposed buildings. He noted additional perc tests had been done and pointed out their locations. He also described the details of the design for the level spreader on the outlet of the detention basin. Mr. Picton asked if details on flows were included. Mr. Neff said they were. Mr. Picton said Land Tech would review the revisions.

Ms. Purnell asked if written statements had been submitted regarding the potential reduction in the number of houses and alternate plans for mixing the units. She said these were feasible and prudent alternatives the Commission should consider.

Mr. Picton noted there was some excavation proposed within 100 feet of the wetlands and said temporary sediment basins would be needed during construction as recommended by Land Tech. Mr. Neff referred to the 2004 Ct. Erosion and Sedimentation Control Guidelines and explained a better alternative would be to install more controls on site to provide more intensive protection than a silt basin. He said it was better to catch the sediment at its source. Mr. Boling noted there was a more elaborate plan for silt fences in PPA2. Mr. Neff said that once water collects in a basin it can overflow

and so additional measures would be needed to guard against sedimentation from the silt basin.

Mr. Picton said the Commission would discuss both bonding and mitigation. Mrs. Korzenko asked why the proposed conservation easement had been deleted. Mr. Boling said this had been done to make the application as simple as possible and because the applicant did not want to commit to a boundary line at this time. Mr. Picton encouraged the applicant to put the easement back in to serve as mitigation for the excavation on the slopes above the wetlands.

Comments from the public were received.

- Mr. Finkler, Wheaton Road, asked why the plans had been amended to show only eight septic systems when there were ten dwelling units proposed. Mr. Neff stated the three units in one building shared a single system. Mr. Finkler also asked why there was a need to excavate on the steep slopes and asked that Land Tech address the potential impacts to neighboring properties, and on the watercourse. He also asked if blasting would be required, and asked that Land Tech address the possible effects of blasting, too. Mr. Picton said this would be done.
- Mr. Tagley, Quarry Ridge, had submitted a letter from Atty. McTaggart, dated 8/10/05, but noted this had been based on the previous plan and Land Tech's 8/5/05 review. He asked for the opportunity to forward the revised plans to his attorney for review. Mr. Tagley then noted 7 Mygatt Road is above Quarry Ridge and said any drainage problems would flow down into Quarry Ridge. He voiced his concern about the issues that Land Tech raised in its 8/5/05 review and about their possible impacts to downhill neighbors.
- Mr. Finkler agreed with Mr. Tagley that the public needed the opportunity to review and respond to the newly revised plans submitted by the applicant, which would not be possible if the public hearing were closed this evening.
- Ms. Moriniere, Wheaton Road, said she appreciated the removal of the proposed driveway on Scofield Hill Road, but expressed her concerns about potential damaging impacts caused to downhill properties by the construction. She said blasting and excavation would affect the natural runoff and wetlands and asked what could be done to protect the existing downhill homes from flooding.
- Mr. Dandelin, Wheaton Road, also asked for an opportunity to review and respond to the revised plans. He noted he already has very wet conditions on his property and wanted assurances the proposed work would not result in additional problems on his land.
- Ms. Matthews, Quarry Ridge, asked for a copy of the revised plan so the public could review it. Mrs. J. Hill said only one copy had been submitted.
- Mr. Tagley noted additional perc tests had been done as Land Tech requested, but asked what was the state law regarding perc tests in August. It was noted the tests had not been done in August.
- Mr. Finkler said the Land Tech report said no test pit data had been submitted. Atty. Ebersol said this was a mistake by Land Tech, which had since been addressed.

Ms. Purnell read Section 9.2 of the Regulations, which stated if the public hearing were closed, the applicant could respond to further comments by Land Tech, but not the public. On behalf of the applicant, Atty. Ebersol asked the Commission to keep the hearing open so the public would be able to comment on the revised plans. Mr. Picton pointed out, however, that the Commission would not be meeting again until after the deadline for closing the hearing and that realistically, the seven days remaining would not be enough time for Land Tech to complete its review. Mr. Picton reviewed the

three alternatives at this point; 1) The Commission continues the hearing to a date prior to 8/17. This was not supported because at least three of the Members would be on vacation. 2) The Commission closes the hearing and denies the application without prejudice. 3) The Commission closes the hearing. The applicant withdraws the application and resubmits in the near future. Mr. Picton urged the applicant to consider this option. Atty. Ebersol asked when the hearing would be held if the application were withdrawn and resubmitted. Mr. Ajello responded the hearing would be held at the second meeting in September. Atty. Ebersol asked for a recess until 7:15 so that he could consult with the applicant. At 7:52 p.m. Mr. Picton recessed the public hearing.

#### SHOW CAUSE HEARING

#### **Feola/84 Carmel Hill Road/Unauthorized Excavation in Wetlands**

Mr. Picton reconvened the show cause hearing at 6:55 p.m. and seated Members Hill, Korzenko, LaMuniere, Picton, and Purnell. It was noted Mr. and Mrs. Feola were present.

Mr. Feola said he was willing to work with the Commission to reach an amicable agreement on how to resolve this matter. He read a written statement, which responded to much of the evidence in the file. His points included: 1) There was a cistern that collected rainwater on the property and there was no sign of wetlands vegetation in the vicinity. He noted Mrs. Corrigan had recorded evidence of a dry, leaf lined vernal pool, but he saw no such evidence. 2) He had filled in this open well due to safety concerns. 3) His neighbor, Mr. Dugin, was mistaken; he had filled in only the one area. 4) Mrs. Corrigan's statement was extremely exaggerated. Contrary to her claims, the weight of the machine he used (26 lbs PSI) would not compact the roots and soil much more than a man's shoe (20 lbs PSI). 5) He thought the vernal pool in question was located next door on the Harkness property. He said he did not agree there had been a vernal pool in the area he had landscaped, but said he would compromise and submit a reasonable plan for restoration.

He submitted a sketch of the existing conditions and photos. He suggested the restoration of a 30' X 30' area because that was the size of the vernal pool listed on the vernal pool assessment sheet. As the assessment sheet did not list the depth of the pool, he proposed to excavate the area to a depth of 18" and plant species that do not require a lot of water such as viburnum and eastern wood fern. Mr. Picton wondered whether 18" would be the level to excavate to so that the ground water conditions would approximate what had previously existed. Although the cistern had been deeper than 18", Mr. Feola stated there had been no mottling and no water table when the site was tested.

Mr. Feola was advised there would be no decision made at the public hearing, but that later during the meeting the Commission would most likely vote to keep the order in effect and request restoration of the disturbed area. It was the consensus the proposal submitted was a good approach, and Mr. Feola was advised to work with Mr. Ajello to come up with a plan that would approximate the previous site conditions. This matter will be on the agenda of the September 14 2005 meeting.

MOTION: To close the show cause hearing to provide

Mr. Feola the 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. By Mrs. Hill, seconded by Mr.  
Picton, and passed 5-0.

At 7:13 p.m. Mr. Picton closed the show cause hearing.

**Myfield, LLC./7 Mygatt Road/#IW-05-25/10 Single Family Houses**

Mr. Picton reconvened the public hearing at 7:15 p.m.

Atty. Ebersol reported to the Commission the application would be withdrawn and resubmitted tonight. Ms. Purnell advised him the application could not be accepted by the Commission until the next regularly scheduled meeting. Atty. Ebersol said the Commission had the discretion to accept the application before then and asked that this be done so that the public hearing could commence at the next meeting on 9/14. He asked for a ruling on this request from a land use attorney.

As the application had not yet been withdrawn, two additional items in the file were noted; 1) the 8/10/05 letter from Atty. McTaggart on behalf of Mr. Tagley and 2) the position paper by Brian Murphy entitled, "Utilization of 100 Foot Buffer Zones to Protect Riparian Areas in Connecticut." Ms. Purnell questioned whether this paper was relevant as it had been prepared by the Inland Fisheries Division of the DEP. It was also noted the applicant had only submitted one copy of the revised plans.

Mr. Etherington, Wheaton Road, asked that a complete, final set of plans be available for public review prior to the next meeting. He was advised to check the Land Use Office when the application had been resubmitted.

MOTION: To close the public hearing to consider

Application #IW-05-25 submitted by Myfield

LLC. for ten single family dwellings at

7 Mygatt Road. By Mrs. Hill, seconded by

Mr. Picton, and passed 5-0.

Mr. Picton closed the public hearing at 7:24 p.m.

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

**REGULAR MEETING**

Mr. Picton called the meeting to order at 7:26 p.m. He seated Members Hill, Korzenko, LaMuniere, Picton, and Purnell.

MOTION: To add the following subsequent business to

the agenda: New Applications: 1) Croasdaile/

67 River Road/#IW-05-50/Septic Repair, 2)

Schwartz/173 West Shore Road/#IW-05-51/Replace

Retaining Wall, 3)Town of Washington/2 Bryan

Plaza/#IW-05-52/Dredge Silt Pond, 4) Smith/

35 East Shore Road/#IW-05-53/Repair Dam. By

Mr. Picton, seconded by Mrs. Hill, and passed

5-0.

Consideration of the Minutes

The 6/22/05 Public Hearing-Regular Meeting minutes were corrected as follows:

Page 1: Also Present: Change Atty. Sabin to Mr. Sabin.

10th line from bottom: Insert "on wetlands" after "affordable units."

2nd line from bottom: Change "regulated" to "review."

Page 2: 4th line: Insert "part of" before "the field."

Page 3: 12th line above motion: Insert "by moving the houses out of the upland review area" after "direction."

Page 5: 6th line: Insert "look" before "at all the evidence."

Page 8: 10th line: Insert "initially" before "declared."

Page 10: 16th line from bottom: Insert "farther, to 77 feet" before "from the wetlands."

Page 15: 8th line: Change "could" to "may be able to."

MOTION: To accept the 6/22/05 Public Hearing-Regular

Meeting minutes as corrected. By Mrs. Hill,  
seconded by Ms. Purnell, and passed 5-0.

The 7/27/05 Public Hearing - Regular Meeting minutes were corrected as follows:

Page 2: 7th line from bottom: Add: "and was not economically feasible" to the end of the sentence.

Page 3: 10th line: Insert "of the NWCD" after "Mr. Hayden."

13th line from bottom: Change "upland" to "uphill."

Page 4: 15th line from bottom: Insert "upper" before "driveway."

Page 6: 11th line from bottom: Change "underlined" to "underlain."

Page 13: 12th line: Change "eroded gullies" to "last eroded gully."

Page 15: Motion: Change "Charles" to "LaMuniere."

MOTION: To accept the 7/27/05 Public Hearing-Regular

Meeting minutes as corrected. By Mr. Picton,  
Seconded by Mrs. Hill, and passed 5-0.

MOTION: To accept the 8/9/05 Bentzen-Silverman site

inspection minutes as written. By Mr.

LaMuniere, seconded by Mr. Picton, and

passed 5-0.

MOTION: To accept the 8/9/05 Sachs site inspection

minutes as written. By Mrs. Hill, seconded

by Mr. Picton, and passed 5-0.

The Dohn site inspection minutes were corrected to note the correct spelling of the adjoining property owner is Mr. Lines.

MOTION: To accept the 8/9/05 Dohn site inspection

minutes as corrected. By Mr. Picton,

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

## Pending Applications

**Myfield, LLC./7 Mygatt Road/#IW-05-25/10 Single Family Dwellings:** Mr. Picton read the 8/10/05 letter of withdrawal signed by Mr. Worcester, which also requested a public hearing be scheduled for 9/14/05 and the fees for the resubmittal be waived.

**Calhoun Street Trust/62 Calhoun Street/#IW-05-37/Pond, Well, Wetlands Restoration:** Mr. Rosiello submitted the comprehensive site plan requested by the Commission at the last meeting and noted the different projects proposed were shown in different colors on the map. He also submitted a written statement, "Section IV," dated 8/10/05, which detailed the proposed erosion control measures. Other information submitted included: 1) addition of sedges in the planting plan, 2) reduction in the size of the proposed pond to 150' X 110' in order to decrease the cuts and fills required and to move the pond further from the wetlands, 3) cross section of the pond, and 4) information on the clay liner. Mrs. D. Hill asked if the Fire Dept. had reviewed the plans. Mr. Rosiello said it had not, but that he had installed fire ponds before. Mr. Picton said the extent of the fill around the pond perimeter was not indicated. Mr. Rosiello said a berm would be constructed on the uphill side so that evergreens could be planted in front of the deciduous tree line. Mr. Picton questioned why the uphill side, which is so close to the wetlands, would be filled and recommended filling and excavation be kept a suitable distance from the pond. Mr. Rosiello stressed that the applicant wanted a planting buffer. Mr. Picton asked for existing and proposed contours and that the edge of the wetlands be indicated on the map. He also requested engineered plans for the pond construction because the pond was not proposed in a level area. The Commissioners noted their questions about potential impacts to the water table had not been addressed. Ms. Purnell and Mr. LaMuniere recommended a hydrologist be consulted. Mr. Rosiello said the pond would be fed from a deep well so the groundwater level would not change. Mr. Picton requested additional data and better technical drawings. Ms. Purnell will review and evaluate the proposed wetlands restoration plantings. Mr. Rosiello was advised to contact the Washington Fire Dept.

**Cohen/62 Calhoun Street/#IW-05-44/Well, Pond:** Mr. Rosiello pointed out the location of this second pond and well on the comprehensive site plan and said their purpose was for fire protection and irrigation. It was noted this proposed pond was approximately 140 feet from the wetlands and in a level area. Mr. Rosiello said there was an existing bridge to reach this area, so no new access would be needed, but Mr. Picton did not think the grass lawn would be reliable emergency access in the spring. Mr. Picton requested cross sections and information on the overflow and on how much grading would be required. Ms. Purnell noted both ponds were fire ponds and asked if having only one would provide adequate protection. Ms. Korzenko thought if the applicant could not prove that the first pond (#IW-05-37) would enhance the wetlands, the Commission would find the second pond should serve for fire protection. Mr. Ajello was not sure this would work because access to the second pond would require a wetlands crossing. Mrs. Korzenko asked for more details on the crossing; its width, pipe size, etc. She also asked for more information about how the irrigation system would cross the wetlands.

**Cohen/62 Calhoun Street/#IW-05-45/Deer-Pool Fence:** Mr. Picton noted the application had not been reviewed because the information had just been submitted at the meeting. 2400 feet of fencing was proposed, much of it through wetlands. Mr. Picton noted the Commission prefers that only the areas that need to be fenced be fenced in to avoid the construction of ecological barriers and the fragmentation of habitats. He asked the applicant to focus more narrowly on the objective he was trying to accomplish. The application will be discussed further at the next meeting.

**Carter/59 West Shore Road/#IW-05-39/Gazebo:** It was noted the application had been reviewed at the last meeting and there were no outstanding issues. The gazebo would be constructed on an existing concrete slab, it was a precut kit, no stockpiling of material or excavation would be required, and the work would be completed in two days.

MOTION: To approve Application #IW-05-39 submitted by Mr. Carter to construct a gazebo at 59 West Shore Road as submitted. By Ms. Purnell, seconded by Mr. Charles, and passed 5-0.

**Dohn/4 Perkins Road/#IW-05-40/Replace Storm Drain:** Mr. Picton noted the intent of the proposed work was to preserve the existing drainage flow and direction. Mr. Worcester, authorized representative, noted this on the site plan. The new drainage pipes will be installed 18" below the surface and all but a 12 ft. section of the old pipes will be left in place. The application, construction sequence, proposed stockpile area, and erosion control measures were reviewed and found to be in order. Mr. Ajello urged the applicant to complete the project during dry weather.

MOTION: To approve Application #IW-05-40 submitted by Mrs. Dohn to replace the drainage system at 4 Perkins Road per the plans, "Proposed Drainage Improvements," by Mr. Worcester, dated 6/16/05 as revised at the 8/10/05 Inland Wetlands Commission meeting. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

**Sachs/35 Potash Road/#IW-05-41/Dredge Pond, Replace Outlet Pipe:** Mr. Neff, engineer, reviewed the application and the plan, "Pond Outlet Repair Plan," dated 7/20/05. He briefly stated the north end of the pond would be dredged to clean out accumulated material, the excavated material would be taken off site, and that there was good access from the road for equipment. He noted the pond was not an instream pond and did not have a significant flow through it. The side slopes of the pond were discussed. Mr. Picton requested shelf areas for emergent vegetation, which would act as filters.

MOTION: To approve Application #IW-05-41 submitted by Mr. Sachs to dredge the pond and replace the Pipe outlet at 35 Potash Hill Road per the plans, "Pond Outlet Repair Plan," by Mr. Neff, dated 7/20/05 subject to the following condition: that the southern two thirds of the completed sides of the pond has a slope under 2:1 and the northern third has a maximum slope of 3:1. By Mr. LaMunier, seconded by Mrs. Hill, and passed 5-0.

**Profita/246 Litchfield Turnpike/#IW-05-42/Addition to Existing Dwelling:** Mr. Altermatt, architect, and Mr. Profita were present. Mr. Altermatt detailed the proposed buffer area, which would serve as mitigation for the project and reviewed the colored site plan revised to 8/9/05. The applicant proposed to plant 24 bushes along the watercourse as it exits the pond. Also a note was added to the plan stating clearing, grading, and construction of additional structures would be prohibited on the west side of the pond and watercourse and this area would be mowed only once a year. Ms. Purnell noted leaving two

thirds of the pond perimeter in shrubs, meadow grass, and natural vegetation would provide good habitat and additional filtration benefits. Mr. Altermatt said the proposed addition was 58 feet from the edge of the pond, 8 feet closer than the existing house. The location of the retaining wall was noted, and Mr. Profita said he did not want to remove it. Mr. Profita said potential locations for the addition were limited due to zoning setbacks and the location of the septic system. Mr. Altermatt stated the construction access would remain lawn throughout the duration of the project.

MOTION: To approve Application #IW-05-42 submitted by

Mr. Profita to construct an addition to the existing dwelling at 246 Litchfield Turnpike per the site plan by Altermatt Engineering, LLC. revised to 8/9/05. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

**Bentzen-Silverman/341 Nettleton Hollow Road/#IW-05-43/Relocate Barn, Install Paddock, Riding Ring:** Mr. Sabin represented the property owners. Mr. Picton noted the Commission had conducted a site inspection and had seen no problems. Mr. Sabin submitted the map, "Septic System "As-Built Plan," by Mr. Neff, dated 9/10/03 and a memo dated 8/10/05, which addressed the questions raised by the Commission at the last meeting regarding 1) extent of grading, 2) manure management, and 3) location of the existing septic system. Mr. Sabin stated there would be no post holes for the fence installed through the septic system. He said he had been concerned about horses in the area of the leaching trenches, so he had contacted Mr. Neff, engineer, who redesigned a section of the system. Two of the leaching trenches will be replaced by two concrete galleries because they are stronger. He explained an alternative would be to fence off that area and move the paddock, but Mr. Neff vouched the concrete galleries would work. Mr. Picton noted this would increase the duration of the project, which Mr. Sabin said would now be 3 to 4 weeks. Limits of disturbance and setbacks from the wetlands were discussed as possible conditions of approval.

MOTION: To approve Application #IW-05-43 submitted by

Bentzen-Silverman to relocate a barn and construct a paddock and riding ring at 341 Nettleton Hollow Road per the plans, "Proposed Horse Barn, Paddocks, and Riding Ring," by Mr. Sabin, revised to 8/10/05, and including Mr. Sabin's 8/10/05 memo to the Commission, subject to the following conditions: 1) there shall be no filling or grading further than 5 ft. from the fence as shown on the plans submitted and 2) there shall be no operation of equipment or storage of material outside the silt fence as shown on the above referenced plans. By Ms. Purnell, seconded by Mrs. Hill, and



passed 5-0.

#### New Applications

**Hildmann/34 Popple Swamp Road/#IW-05-46/Addition to Barn:** Mr. Hildmann was present. The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 8/2/05 was reviewed. Mr. Picton noted the addition was proposed 63 feet from the wetlands and asked what its purpose was. Mr. Hildmann said he needed space for spectators and trainers. Ms. Purnell asked if the addition could be placed on the other side of the building. Mr. Hildmann stated this was not possible due to the interior layout of the barn and vehicular access. Mr. Picton noted the Commission tries to avoid buildings in the upland review area. He asked Mr. Hildmann to provide information on manure storage and the area where equipment would be used. A site inspection was scheduled on Wednesday, September 7, 2005 at 4:00 p.m.

**James Calhoun House, LLC./156 Calhoun Street/#IW-05-47/Addition to Dwelling:** Mr. Neff, engineer, and Ms. Dedell, property owner, were present. The map, "Erosion and Sediment Control Plan," by Mr. Neff, dated 8/5/05 was reviewed. Mr. Neff explained the rear portion of the house would be demolished and a new larger addition constructed and a terrace rebuilt. He noted part of the house was within 100 feet of wetlands, which had been delineated last May, and said no septic work was proposed. Mr. Sabin, landscape architect, discussed the proposed landscaping plan. Sections of the existing lawn within 100 feet of wetlands would be planted with native species to attract wildlife and provide a more natural look. Mr. Sabin asked whether that required a full application or could be handled administratively. He was asked to submit a separate application for the landscaping. The Commission advised the applicant it did not want to see the understory cleared for lawn. Mrs. D. Hill asked for a copy of the soil report and sketch map. A site inspection was scheduled on Wednesday, September 7, 2005 at 4:30 p.m.

**Bernhard-Cahill/7 Old Litchfield Road/#IW-05-48/Dredge Pond:** Ms. Purnell recused herself because she is a neighbor. Mr. Neff noted the small instream pond had a large deposit of silt and sediment to be removed. The plan, "Pond Cleanout Plan," by Mr. Neff, dated 7/28/05 was reviewed. He pointed out the proposed location of the stockpile area on the east side of the pond and said the excavated material would be taken off site. Mr. Picton asked for confirmation that the pond would not be dug to make it deeper or wider and Mr. Neff noted the narrative description of the project stated the pond would not be enlarged and the work would be limited to maintenance operations. The process of pumping down the pond and excavating from the edge of the pond was discussed. Mr. Picton thought the machinery should not enter the wetlands or watercourse, there would be little impact as the work could be done from one point, and the vegetation in the area would recover quickly. The Commissioners relied on Mr. Ajello's description of the site and determined a site inspection was not necessary.

Ms. Purnell was reseated.

**Steep Rock Assn./147 Sabbaday Lane/#IW-05-49/Timber Harvest:** Mrs. Branson, Steep Rock, Mr. Branson, forester, and Mr. J. Potter were present. They proposed to thin and cut the white pines planted in Hidden Valley in 1958. Mr. Branson explained this was the first step in producing an impressive stand of white pines. No clear cutting was proposed; the trees surrounding the biggest and best specimens would be removed. The map, "Timber Sale Plan Map," by Branson Forestry, dated 8/10/05 was reviewed. Location of wetlands, review areas, and intermittent streams were noted. Mr. Branson explained the proposed skid road would cross an intermittent stream at "the bar," but he noted it was a narrow channel at that point and that silt fence was proposed. Yarding areas were indicated on the site plan, but Mr. Branson said their exact location would be determined after a contractor had been hired. Mr. Picton recommended a forwarder be used between the landing areas because it would not cause as

much damage as a skidder. A site inspection was scheduled on Thursday, September 8, 2005 at 4:00 p.m. Members will meet on the Depot side of the Bee Brook Road entrance to Hidden Valley.

#### Other Business

**Washington Montessori School/240 Litchfield Turnpike/Request for Release of Bond:** Mr. McNaughton was present. The recommendations on page 8 of Ms. Purnell's 7/25/05 review of the school's compliance with the permit's conditions of approval were the basis for discussion.

- Points #1 and #2: Water quality tests and monitoring had not been carried out exactly as specified. Mr. McNaughton agreed to monitor the six sites plus a site between the leaching fields and wetlands through 2008 per Table #6 of Ms. Purnell's 7/25/05 review and Mr. Bernard's 10/10/03 letter. The separate reporting schedules for all requirements (not just water quality) were combined and revised so they were all due each spring and fall.
- #3: Mr. McNaughton agreed to submit a written statement that no pesticides have been used on the property since the last report.
- #4 and #5: Mr. McNaughton will have his engineer assess whether the two basins are functioning properly. Their capacities, water levels, functioning of the outflow structures, and possible undermining of the berms by cattails will be addressed. The Commission thought two thirds to three quarters of the cattails should be removed. Mr. McNaughton offered to do so under the Commission's direction.
- #6: Mr. McNaughton agreed to let the vegetation grow back with native species in the areas west of the grass swale and south of the dirt swale near the western vernal pool.
- #7: Mr. McNaughton stated the catch basins were periodically cleaned out, but agreed to clean the southwestern catch basin in the Warren gravel parking lot and to clean out this basin's 2 foot sump more frequently.

#### **The Gunnery, Inc./22 South Street/Request to Amend Permit #IW-00-63/**

**Driveway and Classroom Building:** Atty. McCain, Mr. Reiffenhauser, engineer, Mr. Powell, Mr. Graham, Mr. Ullram, and Mr. Previdini were present on behalf of The Gunnery. Atty. McCain noted the original permit, #IW-00-63, was still valid and said the proposed revision did not change the length, orientation, or grading of the driveway within the regulated area, but did add a classroom building, which at its closest point was 165 feet to the wetlands. He also noted there is an existing stone wall, also out of the regulated area, between the proposed building site and the wetlands and the construction of the building would have no direct impact on the wetlands. Ms. Purnell thought the driveway was only partially as originally proposed since the rationale originally had been for the passage of two busses to athletic fields. Atty. McCain stated the 18 foot width had not changed, the Commission had determined in 2000 this was the appropriate width for the accessway, and it remained appropriate width for both emergency vehicles and for the passage of two vehicles. Ms. Purnell thought that passage for two busses was not now needed and that the Commission should ensure the driveway would be no more than the minimum width required for the classroom use. She said there could be a feasible and prudent alternative site on the property where the driveway to a classroom building would not cause so much indirect impact to the wetlands. Mr. Picton thought the driveway as approved was still suitable for the school's reasonable use of its 70 acre property and there was no need to request a narrower drive because it was known it would be needed for additional uses in the future. Mr. Picton also noted the Commission had worked with the applicant in 2000 and had determined this was the best and most practical plan for the driveway. He thought to require a narrower driveway now, which would have to be widened later, was an unrealistic approach. Mrs. D. Hill agreed and added the proposed building

was not a regulated activity. Mr. Graham and Atty. McCain spoke briefly on the school's future plans for athletic fields and faculty housing, the number and location still to be determined. They agreed to fully delineate the wetlands on site, design projects to minimize wetlands impacts, and to return to the Commission for reviews of future proposals. Ms. Purnell thought every effort, such as locating the building closer to the street, installing pull off areas for passing, and decreasing the width of the driveway shoulders, should be made to reduce the impact on the natural resources. She wanted a new application. Mr. LaMunier agreed. Ms. Korzenko suggested the plans could be sent to Land Tech to find out if there were any techniques that would reduce the impact of the driveway on the wetlands. Mr. Picton said this had already been done by Mr. Smith. Mr. Rieffenhauser detailed the driveway construction plans and stated Land Tech had reviewed them and the current plans addressed those comments. Mrs. Hill thought the request was for a minor permit revision. Mr. Bedini noted the only change requested was not under the Commission's jurisdiction. Ms. Korzenko had no problem with the request for a revision, but asked that all the changes be indicated on one map. Mr. Picton asked The Gunnery representatives if they thought the possible future uses for the property would require an 18 ft. wide driveway. Mr. McCain said they would and noted the approved driveway had been carefully routed through the sensitive wetlands areas. Mr. Picton noted a letter from Mr. Swain against the revision to the permit had been read at the last meeting. He also read letters in opposition from Atty. Secor on behalf of the Sterns, Mr. Payne, Mrs. Crumrine, Mr. Kiiffner, Mr. and Mrs. Gorri van, and Mr. and Mrs. Mitchell. Mr. Picton asked if The Gunnery would consider posting a bond, although it had not been required as a condition of approval for the original permit, to ensure there would be no damage to the wetlands. After a brief discussion, The Gunnery agreed to post a \$10,000 bond. Responding to a point raised in one of the letters, Ms. Purnell said there had been recent changes to the property and suggested the Commission make an inspection. Mr. Picton said he had inspected the property earlier in the year when the school had requested an extension of the permit. He noted there had been work done in the well area, but not in the proposed driveway area. Mr. Graham agreed this was so. Mr. Swain read the language of the original permit letter. Mr. Picton stated it did not say revisions to the approved site plan require a new application; only review and approval by the Commission.

MOTION: To approve the request by The Gunnery, Inc. to

revise Permit #IW-00-63 for 22 South Street

per the map, "Site Plan, Grading, Drainage,

Erosion and Sediment Control Plan," by Smith

and Company, dated 7/12/05 for a driveway and

environmental classroom building with the

understanding that any additional activities

must be reviewed and approved by the Inland

Wetlands Commission. By Mr. Picton, seconded

by Mrs. Hill, and passed 3-2.

Ms. Purnell voted No because she thought there

were feasible and prudent alternatives, that the

Commission did not have all the information

required to properly evaluate the proposed

revision, and that approval would not be

consistent with past actions by the Commission.

Mr. LaMuniere voted No because he did not think

The Gunnery had been forthright with the

Commission because it had not applied for all

phases of development at once.

**Peterson/99 Baldwin Hill Road/Request to Amend Permit #IW-00-56/ Single Family Dwelling:**

Mr. Peterson compared the original approved site plan by Mr. Neff, dated 10/16/00, with the proposed plan, "Soil Erosion and Sediment Control Plan," by Mr. Neff, revised to 8/5/05. It was noted the revised plan moved the house farther down the hill and the septic system and driveway farther from the wetlands. Mr. Peterson said he preferred the house to be more centrally located and noted very little regrading would be required because the area is fairly level. He said the tree line shown on the map would be the limit of disturbance. Mr. Picton noted the importance of maintaining the woods next to the wetlands.

MOTION: To approve the request by Mr. Peterson to revise

Permit #IW-00-56 to construct a single family

Dwelling at 99 Baldwin Hill Road per the map,

"Soil Erosion and Sediment Control Plan," by

Mr. Neff, revised to 8/5/05 with the condition

there be no clearing of the woods within the

upland review area. By Ms. Purnell, seconded

by Mrs. Hill, and passed 5-0.

New Application

**Smith/35 East Shore Road/#IW-05-53/Repair Dam:** Mr. and Mrs. Smith reviewed the plans, "Improvements to Woodruff Pond Dam," 5 sheets, by Lenard Engineering, Inc., revised to 3/21/05.

Mrs. Smith explained the dam repair was required per her agreement with the DEP to satisfy its requirements and had to be completed by October 2005. Ms. Purnell asked that a copy of the consent order be submitted to the file. Mrs. Smith noted some of the proposed work was on DOT property and that the retaining wall on DOT property along Rt. 45 has structural problems and is scheduled for repair in 2009. Mr. Picton asked if the DEP had approved the plans and said the Commission might decide to have its consultant review them, also. A site inspection was scheduled for Thursday, September 8, 2005 at 5:00 p.m. Mrs. Smith stressed the work had to be completed by October 2005 and said the project would require that the dam at Lake Waramaug be sealed off. The estimated duration of the project varied per contractor from two weeks to one month.

Other Business

**Breakstone-Garfunkle/127 Church Hill Road/Request to Amend Permit #IW-04-37/Demolish and Rebuild Single Family Dwelling:**

Mr. Neff, engineer, presented the map, "Proposed Site Improvement Plan," revised to 7/28/05. He noted the Commission had previously approved plans to reconstruct the house within 53 feet of the wetlands, but that the current proposal would move both the house and a section of the existing driveway to locations 100 feet from the wetlands. Mr. Picton asked if new landscaping was proposed. Mr. Neff said, no. Mr. Neff pointed out the proposed silt fencing and the limit of disturbance line. The Commissioners agreed any impact to wetlands would be minimal.

MOTION: To approve the request by Breakstone-Garfunkle to revise Permit #IW-04-37 per the plan, "Proposed Site Improvement Plan," by Mr. Neff, revised to 7/28/05 to demolish and rebuild a single family dwelling and to relocate a section of the driveway at 127 Church Hill Road. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

#### New Applications

**Croasdaile/67 River Road/#IW-05-50/Repair Septic System:** Mrs. Hill recused herself because she is a neighbor. Mr. Neff, engineer, stated the existing septic is failing and would be abandoned. The new system, which had been approved by the Health Department, would come within 10 feet of the existing piped watercourse. Mr. Neff stated the size of the system would not increase, it was designed for a four bedroom house as shown on the Assessor's card. The map, "Septic System Repair Plan," by Mr. Neff, dated 7/30/05 was briefly reviewed. The Commissioners will inspect the property on their own prior to the next meeting.

Mrs. Hill was reseated.

**Schwartz/173 West Shore Road/#IW-05-51/Replace Retaining Wall, Rebuild Stone Wall:** Mr. Neff, engineer, said the proposal was to replace the parking area retaining wall with a reinforced concrete wall and to rebuilt the stone wall on the south side of West Shore Road to its present dimensions reusing the existing stone. The map, "Erosion and Sedimentation Control Plan," by Mr. Neff, dated 7/28/05 was reviewed. The Commissioners will inspect the site on their own prior to the next meeting.

**Town of Washington/2 Bryan Plaza/#IW-05-52/Dredge Silt Pond:** Mr. Ajello, WEO, said there is so much silt in the pond that it is affecting the water feed to the hydrants and said the dredging should have been done earlier. He explained the work would be done during dry weather. A by-pass trench would be dug on one side on the pond to channel the water while the dredging was being done. A hay filter across the stream was proposed. It was noted only a sketch map had been submitted and there were no details provided about how the work would be done. Mr. Picton also asked for details on downstream protection.

#### Enforcement

Mr. Ajello's 8/10/05 report was reviewed. Discussion included:

**Carter/292 Walker Brook Road:** Mr. Neff is working on the requested report.

**Reinhardt/10 Perkins Road:** The Commission was disappointed Land Tech had not yet submitted its report. Mr. Picton noted this matter was a priority. Compliance and restoration plans will be discussed at the next meeting.

**Beck/132 Calhoun Street:** It was noted Mrs. Corrigan had inspected the property and discussed the status of the work done with Mr. Ajello, but had not submitted a written report. Mr. Ajello will contact Mr. Beck, and will research the file, and will report at the next meeting regarding the exact requirements with which Mr. Beck must comply.

**Fowler/138 Nichols Hill Road:** An application was submitted and will be reviewed at the 9/14 meeting.

**Holly Hill Farm, LLC./87 Whittlesey Road:** Mr. Ajello reported Holly Hill Farm is pumping water

from the Shepaug River. Mr. Picton stated this was a regulated activity that was not permitted unless approved by the Commission. It was noted the Commission requested an application for similar activity on Sprain Brook. Mr. Ajello will inform the owners they may not pump water from the Shepaug unless they apply for and are granted a permit.

**Feola/84 Carmel Hill Road:** Although Mr. Feola had been advised earlier to submit an application for restoration, Mrs. Korzenko and Mrs. D. Hill did not think an application was necessary for a restoration plan required due to an enforcement order. Ms. Purnell asked Mr. Ajello to explain to the Feolas that many vernal pools are completely dry in the summer. Mr. Picton said the restoration plan should include organic matter in the final surface.

MOTION: To keep the 6/13/05 enforcement order issued to Mr. Feola for unauthorized work at 84 Carmel Hill Road in effect and to request a restoration plan for the disturbed area. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

**Sarjeant/28 Tinker Hill Road:** Mr. Ajello recommended a citation be issued as the work had been done without a permit and restoration was not appropriate in this case. The Commission agreed a citation should be issued.

**Lavado/School Street:** It was noted Mr. Lavado had already paid his citation fee.

**Whalen/138 Baldwin Hill Road:** Ms. Purnell commented this work was more extensive than she had thought it would be. It was thought the stone work would be done from one side of the wall only and would be very limited. Mr. Ajello will investigate.

Other Business

MOTION: To go into executive session at 12:40 a.m. to discuss pending litigation. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

MOTION: To come out of executive session at 12:50 a.m. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator