

January 28, 2004

Members Present: Dorothy Hill, Charles La Muniere, Mark Picton, Margi Purnell.

Members Absent: Helen Gray.

Alternates Present: Anthony Bedini, Candace Korzenko.

Alternates Absent: Robert Weber.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: John Add man - Voices, Kimberly Allen, Ross Gentile, Laura and Christopher Gatto, Eric Nelson, Dorota Habib, Thomas Farmen, Dirk Sabin. Trinkaus

ACTIONS TAKEN:

Opened the meeting at 7:03 p.m., Chairman Hill presiding.

Seated the four members present and one alternate present - Hill, La Muniere, Picton, and Purnell and alternate Korzenko for member Gray.

ACCEPTED as amended Regular Meeting Minutes of December 10, 2003. Motion by Korzenko, second by Purnell, and passed 5-0. Corrected:

Page 1, under Also Present, add Pasquale Guliano

under Ficalora, 9th line, add its length' after down' and delete water would no longer flow to the building site'

line 10, add of grading' after feet'

line 11, add there' after added'

line 12, delete 'east-west' - insert west to east'

Page 2, under Ficalora, line 1, add rock' before hardened' and add a period after channel' and delete containing a collection of rocks' and capitalize in' and add of the streambed' after area'

line 2, correct spelling of Guliano' and add swale and' before 4" and pluralize pipe' and delete a' after is'

line 4, change Historical' to lower case

line 5, add to that effect' after letter'

line 6, delete sub' of subsurface'

line 8, delete (situated at a high point)' and delete and' - insert it'

line 12, add of the original streambed'

line 14, add Some' before a lower case members' and delete agreed'

insert felt' and add a semicolon after lot' and delete and' and insert it'

line 15, delete shallower' - insert smaller'

line 19, add WLR' before Volume'

line 20, delete And' and capitalize they' and add also' after They'

and add T.C. (before #' and)' after 1974'

under Auchincloss, line 2, delete n.d.'

line 3, add a period after six'

Corrections December 10, 2003 minutes con't:

line 4, delete and' and capitalize stones' and delete commas after Stones' and after culvert'

line 6, add northeast' before side'

line 8, add commas before without' and after machine' and delete and

do this just' and add just' before one' and add then' before observed'

line 10, delete to work' and insert for tree removal'

under Auchincloss' Motion, line 3, add twenty' before mostly'

Page 3, under Auchincloss con't., line 1, delete operating'

line 3, add in the area designated for management'

line 4, add a comma after equipment' and delete and'

line 9, delete below' - insert in the northeast side'

line 10, add ; stones to be placed by hand' after house'

under Laverge, line 2, delete out' - insert that'

line 3, add would' before require' and pluralize require' and add

has' before agreed'

line 4, delete Commission'

line 5, delete this' - insert it'

line 7, delete pointed out that several structural drainage issues would need to be included in

the plans for the alternative approach;' - insert said that with previously approved plans'

line 9, add and' after construction' and delete 150' and add ; he thought' after

driveway' and delete to' - insert should' and add adding' after consider'

line 10, delete (installed' and delete)' after 150' - insert a period and

delete added to the outlets of the' and delete s' after pipe' and add outlets' after pipe'

line 11, correct spelling of ripped'

Page 4, under Neuhaus con't., line 6, delete 'She said water would now be flowing east of the wetland.

under Bolek, line 3, add as it existed' after dock'

line 10, delete continuous' and insert extensive' and add shore' after

lake and correct spelling of Boleks'

line 14, add ; it' after area'

Page 5, under Gentile, line 2, correct spelling of Trinkaus' and delete and' - insert with an undated revision'

line 3, delete revised no date'

line 6, delete 'they do not know' - insert the plan does not show'

line 11, delete outlet of the'

line 13, delete if any' and delete exist'

line 14, add ,review the application and make recommendations'

under Taylor, line 2, delete is' - insert will then be'

line 3, delete the comma after acres' - insert with the house site'

line 4, add proposed' before conservation'

under Enforcement, move the sentence under Randall and add Mr. Picton assumed the chair'

under Randall, line 1, add behind the stream' after field'

Page 6, under Meyers, line 2, delete pond' - insert basin'

line 3, delete 'the pond' - insert its' and after reach' delete the' - insert it'

line 4, delete pond'

under Town of Washington, delete they are' - insert that the Commission is'

Corrections December 10, 2003 minutes con't:

under Katz, title, delete Wall' - insert Dam'

line 1, delete there' - insert it' and add actually' after is' and delete downstream of the'

line 2, delete wetlands and' and capitalize the' and add a' before tenth'

Page 7, under Morse Estate, delete had' - insert have' and delete to' - insert for'

under Levy/Kady, line 5, add Mr. La Muniere disagreed.

under Consideration of Minutes, line 2, capitalize also' and present'

Page 8, under 1st Motion, line 3, capitalize regular' and delete minutes' - insert Meeting'

and delete re' before accepted' and add re' before amended'

under 2nd Motion, line 3, capitalize special' and meeting'

line 5, correct spelling of Guliano'

Page 9, under 1st Motion, 4th line, capitalize special' and meeting'

under 2nd Motion, 4th line, capitalize special' and meeting'

under 3rd Motion, 2nd line, add a comma after 66'

under 4th Motion, change ADJOURN' to adjourn'

ACCEPTED as written Site Inspection Minutes of December 3, 2003 re Bolek - IW-03-65. Motion by Picton, second by Korzenko, and passed 5-0.

ACCEPTED as written Site Inspection Minutes of December 3, 2003 re Neuhaus - IW-03-64. Motion by Picton, second by Korzenko, and passed 5-0.

ACCEPTED as amended Regular Meeting Minutes of January 14, 2004. Motion by Purnell, second by Korzenko and passed 4-0-1. La Muniere abstained as he did not attend this meeting.

Corrected:

Page 1, under Also Present, correct spelling of Addyman'

under Actions Taken, delete VOTED' - insert Moved'

under Ficalora, line 13, delete action is taken' - insert permit approval'

line 17, delete Copy' - insert A copy' and add from' after map'

line 18, delete his' and pluralize Alternative'

Page 2, under Laverge, line 10, delete said the re-construction of one corner of the road bed would be a difficult project and'

line 11, add would involve difficult construction at the lower corner

and' and add still' after might'

under Bolek, line 2, add as proposed (C.C.A. plan data)' after deck'

line 5, delete re' - insert because the' and delete equal to' - insert is about the same as'

line 7, delete denied' - insert voted to deny'

line 8, delete expected' - insert had hoped for'

line 10, add hoped for' before design'

under Gentile, line 2, delete ,C.C.A.' and add discussed' before the' and correct spelling of Allan'

line 4, correct spelling of Allan's'

line 5, delete a changed location for' - insert relocating'

line 6, delete in' - insert 'to'

line 7, delete a countering'

Corrections January 14, 2004 minutes con't:

line 10, correct spelling of Land-Tech'

Page 3, under Taylor, line 7, delete regulated' - insert 100' review'

under Gatto, line 4, delete the Health Dept.'s issue of a permit to put heat in the barn for a studio which would occupy the same footprint'

line 8, delete plantings' - insert bushes'

under Knudsen, line 2, delete contractor' - insert authorized agent' and correct spelling of Nelson'

line 4, add a period after side' and delete where there is'

line 5, capitalize a' and add a period after de-water and delete and'

line 6, delete would become a 200' tracking pad access way from the driveway'

under Levy/Kady, line 1, delete in the matter of' - insert on' and delete a' - insert an'

line 2, delete completed' - insert incomplete' and delete though partially inadequate' and add to approve the work' after restoration'

line 3, delete' because of the tied' and add Ms. Purnell and Mr. Picton voted nay because they felt they cannot do their job when the Commission is pushed to compromise well thought out decisions.'

line 4, delete contractor' - insert consultant'

line 10, add Some' before Members' and change Members' to lower case

line 11, delete but they feel they' - insert others felt' and delete some residents' - insert the Commission

line 12, add ed' after push' and delete the Commission' / on' / and in this case, as in others,'

line 13, delete in conjunction with consulting experts'

Page 4, under Meyers, add clean silt basin,' after Road'

under Katz, line 2, add in writing' after submitted'

under Wadsworth, line 4, delete proposed' and as shown' after line'

under Beck, line 1, add no change in re' after Noted' and delete that the status'

line 2, delete remains the same' / regulated' - insert 100' review'

under Brown, line 1, delete no date' - insert rcvd.'

line 4, delete wrote' - insert has written' and add ask' after to' and add for his help in attaining resolution of "cases"

line 5/6, delete about sending letters on behalf of the Commission to inform them the Commission has been flexible and co-operative to a point that is no longer tenable and therefore'

Page 5, under Brown, line 1, delete the Commission will be proceeding with court action'

under Randall, line 1, no new information has'

line 2, delete been submitted to date re a' - insert the' and add has not been submitted'

under Fish, line 3, add IW-03-18 / May 14, 2003' after permit'

under Guliano, line 1, delete MOVED' - insert Agreed'

line 4, delete the excavator dug out materials from an area up-grade of the stream' - insert the course of the drainage had been partially redirected'

under 1st Motion, add " Page 2, line 7, delete Purnell' - insert La Muniere' "

ACCEPTED as amended Site Inspection Minutes of January 26, 2004 re Taylor. Motion by Picton, second by Hill, and passed 5-0. Mrs. Korzenko will correct the typing errors.

ACCEPTED as written Site Inspection Minutes of January 26, 2004 re Knudsen. Motion by Purnell, second by Korzenko, and passed 5-0.

DENIED without prejudice **IW-03-67, Katz, 136 Nichols Hill Road, repair dam**, because the time limit will be up 1-29-04 and no extension request was filed. Motion by Picton, second by La Muniere, and passed 5-0.

Mr. Ajello did leave a message with Mr. Zaloski to submit a request for an extension.

Discussed IW-03-68, 38 Winston Drive, construct dwelling, with Ross Gentile and Kimberly Allen the different views re prudent and feasible alternatives to the proposed drainage, house and driveway sites. Mr. Picton read the letter from Chris Allan, Land-Tech Consultant's, Inc., 12-24-03. Mrs. Hill read the letter from Russel Dirienzo, L.F.R., Inc., 1-27-04. Mrs. Korzenko read the letter from Steven Tinkaus, Tinkaus Engineering, L.L.C., 1-14-04.

Members talked about acting on submitted plans - re-designing is not their job and about the criterion to use for sending plans to a consultant - when plans are beyond their technical ability and when the site in question has a very sensitive environment. Members asked for a final plan, applicants choice, for them to vote on and if the original plan is the applicants' choice then it would be good to try to modify it with Chris Allan's recommendations in mind - members do not favor more lengthy piping and they depend on the expert advice of their consultants.

Noted IW-03-69, Morse Estate, 313 Nettleton Hollow Road, construct driveway that Mr. Ajello left a message with Brian Neff, P.E., re a grading plan and hydraulic calculations to be given to Land-Tech Consultants.

APPROVED IW-04-01, Gatto, 155 Woodbury Road, repair & extend stone wall, install fences, renovate barn, gravel driveway, move bushes with one condition: hay bales and silt fencing shall be fortified as necessary. Motion by Korzenko, second by Purnell, and passed 5-0.

Members recalled some observations made during the site inspection - January 26, 2004. Mr. and Mrs. Gatto answered questions and added the amount of driveway fill - roughly 800 cubic feet to the description of work and to the survey map, as directed.

Members voted to approve the application because they cannot see any impacts to wetlands or watercourses and sedimentation and erosion controls are adequate.

Discussed IW-98-49, Knudsen, 236 Nettleton Hollow Road, clean pond, revision to permit with Eric Nelson, authorized agent, the Commission's concern about using the newly proposed access way through a wetland and would include a significant amount of fill put in the wetland itself. Ms. Purnell pointed out that as long as the ground is solid, access through the east side field disturbs nothing.

Members agreed a new application is in order because the proposed revision involves significant impacts to a wetland and watercourse. Mr. Picton thought a valuable addition to the application would be an engineered plan to create a silt basin to prevent scraping sediment and vegetation from the bottom of the pond every four to seven years. Mrs. Hill requested a new, accurate map to show the changed stream configuration.

Discussed IW-04-02, Rumsey Hall School, 201 Romford Rd., remove buried stumps, repair athletic field with Dorota Habib, Business Manager, and Thomas Farnen, Headmaster, the holes discovered beneath the top soil at one end of an athletic field and formed from stumps buried thirty -forty years ago. Ms. Habib said the plan, "Pavek Field, Stump Removal Plan and Soil Erosion Control Plan, Whittlesey Road Washington, CT., Rumsey Hall School by Curtiss B. Smith, L.S., January 19, 2004" calls for the worst case scenario re the estimated number of stumps.

APPROVED the revision to permit **IW-02-42 ATF, Madoff, 241 West Shore Road, install fence**. Motion by Hill, second by Purnell, and passed 5-0. Members voted to approve the after the fact revision because there are no impacts to wetlands or watercourses, there is no change in the grade, and the fence is made of cedar wood.

MOVED to accept the restoration work, ordered under Enforcement Order **IW-03-V6, Levy / Kady, 129 Wykeham Road** as it was carried out. Motion by Korzenko, second by La Muniere, and voted

down 2-3. Korzenko, Picton, and Purnell voted nay. They said the restoration work should have been completed as directed and in compliance with the enforcement order, 11-17-03.

Mrs. Hill and Mr. La Muniere voted "aye" because the issue is clouded by tacit on site approvals by the WEO and a Commission member on the day the work was done; they think the applicant's consultant felt he was following the intent of the work order, and they would like to lay the issue to "rest."

Previous to the vote, Ms. Purnell explained why she no longer feels bound to recuse herself on this case.

Reported IW-04-V2, Fish, 201 Wykeham Rd., timber harvest, violation of permit by Mr. Ajello that a notice of violation, 2-2-04, was sent. All the trees harvested were dead ash but unfortunately the tractor disturbed one acre of under-story. Per phone conversation, Mr. Fish is interested in marking this forest a designated conservation area.

Members noted the **clear** permit condition restricting any cutting or clearing east of the driveway and stone walls, the good fortune clear cutting did not take place, the squashed under-story, and the possibility of erosion into wetlands given the existing steep slope. Members decided: 1) to wait until Spring to make a site inspection to determine the amount of canopy and under-story remaining and if re-planting is required. 2) Mr. Ajello will write a letter to Mr. Fish asking him to post conservation markers every 50 along the perimeter of the forest east of the driveway.

Reported IW-04-V1, Guliano, 19 Winston Dr., drainage extended beyond permit, deposition, by Mr. Ajello that a notice of violation, 2-2-04, was sent. Members asked Mr. Ajello to send a letter detailing what needs to be done to correct this situation - namely drainage from the two new pipes needs to be diverted to the area of the two lower pipes and Contractor Zaloski needs to remove the material deposited up-grade of the drainage swale and restore the grass areas to the south and north of the swale ends. Mrs. Korzenko cautioned Mr. Ajello to expect Mr. Guliano to comply with all of the written instructions in his enforcement letter.

Noted IW-02-V1, Beck, 132 Calhoun St., cutting & clearing in wetlands, that Mr. Ajello will send a letter re the harvested forest.

Noted IW-02-V3, 96 Romford Rd., dam failure that Mr. Ajello received a phone call from Denis O'Sullivan, P.E., to say he will deliver the requested calculations to the Land Use office but has not done so to date.

Noted IW-02-V4, Ross, 10 Sunny Ridge Rd., wetlands restoration, that Mrs. Hill and Mrs. Korzenko will pull out the relevant material from the file and also from the Brown file, IW-02-V3.

Noted IW-03-V12, Randall, 53 River Rd., mowing in wetlands, that the deed restriction has not been submitted.

Reported IW-02-48, Pullaro, 23 Calhoun St., addition, by Mr. Ajello that Leah Pullaro wants to add a small deck and handicap ramp, possibly pave the driveway and renovate the barn. Members decided a revision to the permit is in order for minor construction but the barn and driveway require a new application.

Noted IW-02-62 ATF, Sheinfeld, record conservation easement and mylar map, Mrs. Hill is very close to closure.

Noted IW-01-08, Washington Montessori School, 240 Litchfield Tnpk., construct school, vernal pools, that the Commission will work on this matter come Spring. Ms. Purnell said the old test gravel pools did contain egg masses and adult wood frogs were observed in the area.

Looked at administration items including the budget - members asked to submit their ideas to Mrs.

Hill, the Washington's 225th Anniversary Celebration, and the training offered 2-25-04 on wetland buffers.

Adjourned the meeting at 11:47 p.m. Motion by Korzenko, and passed 5-0.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Katherine Moquin, Land Use Secretary February 4, 2004