

September 8, 2004

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

MEMBER ABSENT: Mrs. Gray

ALTERNATES PRESENT: Ms. Coe, Mrs. Korzenko

ALTERNATE ABSENT: Mr. Bedini

STAFF PRESENT: Mr. Ajello

ALSO PRESENT: Mr. Segla, Mr. Haber, Mr. Neff, Mr. Beck, Mr. Sasson, Ms. Grant, Mr. Velseboer, Mr. Lecher, Mr. Trevenen, Mr. G. McGorty, Mr. J. McGorty

Regular Business

Mr. Picton called the meeting to order at 7:08 p.m. and seated Members Hill, LaMuniere, and Picton and Alternates Coe and Korzenko for Ms. Purnell and Mr. Bedini.

MOTION: To add the following business not already posted on the agenda: New Applications: 1) Lovelace/Upper Church Hill Road/#IW-04-52/ Drainage for New Dwelling, 2) Velseboer/337 Romford Road/#IW-04-53/Garage, 3) Mayfair Properties/116 Woodbury Road/#IW-04-54/Dredge Pond, Replace Dam and Culvert and Other Business: 1) McGorty/134 South Street/#IW-01-71/Review Final Driveway Plan per Condition of Approval, 2) Municipal Inland Wetlands Commissioner Training Program-October 2004, 3) Town Planning Process, 4) Annual Report. By Mrs. Hill, seconded by Mrs. Korzenko, and passed 5-0.

Consideration of the Minutes

The August 11, 2004 Regular Meeting minutes were accepted as corrected. On page 2, the motion for Adams was made by Mr. Picton and seconded by Mrs. Gray. On page 3 under Sasson, it should be noted that Mr. Sasson was asked to provide photos to prove the prior existence of the deck and a planting plan for the area between the wall and the road. On page 3 under Haber, Mr. Haber was asked to add the location of the septic system to the map and it should be noted that part, not all, of the work was proposed within the 100 foot setback. In the third paragraph on page 3, "vegetation" should be deleted. On page 4, in the sixth line under Miles-Marsh, "as" should be added to read, "...Nova Scotia Hill Road as a driveway..." On page 5 under Swanson, the fourth line was corrected to, "...will require an Inland Wetlands permit although it was an emergency."

MOTION: To accept the August 11, 2004 Regular Meeting minutes as corrected. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

The August 18, 2004 Special Meeting minutes were accepted as corrected. The correct spelling of Ilsley was noted.

MOTION: To accept the August 18, 2004 Special Meeting minutes (Haber/#IW-04-46) as corrected. By Mrs. Korzenko, seconded by Mr. Picton, and passed 5-0.

MOTION: To accept the August 18, 2004 Special Meeting minutes (Miles-Marsh/#IW-04-47) as written. By Mrs. Korzenko, seconded by Ms. Coe, and passed 5-0.

Pending Applications

Turner/185 West Morris Road/#IW-04-45 ATF/Generator: The information requested at the last meeting; ATF fee, DEP form, and details about the fence materials and installation had been submitted. No pressurized materials will be used, the post holes will be dug by hand, and all disturbed areas will be mulched.

MOTION: To approve as submitted application #IW-04-45ATF for Turner/185 West Morris

Road/Install Generator and Fence per the site plan scaled 1" = 20', no title, no date. By Mrs. Hill, seconded by Mrs. Korzenko, and passed 5-0.

Haber/58 Upper Church Hill Road/#IW-04-46/Additions to Existing Dwelling: Mr. Haber and Mr. Segla were present. Mr. Ajello pointed out the proposed changes to the existing driveway, the proposed catch basin, and the wetlands boundaries on the map submitted at the last meeting. Mrs. Korzenko noted the silt fencing required by the Commission had been indicated. Mr. LaMuniere, Mrs. Korzenko, and Mrs. Hill had inspected the site and had no concerns. Mr. Picton noted it was important that the silt fence be installed as shown on the map to mark the limit of disturbance. No additional clearing beyond this line into the wetlands is permitted. Mr. Haber added the location of the septic system to the map and initialed his revision.

MOTION: To approve application #IW-04-46 for Haber/ 58 Upper Church Hill Road/Additions to Existing Dwelling per the map, "Topographical Survey," by Dymar, dated 8/3/04 and received 8/18/04 with the condition that silt fencing be installed between the construction area and the wetlands to the west before the work begins to mark the limit of disturbance during construction. By Mrs. Korzenko, seconded by Ms. Coe, and passed 5-0.

Miles-Marsh/204 Wykeham Road/#IW-04-47/Driveway: No one was present to represent the applicants. The map, "Topographic Map Prepared for David S. Miles, Trustee," revised to 8/10/04, by Mr. Alex was reviewed. Mr. Picton explained Mr. Marsh proposed a lot line revision and a driveway from Wykeham Road to access this parcel rather than using his existing frontage on Nova Scotia Hill Road. Access from Nova Scotia Hill Road over an existing wood road would not require a wetlands crossing, while the proposed access from Wykeham Road would run between two pockets of wetlands compromising the wetlands buffer plus would require a crossing and the cutting of many trees. Mr. Marsh had previously stated he proposed the Wykeham Road access so he would not need a maintenance agreement with the other property owners who use Nova Scotia Hill Road. Mr. Picton stated the Commission could not approve an activity, which would adversely impact the wetlands, if there was a feasible and prudent alternative with less or no impact. He requested better documentation from the applicants that the existing access has been compromised by the Town. The Commission thought since the Town had not legally abandoned the road, it still had an obligation to maintain it. Mr. Picton also thought there was a possible driveway location off Wykeham Road that would have less impact than the one proposed. Further discussion was tabled to the next meeting.

Sasson/4 June Road/#IW-04-44 ATF/Repair Deck, Retaining Wall, Walkway: Mr. Sasson and Ms. Grant, landscape horticulturalist, were present. Mr. Picton explained that if the work done was, indeed, repair work, it still required a permit from the Commission. Mr. Sasson submitted affidavits from two neighbors who stated the stone deck and walls existed for several years prior to the repair work. Ms. Purnell arrived at 8:12 p.m. and was seated. Mr. Picton stated he had inspected the site, saw that the work looked new, and requested more specific documentation to prove what had existed there previously. Mr. Sasson circulated photos, but they were inconclusive. Mr. Sasson will continue to ask neighbors if they have photos to support his claims and will also check low altitude aerial photos taken by the DEP. The planting plan was briefly reviewed. Ms. Purnell noted there was not much soil on the bank above the stone wall and so recommended plants without deep root systems. Mr. Sasson was asked to provide a grading plan and erosion controls at the top of the wall. Mr. Sasson asked if he could install a privacy fence and stairway between Rt. 45 and June Road. He was advised that a zoning permit was required for the fence and the proposed stairway was within the regulated wetland area.

Philip/41 Tinker Hill Road/#IW-04-48/Septic Repair: It was noted the Commission had not acted at the last meeting because it was required to wait 14 days per state statute. Mr. Ajello stated he had met with the contractor on site and had determined there were no feasible and prudent alternatives for the location of the septic system due to the location of the well and watercourses on the property. It was

also noted the septic system proposed was the minimum size permitted by the Health Department. Mr. Ajello said the proposed plan could not be improved.

MOTION: To approve application #IW-04-48 for Philip/ 41 Tinker Hill Road/Septic Repair as an emergency septic repair, noting the Commission determined there were no viable alternatives. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

New Applications

Lake Waramaug Country Club, Inc./19 Golf Links Road/#IW-04-49/ Golf Course Drainage Improvements: Mr. Lecher, president of the Club, and Mr. Neff, engineer, were present. Mr. Lecher explained the existing drainage system near the 7th and 8th holes at the corner of Golf Links and Beardsley Roads was failing. The map, "Golf Course Drainage Improvement Plan," by Mr. Neff, dated 8/19/04 was studied. The existing 8" clay tile would be removed and a grass lined drainage swale installed. Mr. Neff said this would allow for more storm water storage and would require less maintenance. Ms. Purnell asked for an over view plan with contour lines so the potential impact elsewhere on the property could be reviewed. Mr. Lecher noted this area drains towards Kent. Mr. Picton asked for a copy of the USDA soil map for the file. A site inspection was scheduled for Tuesday, September 14, 2004 at 4:00 p.m.

Enforcement

Beck/132 Calhoun Street/#IW-02-V1/Cutting and Clearing in Wetlands: Mr. Ajello reported Mrs. Corrigan, biologist, agreed to mark the invasive species in the disturbed area. She recommended that the stems be cut and treated with a direct application of herbicide and that this work be done before 9/30. Mr. Beck found this course of action to be acceptable. Mr. Picton noted it was Mr. Beck's responsibility to hire both the consultant and the applicator.

New Applications

Lovlace/ Upper Church Hill Road/#IW-04-52/Drainage for New Dwelling: Mr. Neff, engineer, was asked to provide the correct street address. The map, "Proposed Site Plan," by Mr. Neff, revised to 9/6/04 was reviewed. He noted the house and septic were located outside the regulated area, but the footing drains and curtain drain above the septic area had to be extended into the regulated area. Mr. Neff stated they would be no closer than 20 feet to the actual wetlands. It was noted there was a soils report in the file and that the property had a very gradual slope. Mr. Picton asked that a copy of the USDA soils map be submitted for the file. A site inspection was scheduled for Tuesday, 9/14/04 at 5:00 p.m.

Mayfair Properties/116 Woodbury Road/#IW-04-54/Dredge Pond, Replace Dam and Culvert: The map, "Pond Maintenance Plan," by Mr. Neff, dated 9/7/04 showing the location of the existing pond below the new spa building was reviewed. The proposed work includes dredging the pond so the existing hydrant is functional, replacing the wooden dam with concrete, replacing the collapsing culvert, and planting around the pond. 2500 cubic yards of silt would be removed to make the pond 10 feet deep. Ms. Purnell asked if the work would affect the restoration work ordered on the other side of the pond. Mr. Neff said it would not. He noted the existing island and vegetation would remain. Mr. Neff said a sediment basin was not proposed because the island was in the way. Mr. Picton asked for profiles to show the pond would have shelves and not be just a deep basin.

Enforcement

Carter/292 Walker Brook Road: Details concerning this matter can be found in the 9/8/04 WEO Report. Mr. Neff told the Commission the rip rapped streambank had been dramatically undercut and that he had faxed the contractor a copy of the original permit when he was informed emergency repairs

were needed. Mr. Ajello asked if Mr. Neff would inspect the site to determine whether the work had been completed according to the approved plan.

New Applications

Velseboer/337 Romford Road/#IW-04-53/Garage: Mr. Velseboer proposed to construct a garage, which would encroach upon the 100 foot wetlands setback but would not be within the flood plain. The map, "Zoning Location Survey," by Mr. Farnsworth, dated 9/2/04 was reviewed. Ms. Purnell noted the proposed garage was placed as close to the front yard setback boundary as possible in order to minimize the wetlands impact. Mr. Velseboer pointed out the location of stone patios near the dwelling. Mr. Ajello will review the application prior to the next meeting. The Commissioners will drive by to inspect the property on their own.

Other Business

McGorty/134 South Street/#IW-01-71/Review Final Driveway Plan per Condition of Approval: Mr. Ajello noted the plans had been approved in 1971 with the condition that additional information on the driveway would be submitted for review by the Commission. Mr. G. McGorty said he had been advised by Mr. Neff, engineer, that no driveway drainage plan was required because the driveway was 300 feet from the 100 foot wetlands setback. He noted there was a grassed "gutter" on the inside of the driveway to collect runoff. Ms. Purnell objected because this did not replicate the sheet flow, which occurred prior to the installation of the driveway. She noted when the sheet flow is collected and directed to one area of the wetlands, it can have an adverse impact. She therefore, recommended culverts every 150 feet so the runoff could be spread out again. Mr. Picton asked for driveway and runoff details from Mr. Neff. It was noted that any change to the approved plans must come back to the Commission for review.

New Application

Pickett, Johnson, Gillette, Skorski/4 New Preston Hill Road and 19, 23, 25 East Shore Road/#IW-04-50/Repair Dam, Dredge Basin, Install Dry Hydrant: It was noted the Town and Fire Dept. supported the application and that if approved, the Town would do the work. Two maps were reviewed; a section of a survey, "Map of Property Prepared for Frank Skorski," and Assessor's Map #11-5. Ms. Purnell questioned whether the change in the size and the depth of the basin would have any impacts downstream. Mrs. Korzenko noted no erosion controls were indicated. A site inspection was scheduled for Tuesday, Sept. 14, 2004 at 4:30 p.m.

Town of Washington/17 East Shore Road/#IW-04-51/Repair Retaining Wall: Mr. Ajello explained the stone retaining wall for the parking lot at the Boys Club was collapsing, so 30 feet would be dug out and repaired. Ms. Purnell noted this work and that of the previous application should be done during the dry time of year, which has now passed. Mr. Ajello stated if weather conditions were not good, the project would be postponed until next year. A site inspection was scheduled for Tuesday, Sept. 14, 2004 at 4:40 p.m.

Enforcement

Copies of the 9/8/04 WEO Report were circulated and the following items briefly discussed:

Bailey/93 Old Litchfield Road/#IW-04-V7/Destruction of Wetlands by ATVs: It was noted there had been no restoration work done. Mr. Ajello will send a second letter stating that unless corrective measures are taken a second citation will be issued.

Beck/132 Calhoun Street/#IW-02-V1/Cutting, Clearing in Wetlands: The method to be used to apply the herbicide to minimize killing anything but the invasives was reviewed. The Commission was encouraged that this matter would soon be resolved.

Carter/292 Walker Brook Road/Repair of Retaining Wall: It was the consensus of the Commission that both the owner and Mr. Lowe, contractor, should be issued notices of violation and citations. Mr. Picton asked that the engineer list any deviations from the approved plans and also recommendations for stabilization.

Gorra/New Miford Turnpike/Septic Repair: Mr. Ajello has requested an ATF application for the septic repair work. He reported there had been no new activity and the hillside had been seeded and mulched.

Brody/Bee Brook Road/#IW-02-06 and deJong/109 Old Litchfield Road: Mr. Ajello reported installation of two bridges would begin soon.

Fowler/138 Nichols Hill Road/#IW-04-V5: It was not known whether the citation hearing had been rescheduled for Sept. 23 or 30. The Commission gave Ms. Coe an update on the status of the violation and explained the citation process. Mr. Picton asked if separate from the citation process, the Commission should order Mr. Fowler to refill the ditch with the material that was taken out of it and restore the previous grade. It was the consensus that the Commission should request remediation of the damage done without waiting for the citation hearing to be held.

Sarro/39 Tinker Hill Road: Mr. Ajello alerted the Commission to a sedimentation problem on this property, although it was not near a distinct wetland area.

Ross/10 Sunny Ridge Road/#IW-02-V4: Mr. Ajello showed photos of oil and debris possibly in the regulated area just beyond the pines. The Commission has not yet received an ATF application for the new road already constructed. Mr. Ajello will send Mr. Ross a letter to inform him that all temporarily stockpiled materials should be removed from the upland review area or an application should be submitted. It was noted if the violations continue, a notice of violation could be filed on the Land Records for Mr. Ross's second parcel.

Greenfield/12 Ives Road/Clearing In or Near Wetlands: There was no new information.

Jackson/69 Wykeham Road/Reconstruction of Storage Shed: Mr. Ajello approved this as a de minimus application as there was no excavation or regrading required and the shed would be on blocks.

Lake Waramaug Country Club, Inc./West Shore Road/Remodeling of Beach House: Mr. Ajello recommended a de minimus application because the land is level and there will be no excavation, but Ms. Purnell noted the large size of the project. She was concerned because the project is so visible and recommended a full application. Mr. Ajello said there was minimal risk to the lake. It was the consensus that more details about the project should be obtained and a complete application should be submitted.

Washington Montessori School/240 Litchfield Turnpike/Cleaning of Vernal Pool: It was noted this was delayed due to the weather.

Other Business

Referral from New Milford Zoning Commission/Application for Zone Change - 80 Lot Cluster-Open Space Subdivision: Mrs. Hill thought the N. Milford Inland Wetlands Commission should have notified the Commission of the application. Mr. Ajello pointed out the location of the property on the set of maps, "Walker Brook Farm," by L. Edwards Associates, LLC, 15 pages. The Commission was doubtful that all intermittent watercourses on the property were indicated on the plans and was concerned about possible drainage into Walker Brook. Mr. Picton noted the Conservation Commission is sending a letter to N. Milford Zoning and thought the Wetlands Commission should also do so. The Commissioners were asked to send their concerns to Mrs. D. Hill, who will draft the letter.

Ruling on Wetlands Jurisdiction/Meeker/269 New Milford Turnpike/ Storage Structure: Mr. Picton read the 9/8/04 referral memo from Mrs. Hill. Mrs. Korzenko noted Mr. Meeker is using a driveway and parking area that have not yet been approved by the Inland Wetlands Commission. The Commission considered this to be a continuing violation. It was the consensus that because the building would store chemicals only 107 feet from the river and because there might be an aquifer in this area, the Wetlands Commission does have jurisdiction. Mr. Ajello will respond to the Zoning Commission.

DEP Training: The October dates for Session III were reviewed. Interested Commissioners were asked to contact Mrs. J. Hill as soon as possible.

2003-2004 Annual Report: Mrs. D. Hill will write this report.

Town Planning Process: Mr. Sears emailed Mr. Picton about this matter. He will forward the email to all Commissioners.

MOTION: To enter Executive Session to discuss the following pending litigation: 1) **Bolek/#IW-03-65** and 2) **Guliano appeal of Ficalora/#IW-03-54**. By Mrs. Hill, seconded by Mrs. Korzenko, and passed 5-0.

MOTION: To close Executive Session. By Mrs. Hill, seconded by Mrs. Korzenko, and passed 5-0.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator