

## October 27, 2004

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

MEMBER ABSENT: Mrs. Gray

ALTERNATES PRESENT: Mr. Bedini, Ms. Coe

ALTERNATE ABSENT: Mrs. Korzenko

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill, Mr. Solley, Ms. Paca,

ALSO PRESENT: Mr. Lecher, Mr. Neff, Mr. Sherr, Mr. Charles, Mr. Wallis, Mr. J. Ross, Mrs. Payne, Press, Mr. W. Ross

Mr. Picton called the meeting to order at 7:04 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Bedini for Mrs. Gray.

### Consideration of the Minutes

The 9/30/04 Citation Hearing Minutes were accepted as corrected. Mrs. Hill inserted the following sentence in the 7th line on page 2: It was noted by those present, including Atty. Kelly, that the Show Cause Hearing referred to was part of an Enforcement Order procedure and therefore an issue separate from the Citation.

MOTION: To accept the 9/30/04 Citation Hearing minutes as corrected. By Mrs. Hill, seconded by Mr. Bedini, and passed 3-0-2. Mr. LaMuniere and Ms. Purnell abstained because they had not attended the Hearing.

The 10/13/04 Regular Meeting minutes were accepted as corrected.

- 1) Page 5: Ms. Purnell was actually reseated after the discussion of H.O.R.S.E.
- 2) Page 4 under Carron, 1st sentence: Change presiding "officer" to presiding "Member."
- 3) Page 6 under Hildemann: The size of the paddocks was 112' X 16' (not 15').
- 4) Page 7 under Holly Hill Farm: Mr. LaMuniere said a wildflower meadow, not a wet meadow, would be created, but Mrs. Hill said it had, indeed, been called a wet meadow.
- 5) Page 7 under Holly Hill Farm: The permit number, #IW-04-65, was added.
- 6) Page 8: The time of adjournment, 9:45 p.m., was added.

MOTION: To accept the 10/13/04 Regular Meeting minutes as corrected. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

MOTION: To accept the 10/19/04 Ross Site Inspection minutes as written. By Mr. LaMuniere, seconded by Mrs. Hill, and passed 5-0.

The 10/19/04 Steep Rock Assn. Site Inspection minutes were accepted as corrected. Added to the end was that the Members left the property at 4:40 p.m.

MOTION: To accept the 10/19/04 Steep Rock Assn. Site Inspection minutes as corrected. By Ms. Purnell, seconded by Mr. Picton, and passed 5-0.

It was noted the minutes for the Holly Hill Farm site inspection had just been submitted and so they would be considered at the next meeting.

### Pending Applications

**Pickett, Johnson, Gillette, Skorski/4 New Preston Hill Road and 19, 23, 25 East Shore Road/#IW-04-50/Dredge Pond, Install Dry Hydrant:** Mr. Solley, Selectman, submitted the 10/27/04 memo

noting repair of the dam had been deleted from the application and providing some of the construction details requested at the last meeting. Mr. Solley said the exact location of the basin, which would be determined based on the depth of the silt and the location of ledge and the amount of material to be excavated would not be known until the excavation was underway. At this time he knew only that the basin would be installed on a firm bottom. He noted the Fire Dept. currently has no water source for the Village of New Preston and so was anxious to install the hydrant this fall. Construction details were discussed. These included: 1) water flow through the work site would be reduced by use of the gate at the Lake Waramaug outlet, 2) the entire pond would not be dredged, only the area immediately surrounding the hydrant, approximately 30 ft. in diameter, 3) estimated duration of excavation was 2-6 hours, 4) installation of a 6" pump to pump the flow around the work site was not feasible, and 5) the hydrant would be set on crushed stone. Mr. Picton was concerned about the turbulence and sedimentation, which would be caused by the proposed dredging, said all possible sedimentation control measures must be utilized, and noted the proposed work was necessary for public safety. There was a lengthy discussion about conditions of approval to define the scope of the work.

MOTION: To approve application #IW-04-50 submitted by property owners Pickett, Johnson, Gillette, and Skorski to dredge the pond and install a dry hydrant at 4 New Preston Hill Road and 19, 23, and 25 East Shore Road per the plans, "Dry Hydrant Installation," dated 10/27/04 and "Dry Hydrant, New Preston," received 9/13/04 because this is a public safety issue and subject to the following conditions:

- 1 there shall be no excavation of original soil in or around the pond except as needed for the settling basin and pipe,
- 2 the excavation for and around the basin shall be no wider than approx. 30 ft. in diameter,
- 3 the water flow will be controlled by use of the gate at the outflow of the lake to reduce the flow during construction,
- 4 all measures to reduce turbulence and sedimentation will be implemented,
- 5 the excavation shall be completed within 6 hours,
- 6 if the scope of the work expands beyond these specified limitations, the WEO must be consulted,
- 7 the basin shall be anchored in place as needed with heavy rock,
- 8 the work is to be completed before the end of November 2004, and
- 9 the work shall be completed under the supervision of the WEO.

By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

#### **Lake Waramaug Country Club/19 Golf Links Road/#IW-04-49/Golf Course Drainage**

**Improvements:** Mr. Lecher submitted the revised map, "Golf Course Drainage Improvement Plan," by Mr. Neff, revised to 10/26/04, which addressed the concerns raised at the last meeting. Revisions to the drainage system to reduce the scope and define limitations, addition of a planting plan, and addition of a Phase I - Phase II work sequence were noted. Mr. Lecher explained the completed work would be evaluated after the wet season to determine whether the pipe installed was adequate. Mr. LaMunier was concerned that installation of the drainage channel to the edge of the wetlands could increase drainage from the meadow. Mr. Picton suggested it begin at ground level near the wetlands and continue at a 10:1 slope toward the basin. Mr. Lecher agreed to do so. The planting plan was reviewed. Invasive yellow flag irises were removed and cardinal flowers added and the change initialed on the plans. Mr. Neff noted the filter basin had been enlarged to 30' X 70' and would act to remove the nutrients from the drainage. Mr. Lecher said he hoped to complete the project during the winter. Mr. Picton said he was not concerned about erosion due to the gradual slope of the land.

MOTION: To approve application #IW-04-49 submitted by the Lake Waramaug Country Club for golf course drainage improvements at 19 Golf Links Road per the plan, "Golf Course Drainage Improvement Plan," by Mr. Neff, revised to 10/26/04 with handwritten notes made at the 10/27/04 meeting and subject to the following conditions:

- 1 the inlet of the swale shall be installed at the existing grade at the wetlands end and then drop down at a slope of 1:10 as it extends towards the filter basin,
- 2 the trenches on the south side are to be evaluated 12 months after installation,
- 3 the duration of construction shall be 4 to 6 weeks, and
- 4 the basin shall be dug first and connected to the swale to act as a filtration basin during construction.

By Ms. Purnell, seconded by Mr. LaMunier, and passed 5-0.

Mr. Picton noted the golf course and its drainage system were existing conditions that predated the Inland Wetlands Regulations and that providing for drainage of the golf course was different than allowing homeowners to drain land to install lawns.

**Gorra/278 New Milford Turnpike/#IW-04-56ATF/Septic Repair and Stream Remediation:** Mr. Ajello reported Dr. Gorra would attend the next meeting. It was noted there are two more meetings before the time to act on the application expires.

**H.O.R.S.E./43 Wilbur Road/#IW-04-57E/Construct Paddocks, Fence :** Mr. Ajello had written Ms. Wahlers a letter to inform her of the additional information required, but had not yet received a response. Mr. Ajello circulated the DEP definition of agriculture. Discussion of the application was tabled to the next meeting.

**Thorne/228 West Shore Road/#IW-04-58ATF/Install Well, Water Line, and Septic System:** Mr. Picton noted at the last meeting the Commission had asked that silt fencing be shown on the map and that a line to mark the limit of disturbance had also been requested. These were still missing, as was the location of the water line. Mr. Ajello will write a letter to remind Mr. Towne, contractor, of the additional information required. Further discussion was tabled until this information is added to the map.

**Ross/24 Wilbur Road/#IW-04-59/Commercial Building, Parking, Detention Basin:** Mr. Ross was present. The map, "Septic Plan," by Altermatt Engineering, LLC., revised to 10/26/04 was reviewed. Mr. Ross submitted a sketch of the existing knotweed in the neighborhood and a lengthy discussion ensued about the most effective way to remove it. Ms. Purnell thought it was important to eliminate it from the site so it would not spread to Meeker Swamp, but Mr. Ross said this was beyond his control as it already exists along Wilbur Road and in the swamp. He assured the Commission he would not take any disturbed material off site to prevent it from being spread to another property in that way. Mr. Ross said he had revised the site plan by moving the driveway and detention basin so that less fill would be required near the existing white pines and a buffer could be maintained between the parking area and the adjoining property. The drainage plans and planting plans were discussed. Regarding the proposed use of the commercial building, Mr. Ross said there would be no businesses using hazardous materials and no outside storage of fuels. He thought there might be a small food store in half and books or antiques on the other side. He noted the plans had been revised to enlarge the septic system to accommodate the possible market use. Mr. Picton asked if the parking lot could be narrowed to avoid excavation and filling up to the edge of the wetlands. Mr. Ross explained the Zoning Regulations specify the amount of parking required and also that there be a 50 ft. buffer between commercial parking and adjoining residential lots. It was noted the revised plans addressed most of the issues raised at the site inspection and the previous meeting.

MOTION: To approve application #IW-04-59 submitted by Mr. Ross for a commercial building, driveway, parking area, and detention basin at 24 Wilbur Road per the plan, "Septic Plan," by Altermatt Engineering, LLC., revised to 10/26/04 subject to the following conditions:

- 1) no topsoil material is to be trucked off site,
- 2) the knotweed is to be pulled out or cut, then dried and burned and after construction is to be managed by cut stem application of an herbicide,
- 3) there shall be no outside storage of fuels or hazardous materials,
- 4) the limit of disturbance is the silt fence shown on the plan, and
- 5) the berm and the area within 20 feet of the wetlands shall be mowed only once a year.

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

**Steep Rock Assoc./124 Christian Street/#IW-04-60/Construct Parking Area and Accessway:** It was noted a site inspection had been conducted, the application was straightforward, and there was only minor activity proposed in the upland review area.

MOTION: To approve application #IW-04-60 submitted by Steep Rock Assn. to construct an accessway and parking area at 124 Christian Street per the plan, "Driveway and Parking Plan," by Mr. Neff, dated 9/28/04. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

**Parent/71 Calhoun Hill Road/#IW-04-61/Reconstruct Bridge, Restore Disturbed Area:** Mr. Neff, engineer, represented the applicant. The map, "Proposed Site Improvement Plan," by Mr. Neff, dated 10/5/04 was reviewed. Mr. Neff explained the driveway, which had extended into the regulated area, would be abandoned and that boulders would be deposited at the corners of the existing headwalls at the bridge to prevent further erosion. He explained how these would be put into place. Having inspected the site, Mr. Ajello and Mrs. Hill said there was a problem with water running down the driveway and "oozing" into the stream. Mr. Picton asked that "leak-offs" be added every 150 feet along the drive and Mr. Neff so amended the map. Mr. Picton also asked that a note be added to the map that water will be directed away from the driveway. The Commissioners were concerned the property owner might clear down to the streambank, noting the importance of maintaining the canopy over any stream. Mr. Neff said there were no plans to do so, and pointed out the area already cleared for the house.

MOTION: To approve application #IW-04-61 submitted by Mr. Parent to reconstruct the bridge and restore the disturbed area at 71 Calhoun Hill Road per the plan, "Proposed Site Improvement Plan," by Mr. Neff, dated 10/5/04 as amended at the 10/27/04 meeting and subject to the stipulation that any cutting of vegetation within 100 ft. of any wetlands or watercourse is a regulated activity requiring the issuance of a permit before the work is done. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

**Kelsey/39 West Morris Road/#IW-04-62/Install Driveway Culvert:** Mr. Neff, engineer, stated the Commission had previously approved a lot line revision and it had been noted at that time a driveway culvert would be needed. The current application is for the culvert only and not for any driveway improvements or construction of the house. The lot is for sale, and the sellers want to access the potential house site. The map, "Driveway Wetland Crossing Plan," by Mr. Neff, dated 10/4/04 was reviewed. Mr. Neff noted the watercourse is intermittent, is dry part of the year, and would not require a larger, flatter culvert. Mr. Picton asked why the driveway could not be installed where there are no wetlands. Mr. Neff responded the alternate route is much steeper and would disturb an area not already disturbed. Mr. Picton asked Mr. Ajello to inspect the site and advise the Commission as to whether there was a more appropriate location for the driveway. It was noted the conduit for underground utilities was also included in the application because there would be less disturbance to the wetlands if it was installed at the same time as the culvert.

**Mayfair Properties/116 Woodbury Road/#IW-04-63/Renovate Barn:** The map, "Barn Renovation Erosion Control Plan," by Mr. Neff, dated 10/11/04 was studied. Mr. Picton noted the barn was being renovated for the purpose of treating and storing the domestic water supply for the upper buildings. He noted, too, that the silt fence shown on the map was the limit of disturbance. Ms. Purnell asked if the entrance could be switched to the opposite side of the building. Mr. Neff said it could not because it is a two level structure with a walk out on the lower level. Mr. Neff pointed out the location of the proposed water lines and of the trenching that would be required within the regulated area. He stated the soil removed for the foundation work would be used as backfill.

MOTION: To approve application #IW-04-63 submitted by Mayfair Properties to restore the barn at 116 Woodbury Road per the plan, "Barn Renovation Erosion Control Plan," by Mr. Neff, dated 10/11/04 subject to the following conditions:

- 1) the equipment used to lift the barn shall remain on already compacted areas and
- 2) except for the installation of the water and utility lines, the excavation may be done only within 10 ft. of the existing barn.

By Mr. LaMunier, seconded by Mrs. Hill, and passed 5-0.

**Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/#IW-04-54/Resubdivision:** Mr. Ajello noted he had not yet reviewed this application. The applicants proposed to divide the 72+ acre parcel into a large lot with the existing dwelling and a 12.78 acre lot with frontage on West Shore Road. Mr. Neff said the applicants want another dwelling unit on the property, but already have a detached apartment, and so are proposing the resubdivision. The application includes the construction of the new dwelling. He noted there are wetlands and watercourses located throughout the property. Ms. Purnell asked that a detailed analysis of feasible and prudent alternatives be submitted. She pointed out that the proposed dwelling was being squeezed into an area in close proximity to Ash Swamp and Lake Waramaug, which was unfortunate because there were many more suitable locations in what now are conservation easement areas. A site inspection was scheduled for Monday, November 1, 2004 at 4:00 p.m.

**Holly Hill Farm,LLC./87 Whittlesey Road/#IW-04-65/Restoration and Reforestation:** Ms. Paca, landscape architect was present. It was noted the complementary report by Mr. LaMunier, dated 10/25/04, the 10/27/04 memo from Mr. Picton, the 10/19/04 Site Inspection Minutes by Ms. Purnell, and a list entitled, "Banned Invasives" were included in the file. Ms. Purnell's minutes were read aloud. Mr. Picton said the plans for extensive removal and replanting of vegetation could be considered in four general categories; 1) conversion of the lower third of the lawn to a wildflower meadow, 2) renovation of the young forest and brushy areas above the steep slope, 3) thinning of the existing forest and addition of trees and shrubs on the very steep slope down to the river, and 4) work in the floodplain. Mr. Bedini added 5) removal of trees along the stream flowing from Whittlesey Road. Ms. Purnell added 6) the dump, which she said was a critical area. Mr. Picton noted there were wetlands violations that would be discussed under Enforcement. These were: 1) the clearing of vegetation and deposition of top soil within 100 feet of an intermittent watercourse above the steep bank, 2) the clear cutting of under brush on the slope going down to the river, and 3) clearing in the floodplain. The Commission was generally in favor of converting part of the lawn to meadow as it would diversify the vegetation, chemicals would not be required for maintenance, and there was the possibility that more wetlands species would be planted in the wetter areas. However, Mr. Picton asked that this work be done in stages so the entire area would not be disturbed at once. It was also noted the Commission would be supportive of removal of the material and invasives from the dump area. Several Commissioners questioned whether the mixed forest on the steep slopes should be thinned or remain as is and evolve naturally. They were concerned removal of vegetation would increase the speed of runoff

as it flowed towards the river. Ms. Purnell thought the proposed removal of large amounts of vegetation could have a significant impact on the Shepaug and so suggested a public hearing be held to consider the application. Mr. Picton agreed, adding he would like an opinion from an ecological consultant. Ms. Purnell suggested a "pilot program" to see if there would be any negative impacts from the work done. Mr. Picton thought there had been enough work already done without permits to serve as a pilot program. Mr. Ajello thought the Conservation Commission might be consulted for input. Mr. Picton asked the applicant to review the Commission's concerns and to revise the application for the next meeting to limit the scope of the proposed work, propose a construction sequence, and provide specific details on how the project would be undertaken. Mr. Picton advised Ms. Paca she could install erosion controls and interplant in a test spot, but could not do any further work at this time. There was a brief discussion regarding enforcement. Mr. Ajello will send the owners a citation for 1) dumping, 2) the clearing of the under story in the flood plain, and 3) activities within 100 feet and next to wetlands and watercourses.

#### New Application

**Wallis/32 Sunny Ridge Road/#IW-04-66/Reconstruct Barn and Generator:** The proposed barn is to be rebuilt on the original foundation approximately 85 feet from a pond. Silt fence would mark the limit of disturbance. Mr. Wallis stated the disturbed materials would be stockpiled and then used for backfill. Mr. Ajello said he did not foresee any problems. The site plan, "Gordon Wallis, 32 Sunny Ridge Road," no date, no signature, was reviewed. Mr. Wallis was advised the Commission could not act until the next meeting.

#### Enforcement

**Ross/10 Sunny Ridge Road/#IW-02-V4/Wetlands Restoration:** Mr. Ross brought a site plan with overlay, which was used for discussion purposes. Mr. Ajello noted he had requested a new application for the construction of the driveway and had found deposition of material at the rear of the property. Mr. Ross stated that had occurred at 40 Nettleton Hollow Road, not 10 Sunny Ridge. The driveway work done without a permit was discussed. Mr. Ross asked that the Notice of Violation on the Land Records for 10 Sunny Ridge Road be removed. It was noted the Commission is in the process of reviewing the work completed to make sure it is in compliance with the approved restoration plan. Mr. Ross said he had submitted an application for the driveway, but Mr. Ajello said it had been taken back by an agent who was going to complete it. Mr. Ajello also noted the approved restoration plan called for the relocation of the driveway, but did not specify where. Mr. Ross agreed to work with Mr. Ajello on the submission of a new application.

**Matthews/89 Lower Church Hill Road/Tree Cutting:** Mr. Ajello noted trees had been cut although not near wetlands and with no damage to the slope. Ms. Purnell advised him there are vernal pools throughout this area. Mr. Picton asked Mr. Ajello to keep an eye on the ongoing work to make sure it does not occur too close to wetlands and watercourses.

**Gatto/155 Woodbury Road/Deck:** Mr. Ajello reported the deck was now being completed. The Commission had previously asked the owners to remove it, but they have not done so. It was the consensus that a citation and an Enforcement Order should be issued, but to start the process with a formal Notice of Violation.

**Sasson/4 East Shore Road/Repair of Stone Deck, Retaining Wall:** Mr. Sasson had called the Land Use Office to voice his concern that his application had been denied without prejudice. He said he is working on obtaining documentation that these structures pre existed the repair work done. He said he would attend the next meeting. It was decided not to issue a Notice of Violation at this time.

**Fowler/138 Nichols Hill Road/#IW-04-V5/Excavate in Wetlands and Watercourse:** It was noted

Mr. Fowler's appeal of his citation had been denied and he had since been sent an enforcement letter regarding what specifically he is required to do to correct the existing violations on his property. Mrs. D. Hill noted that at the Show Cause Hearing Mr. Fowler agreed to hire a soil scientist or engineer to draw up a proposal to address the Commission's concerns. This has not yet been received. The 5/17/04 Enforcement Order and 6/1/04 follow up letter were reviewed. Mr. Ajello will send Mr. Fowler a follow up memo.

**Gorra/278 New Milford Turnpike/Septic Repair and Stream Work:** It was the consensus the Commission should be consistent and should issue Dr. Gorra a citation for the excavation work done in the watercourse without a permit.

**Meeker/269 New Milford Turnpike/Parking Area:** Mr. Ajello reported Mr. Meeker is currently respecting the setback for parking from the river. The Commission is still waiting for an application for the parking area and for the accessory building, for which Zoning had received an application.

**Wortzman/148 Nichols Hill Road:** Beavers have constructed a dam and have flooded part of this property. Mr. Ajello advised Ms. Wortzman the dam would deteriorate on its and that using equipment to break it up would require a permit.

**Guiliano/19 Winston Drive/#IW-04-V1/Violation of WEO Approval:** Mr. Guiliano purchased the adjoining property, which had been impacted by drainage work on his property. This matter will be removed from the agenda.

**Bailey/93 Old Litchfield Road/#IW-04-V7/Destruction of Wetlands by Quads:** Mr. Picton asked Mr. Ajello to inspect the disturbed areas to determine whether the wetlands vegetation has grown back.

**Greenfield/12 Ives Road/Clearing In or Near Wetlands:** Mr. Ajello advised the Commission he is expecting an application for the work done without a permit.

**McGorty/134 South Street/#IW-01-71/Final Driveway Plan:** Mr. Picton reported Mr. Ajello had forwarded recommendations regarding the driveway and said this item should be taken off the agenda.

Other Business

**Site Inspection Procedures:** Mr. Picton asked that all site inspection minutes be circulated within a few days of the inspection so a final report can be submitted by the Monday before the meeting. Mrs. D. Hill noted these minutes must be filed in the Town Clerk's Office within 7 working days of the inspection. Mr. Picton thought it would be helpful to include a list of the Commission's questions and concerns in these minutes, and that applicants be advised these lists are preliminary.

MOTION: To adjourn the meeting. By Mr. LaMunier.

Mr. Picton adjourned the meeting at 11:23 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill  
Land Use Coordinator