

September 22, 2004

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

MEMBERS ABSENT: Mrs. Gray, Mrs. D. Hill

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

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

ALSO PRESENT: Mr. Neff, Mr. Velseboer, Mr. Armstrong, Mr. Johnson, Mr. Sears

Regular Business

Mr. Picton called the meeting to order at 7:00 p.m. and seated Members LaMuniere and Picton and Alternates Bedini, Coe, and Korzenko.

MOTION: To add the following subsequent business to the Agenda: New Applications: 1) Carron/ 58 Gunn Hill Road/#IW-04-55/Addition, Terraces, Generator, Driveway, 2) Gorra/278 New Milford Turnpike/#IW-04-56ATF/Septic Repair and Stream Remediation; Enforcement: 1) Brown/96 Romford Road/#IW-03-09/Permanent Dam Repair; Other Business: 1) Review and Approval of Draft Letter to New Milford Zoning Commission Re: Proposed Zone Change, 2) Armstrong/72 Mygatt Road/#IW-99-16/Revision of Approved Plan. By Mrs. Korzenko, seconded by Ms. Coe, and passed 5-0.

Consideration of the Minutes

The September 8, 2003 Regular Meeting minutes were accepted as corrected. On page 2 in the third line under Turner, "pressurized" should be "pressure treated." On page 5 in the second sentence under Carter, "rip rapped" should be "armored." In the sixth line on page 6 under McGorty, it was Mr. Picton, not Ms. Purnell, who recommended culverts. On page 7 in the first line, the spelling of New Milford was corrected.

MOTION: To accept the 9/8/04 Regular Meeting Minutes as corrected. By Mrs. Korzenko, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 9/14/04 Special Meeting Minutes (Lake Waramaug Country Club) as submitted. By Mrs. Korzenko, seconded by Mr. Bedini, and passed 5-0.

Mr. Ajello noted the Kent-Washington town line goes through the pond referred to in these minutes.

The September 14, 2004 Special Meeting minutes for Pickett et. al. were accepted as corrected. "Mr. Cable" should be changed to "Mr. Skorski." Mr. Picton noted another question raised was how would the flow be regulated during construction.

MOTION: To accept the 9/14/04 Special Meeting minutes (Pickett et al.) as corrected. By Mr. Picton, seconded by Mrs. Korzenko, and passed 5-0.

MOTION: To accept the 9/14/04 Special Meeting minutes (Town of Washington) as written. By Mrs. Korzenko, seconded by Ms. Coe, and passed 5-0.

MOTION: To accept the 9/14/04 Special Meeting minutes (Lovelace) as submitted. By Mr. LaMuniere, seconded by Mr. Picton, and passed 5-0.

The September 14, 2004 Special Meeting minutes were accepted as corrected. The spelling of Trevenen was corrected.

MOTION: To accept the 9/14/04 Special Meeting Minutes (Mayfair) as corrected. By Mr. LaMuniere, seconded by Mrs. Korzenko, and passed 5-0.

Pending Applications

Sasson/4 June Road/#IW-04-44ATF/Repair Deck, Retaining Wall, Walkway: Mr. Ajello reported Mr. Sasson is trying to collect photos to verify the deck and retaining wall were pre existing structures. Discussion was tabled to the next meeting.

Miles-Marsh/204 Wykeham Road/#IW-04-47/Driveway: At the last meeting the Commission asked whether Nova Scotia Hill Road was a viable accessway and whether the Town continued to have the responsibility to maintain it. Mr. Ajello will call the applicants to advise them of the information needed.

Lake Waramaug Country Club, Inc./19 Golf Links Road/#IW-04-49/Golf Course Drainage Improvements: Mr. Neff, engineer, submitted a copy of the USDA soil map, the report, "Turfgrass Management Plan for Fairways and Roughs," by Mr. Dest, dated 1/16/97 and the revised map, "Golf Course Drainage Improvement Plan," by Mr. Neff, revised to 9/17/04. He noted the main revision was the riprapped silt basin had been changed to a vegetated buffer. Ms. Purnell noted the mowed areas shown on the plan did not match the mowed areas observed on the site inspection. Mr. Picton noted the issues to be addressed were listed in his 9/17/04 memo and in the 9/14/04 site inspection report. Mr. Neff also noted the existing 8" clay tile would be replaced with a vegetated open swale that would have a greater capacity than the tile and would slow the runoff and act as a biofilter. The Commission asked that a note be placed on the map regarding how the wet meadow would be maintained. Mr. Picton said one of the aims of the Commission was to prevent wetlands from being turned into lawn, which would require additional drainage systems. He asked if the golf course could still function adequately if less land were drained. Mr. Neff said he had provided a typical drainage system for an area that size. Discussion of drainage details continued and Mr. Picton again requested that each of the issues listed in the site inspection report be addressed. It was noted Mr. Lecher will attend the next meeting and that he might consider installing a larger sediment basin to allow an area for clean out without removing vegetation. Mr. LaMuniere stressed the importance of maintaining a wetland buffer on the north side of the wet meadow area and also asked for details on the size of the silt basin and the kinds of plantings proposed. It was noted the Town of Kent had been notified of the application as required per state statute.

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 neither specific engineered plans nor a precise map had been submitted. Questions and concerns raised by the Commissioners included; 1) how water levels would be adjusted during construction, 2) what were the basin parameters of the silt removal, 3) how much silt would be removed, 4) exactly how would the dam be repaired, 5) how high must the dam be, 6) what measures would be taken to minimize turbulence in the stream during construction, 7) would the retaining wall along the east side of the pond be rebuilt, 8) were any erosion and sedimentation control measures proposed, and 9) what would be the potential impact to wetlands and watercourses downstream and to public safety? Mr. Picton noted if substantial work was proposed, engineered plans may be required.

Town of Washington/17 East Shore Road/#IW-04-51/Repair Retaining Wall: Construction plans had not been submitted. Ms. Purnell stated this was a repair of an existing wall and the Commission would want to make sure the work was done properly and the wall would be structurally sound. Mr. Picton noted the 9/14/04 site inspection report listed many of the Commission's concerns and said another issue to be addressed was what measures would be taken for flow control during construction.

Lovelace/Upper Church Hill Road/Assessor's Map #6-8, Lot #23/ Drainage for New Dwelling: Mr. Picton recused himself and Ms Purnell was seated. Mr. Neff, engineer, submitted a copy of the USDA soil map and the map, "Proposed Site Plan," by Mr. Neff, revised to 9/20/04, which showed the existing tree line as the Commission had requested at the last meeting. The Commission thought it was important to protect the wooded buffer.

MOTION: To approve the application, #IW-04-52 submitted by Mr. and Mrs. Lovelace for drainage for a new dwelling on their property on Upper Church Hill Road, Assessor's Map #6-8, Lot #23, per the map, "Proposed Site Plan," by Mr. Neff, revised to 9/20/04 with the condition that the woodlands in the wetlands and along the east edge of the wetlands remain in a natural state. By Ms. Purnell, seconded by Mrs. Korzenko, and passed 5-0.

Mr. Picton was reseated.

Velseboer/337 Romford Road/#IW-04-53/Garage: The map, "Zoning Location Survey," by Mr. Farnsworth, dated 9/2/04 was reviewed. Mr. Ajello said he did not see any other appropriate location for a garage, which would be constructed in the existing parking area. It was noted two stone patios, which were not included in the original permit for the dwelling, had been constructed. As the patios had caused no adverse impact to the wetlands, the Commission asked Mr. Velseboer to add them to the application and to pay the after the fact fee of \$60.

Mayfair Properties, LLC./116 Woodbury Road/#IW-04-54/Dredge Pond, Replace Dam and Culvert: Mr. Neff, engineer, submitted the USDA soil map and the "Pond Maintenance Plan," by Mr. Neff, revised to 9/20/04, which included the proposed dam and culvert cross section. At the last meeting the Commission had asked for some terracing and a shelf in the pond. Mr. Neff noted the proposed 3:1 slope for the sides of the pond and the shelf area on the back side near the inlet. When asked why the pond would be so deep, he said a depth of 10 feet was recommended for trout, that taking the organics out would improve the water quality, and that if only the immediate area around the hydrant was dug out, it would fill back in quickly. Mr. Picton reviewed the questions raised at the 9/14/04 site inspection and in his memo. Mr. Picton asked how storm events in excess of a 50 year storm would be handled. Mr. Neff noted the size of the outlet pipe would be increased to handle a 100 year storm rather than installing an emergency spillway. He said this would cause less disturbance to the wetlands. Mr. Picton questioned whether the proposed shelves were adequate. Mr. Neff stated they were proposed around one third of the pond and that the other sides would have a 3:1 slope, which would support emergent vegetation. He also stated some of the bottom would be left in its natural state. Mr. Neff reviewed the plans to pump down the pond and for a silt basin with hay bales to catch the silt before the water flowed overland back to the stream. Ms. Purnell suggested the applicant provide a greater vegetated buffer to compensate for the smaller shelf area. The landscaping plan was reviewed and a buffer planting plan agreed upon.

MOTION: To approve the application, #IW-04-54 submitted by Mayfair Properties, LLC. to dredge a pond and replace a dam and culvert at 116 Woodbury Road per the plan, "Pond Maintenance Plan," by Mr. Neff, revised to 9/20/04 and the landscaping plan, "Pond at Mayflower Inn - Washington, Ct.," by Mr. Suford, dated 9/8/04 with the condition that on the north and northwest sides of the pond where the planting plan shows a perimeter of ferns, that there be a minimum 10 ft. wide buffer between the edge of the pond and the path planted with a variety of herbaceous perennials and low growing native shrubs. By Mrs. Korzenko, seconded by Mr. LaMuniere, and passed 5-0.

Velseboer/337 Romford Road/#IW-04-53ATF/Garage and Patios: The 9/2/04 map, "Zoning Location Survey," was reviewed again. Mr. Picton noted the application form had been revised to include the two stone patios shown on the map and that a check for the \$60 ATF fee had been submitted.

MOTION: To approve the application, #IW-04-53 submitted by Mr. Velseboer to construct a garage at 337 Romford Road per the map, "Zoning Location Survey," by Mr. Farnsworth, dated 9/2/04 with the addition that two patios be added as after the fact components as they were not approved in any previous application. By Mr. Picton, seconded by Mrs. Korzenko, and passed 5-0.

New Applications

Carron/58 Gunn Hill Road/#IW-04-55/Addition, Terraces, Driveway, Generator: Mr. Picton recused himself and Ms. Purnell was seated. Mr. Collins, contractor, represented the applicant. He presented the map, "Addition and Improvements," by Archimuse, dated 9/17/04 with hand drawn additions and notes by Picton Brothers, LLC, dated 9/21/04. Mr. Collins briefly reviewed the plans to construct terraces and an addition to the existing house, put in a retaining wall, improve an old driveway and add a new parking area, and install a generator. He noted the improved driveway would not be paved and would be the only construction entrance and said silt fencing would be installed along the entire length of the driveway and around the construction area. It was noted the line showing the extent of the wetlands on the site plan was estimated, but the work on the house would be approximately 92 feet from the pond and the landscaping work 80 feet away. It was noted a construction sequence had been submitted. A site inspection was scheduled for Tuesday, September 28, 2004 at 4:00 p.m.

Mr. Picton was reseated.

Gorra/278 New Milford Turnpike/#IW-04/56ATF/Septic Repair and Stream Remediation: Ms. Purnell recused herself. Mr. Ajello presented photos of the disturbed areas and noted the Town Sanitarian had approved the septic repair, but the applicant had not realized he also need Wetlands approval because the work was within 50 feet of an intermittent watercourse. Dr. Gorra stated while the machinery was on site he had cleaned out the sediment and stones from the watercourse. It was noted the work had been done late in July and had been completed within five days. Dr. Gorra proposed to replant the area and to install a series of sediment basins or check dams. The Commission asked for a detailed remediation plan that includes the size and number of plantings to restore the streambank to its natural state and to help prevent erosion and the size and location of the proposed check dams. Mr. Picton noted in the past the Commission has asked to have citations issued for this type of activity and would try to be consistent in this case. A site inspection was scheduled for Tuesday, September 28, 2004 at 4:30 p.m. Enforcement will be discussed at the next meeting.

Other Business

Armstrong/72 Mygatt Road/#IW-99-16/Revision of Approved Plan: Mr. Armstrong, property owner, and Mr. Johnson, contractor, explained the CL&P hookup was actually located more than a hundred feet from where it was shown on the approved plan, "Subsurface Sewage Disposal System," by Mr. Neff, revised to 11/4/03. This meant the underground service would have to cross an intermittent watercourse near the access to the property. They presented the above referenced map with the proposed route drawn in by hand. Ms. Purnell suggested the crossing be made perpendicular to the streambed so it would be shorter and cause less disturbance, but the applicant said the proposed route was through an area, which had been disturbed in the past and so would actually cause less impact. Mr. Johnson stated the service would be buried in sand at least two feet deep and covered with rip rap and that the work could be completed in a day. Ms. Purnell objected to the proposed rip rap and that the wetlands would not be crossed at its narrowest point. Mr. Ajello did not think there was a viable alternative because there was a more natural area above and it was wetter below. Mr. Picton did not think the proposed work would cause a lasting adverse impact.

MOTION: To approve the revision requested by Mr. Armstrong to permit #IW-99-16 to run the underground electric service through an intermittent watercourse at 72 Mygatt Road per the map, "Subsurface Sewage Disposal System," by Mr. Neff, revised to 11/4/03 and with revisions drawn in color by the applicant, as the Wetlands Enforcement Officer had inspected the site and determined there were no alternatives with less impact to the wetlands and because the proposed work can be done without any lasting negative impact and with the following conditions: 1) the installation across the stream area must be completed in one day, 2) the excavated material must be stockpiled at least 20 feet from the watercourse, and 3) the trench must be covered with 3 inch rip rap extending at least 5 feet out

from both sides. By Mr. Picton, seconded by Mrs. Korzenko, and passed 5-0.

Ms. Purnell said she objected to the revision because the work could cause a long term potential for scouring.

Enforcement

Meeker/269 New Milford Turnpike: The Commission was concerned that Mr. Meeker's application to extend the parking area had been denied because it was incomplete, yet he continued to use the area for parking. It was noted the parking could potentially cause erosion of the streambank, compaction of the soils, and leaks from vehicles could contaminate the water and soils. Mr. Ajello advised the Commission Mr. Meeker had been told to keep all vehicles away from the river until an application was approved. It was the consensus Mr. Meeker should be notified by certified letter that if the parking is not kept away from the stream a citation will be issued.

Thorne/228 West Shore Road/Well Drilling without a Permit: Mr. Ajello reported the work had stopped, an ATF application would be submitted for the next meeting, and a letter of apology had been sent by Mrs. Thorne. It was noted there is an ongoing problem with the Health Department because it does not inform property owners that they must obtain Inland Wetlands permits for wells and septic systems in regulated areas. Mr. Ajello was asked to advise Mr. Straiton, well driller, that in the future he will be issued a citation if he begins work without the required Inland Wetlands permit.

Brown/96 Romford Road/#IW-03-09/Permanent Dam Repair: Mr. Ajello reported the Browns had misinterpreted the 5/25/04 letter from the DEP advising them of necessary work to be done on the dam to address deficiencies, and had filled in the emergency spillway. He also noted some minor points, such as installation of a grate and removal of trees in the vicinity of the dam, discussed during the site inspection with the DEP officials had not been included in the letter. Mr. Picton thought it was imperative the spillway be restored as soon as possible. It was the consensus that the work should be done by mid October and the disturbed areas seeded and mulched and if this is not properly completed, a citation should be issued. Mr. Ajello will notify the Browns by letter what corrective work must be done and will copy Mr. Bartos of Land Tech and the DEP.

Arciola/9 Dark Entry Road/#IW-03-19/Single Family Dwelling: Mr. Ajello noted there had been little progress. Mr. Picton asked him to inspect the swale on the property.

Ross/10 Sunny Ridge Road/#IW-02-V4: Mr. Picton read the 9/17/04 letter from Mr. Ross. The Commission asked Mr. Ajello to again ask Mr. Ross to either submit an application or to remove the material deposited in the upland review area. It was also noted an application would be required for the construction of the driveway referred to in the 9/17/04 letter.

Fowler/138 Nichols Hill Road/#IW-04-V5: The citation hearing was rescheduled for Thursday, September 30, 2004 at 7:00 p.m.

Lake Waramaug Country Club/West Shore Road/Remodel Beach House: Mr. Ajello thought the proposed work would cause no adverse impact to the wetlands. Mr. Picton asked the Commission to reconsider its request for an application rather than an Agent's approval. It was the consensus that extreme care should be taken because the work would be done so close to the shoreline and so the decision would stand.

Other Business

McGorty/134 South Street/#IW-01-71/Review Final Driveway Plan per Condition of Approval: The map, "Septic System Plan," by Mr. Neff, revised to 9/12/04 was reviewed. Mr. Picton noted a drainage swale had been added, but thought that was minimal as far as providing construction details for the driveway. He asked for specific details showing where the runoff would flow and how it would

be directed to spread out across the hillside. Mr. LaMuniere suggested a culvert at the mid point, a cross section, and a few "bumps" in the driveway to direct the flow. Mr. Ajello pointed out the house and septic system had been moved farther from the wetlands, the watershed was small, and a culvert installed under the driveway would have a tendency to heave. Mr. Picton will inspect the property to determine whether cross culverts should be required.

Discretion of the Chair

1) There was a brief discussion about site inspection procedures. Ms. Purnell noted the DEP advises observation only, no discussion, but Mr. Picton stated when conducting an inspection, the Commission is trying to gather all the information it can. He advised the Commissioners to keep together rather than going off in separate groups and to get together at the end to review points and make sure no important information is omitted from the report. He said the goal would be to provide the applicant with a list of all the information requested by the Commission so that it could be submitted by the next Regular Meeting.

2) Emails were discussed. It was noted there should be no discussion of applications between members between meetings, not even by email. Concerns regarding applications may be emailed to staff who will place copies in the files, but should not be sent to other commissioners.

Referral from New Milford Zoning Commission/Proposed Zone Change/ Walker Brook Road and Rt. 109: The draft letter written by Mrs. D. Hill based on input she had received from Commissioners was circulated. It was the consensus it should include more specific reasons about why the Inland Wetlands Commission is concerned about the proposal. Ms. Purnell will provide more details and will most likely hand deliver the letter to the New Milford Zoning Office.

Communications

1) Copies of the Land Use Brochure were handed out. Mrs. Korzenko was congratulated on a job well done.

2) There will be a course on site plan review in Bantam on 9/30.

3) There will be a conference of the Ct. Federation of Lakes on 10/23.

4) There will be an invasive species conference in Storrs on 10/7.

MOTION: To enter Executive Session at 10:41 p.m. to discuss Bolek, #IW-03-65 and the Guliano appeal of Ficalora, #IW-03-54. By Mrs. Korzenko, seconded by Mr. Bedini, and passed 5-0.

MOTION: To end Executive Session at 10:45 p.m. By Mrs. Korzenko, seconded by Mr. Bedini, and passed 5-0.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill, Land Use Coordinator