

November 23, 2004

MEMBERS PRESENT: Mrs. D. 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, Mrs. J. Hill

ALSO PRESENT: Mr. Neff, Mrs. Matthews, Ms. Paca, Ms. Weeks, Mr. Churchill

Mr. Picton called the meeting to order at 7:00 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Coe for Mrs. Gray.

MOTION: To add the following subsequent business to the Agenda: 1) approval of 2005 Calendar, 2) 11/29/04 aquifer protection seminar in Goshen, and 3) discussion of 9/20/04 LaMuniere memo re: site inspection procedures. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Consideration of the Minutes

The 11/10/04 Regular Meeting minutes were accepted as amended.

Page 1: Mrs. Gray is a Member, not an Alternate and Mr. and Mrs. Matthews were present.

Page 2: It is Dr. Gorra, not Mr. Gorra.

Page 3: In the fifth line from the bottom under Kelsey: "In the same direction" was changed to "within the same path."

Also under Kelsey, the last sentence on the page should begin, "It was the consensus of the Commissioners who had inspected the site...."

Page 5: Under Holly Hill Farm: In the parentheses in the 7th line add "contour line" 670.

Page 8: Under Pullaro: The run off does not flow down the driveway, it flows along the east edge of the driveway.

MOTION: To accept the 11/10/04 Regular Meeting minutes as amended. By Ms. Purnell, seconded by Mr. LaMuniere, and passed 5-0.

The 11/17/04 Ross site inspection minutes were accepted as corrected.

Under Wetlands Restoration: Add a sentence: Members noted a silt fence in the reclaimed wetlands.

Under Dumping in Wetland in Back: 2nd line: The fill was within 12 to 50 feet of a wetland edge.

Under Dumping...: Last paragraph: Change the last sentence to: Members discussed the need to keep all such stockpiles away from wetlands. Delete the remainder of the paragraph.

MOTION: To accept the 11/17/04 Ross site inspection minutes as corrected. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

MOTION: To accept the 11/17/04 Matthews site inspection minutes as written. By Mr. LaMuniere, seconded by Mr. Picton, and passed 5-0.

Pending Applications

H.O.R.S.E. of Ct./43 Wilbur Road/#IW-04-57E/Construct Sheds and Fence: No new documentation has been received. Mr. Ajello reported he had spoken with Mrs. Wahlers and had requested a site plan showing the location of buildings, paths, roads, drainage, and wetlands. Hopefully this will be submitted for the 12/8 meeting.

Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/#IW-04-64/Resubdivide: Mr. Neff, engineer, submitted a copy of the USDA map, which showed Ash Swamp was some distance away from the subject property. Mr. Picton noted there were no apparent wetlands immediately to the west or south of the property, but there were wetlands on the property. Ms. Purnell pointed out the open field to the west feeds down into a whole series of watercourses. The map, Proposed Site Development Plan," by Mr. Neff, dated 10/7/04 was reviewed and it was noted the Tisbury soil shown on this map was the same as that indicated in Mr. Temple's soil report amendment dated 11/22/04. According to the amended report, one watercourse will be flagged and added to the site plan and no wetlands soils were found at the proposed driveway location. Ms. Purnell noted that the seasonal flows and/or high water found in this area were a concern. Mr. Neff said he would take a second look at the proposed development area. Ms. Purnell noted there were conservation easements on the surrounding parcels owned by the applicants and asked if their language allowed any building. If so, this could be a feasible and prudent alternative. Mr. Neff will submit the easements for review at the next meeting. Mr. Picton said the Commission would not decide whether to hire a consultant until all the wetlands and watercourses were shown on a revised map. Ms. Purnell noted at the last meeting she had requested a detailed analysis of alternatives. Mr. Picton read the 11/16/04 letter from Ms. Weeks, adjoining property owner. Ms. Weeks advised the Commission about her observations of the conditions in this area; 1) the hillside is covered by rivulets and watercourses, 2) water "bubbles up" from the hillside and she has curtain drains in her back yard at 265 West Shore Road to handle it, and 3) the area where the house and driveway are proposed was always so wet that a tractor could not drive through except during droughts and that was the reason it was overgrown. She also thought it would take an excessive amount of fill to make the driveway viable. Ms. Purnell said the Commission should keep in mind that the removal of trees for site development will increase the amount of water in the area.

Holly Hill Farm, LLC/87 Whittlesey Road/#IW-04-65/Restoration and Reforestation: Ms. Paca, landscape architect, was present. Mr. Childs, forester, was hired to review the proposal and to submit his findings and recommendations. The Commission will wait for his report before taking any action. The status of the dump site was discussed. Mr. Ajello circulated photos and noted all the work to date had been done by hand. Mr. Picton noted he had thought the wood to be removed was on top of the ground and that a heavy mulch would remain and said he did not foresee so much soil disturbance on the steep slope. Ms. Korzenko thought only the large pieces were to be removed. Ms. Paca said Mr. Childs had inspected the dump site and had recommended a jute mesh be installed to stabilize the slope and then trees planted in the disturbed areas. She said he also thought boulders should not be placed in the gullies and that he would discuss this matter with Mr. Neff, engineer. It was noted that at the last meeting the applicant had been given permission to go ahead with three areas of work, but having considered the impact of the work at the dump site, the Commission now thought that other than stabilization of disturbed areas, nothing further should be done until the consultant's report is received. Ms. Purnell asked Ms. Paca if she still planned to consult with Ms. Sharpe, biologist. Ms. Paca said she did. It was noted a Notice of Violation had been issued as requested at the last meeting.

Jepson-Dore/144 East Shore Road/#IW-04-67/Renovate Cabin: It was noted the cabin had been torn down, but no excavation had begun. Ms. Purnell asked that hay bales be staked around the catch basin before work begins. The Commission will act on the application at the next meeting.

Adams/57 West Shore Road/#IW-04-68ATF/Site Improvements: Mr. Churchill, contractor, and Mr. Neff, engineer, were present. It was noted the 8/19/04 complete list of the proposed site work had been submitted. Mr. Churchill noted the following items would be applied for under separate applications: 1) dock, 2) driveway repair, and 3) drainage work. The map, "Proposed Site Improvement Plan," by Mr. Neff, dated 11/1/04 was reviewed. The drainage plans were discussed. Ms. Purnell asked that an infiltration system be implemented, but Mr. Neff said this would be difficult due to the ledge on the

property. Mr. Picton noted it is the Commission's policy to minimize the concentration and acceleration of storm water and to trap sediment before it reaches the lake. Mr. Churchill thought the State might be persuaded to improve the drainage system along this section of West Shore Road. Mr. Picton asked if storm water could be retained on site and Ms. Purnell suggested a water garden system, but Mr. Neff said there were constraints due to the location of the septic system and ledge, but he agreed to study the matter. Mr. Ajello was asked to study the application and to write up appropriate conditions for the permit. Mr. Churchill noted the specs for the propane tank had been submitted as requested. The Commission will act at the next meeting.

Matthews/142 Upper Church Hill Road/#IW-04-70/First Cut and Driveway: Mr. Neff, engineer, and Mrs. Matthews were present. A revised map based on input from the site inspection, "Proposed Site Development Plan," by Mr. Neff, revised to 11/23/04, was submitted. The driveway entrance was moved to the right of way off Sunset Lane. Although this location would require a wetlands crossing, the driveway would be shorter, would not disturb as much regulated area, and would require less tree cutting. Mr. Neff noted most of the regulated area along the new route and the wetland soils at the crossing are not in a heavy flow area. There was a lengthy discussion concerning the size and type of the culvert(s) to be used for the crossing. The Commission recommended and the applicant agreed to install three 15" culverts set at least 6" below the existing grade at the middle of the crossing, to make a narrow driveway, approx. 10 feet wide, using geo textile fabric and as little shoulder fill as possible. One 4" and one 2" conduit were added to the proposal. Mr. Neff will submit redesigned plans for the crossing. Mr. Picton requested a cross section for the section of the driveway where there was no culvert as well as for the culvert portion. Mr. Neff noted silt fencing was indicated on the site plan and this was to be the limit of disturbance. Ms. Purnell stressed that the Commission would be approving a feasibility plan only and so there should be a condition of approval that if any changes to the permit are proposed, even if not within 100 feet of wetlands, they must be reviewed by the Commission to ensure there will be no impacts to the wetlands. It was noted the driveway proposal was for an unpaved driveway. The Commission thanked Mrs. Matthews for agreeing to the revised driveway route. They also considered whether to stipulate that the right of way shown from Upper Church Hill Road on the map could not be used for a driveway, but it was noted that was not part of this application and would have to be applied for separately if a future owner proposed to use it.

Ross/10 Sunny Ridge Road/#IW-04-69/Passway: Mr. Ajello reported no new information had been received. It was the consensus that it would be helpful if Mr. Ross would draw in the passway on the map submitted. It was also noted that although Mr. Ross would like the Notice of Violation removed from the Land Records, the current application had little to do with its release. The Commissioners had viewed eroded areas when conducting the last site inspection. Mr. Picton asked Mr. Ajello to instruct Mr. Ross to remediate these washout areas, to hand dig out any sediment that flowed into the wetlands from the washout areas, and to show the correct location of the passway on the map.

Enforcement

Fowler/138 Nichols Hill Road/#IW-04-V5/Excavation of Wetlands and Watercourse: There was a discussion regarding how Mr. Fowler should be instructed to remediate the damage done to the wetlands. The consensus was that the ditch should be filled in using as much as possible the earth material that had come out of it and that the wetlands vegetation should be restored. Mrs. Korzenko noted the house is located in wetlands and has major water problems and so thought input from Land Tech on proper remediation techniques would be useful. Mr. LaMuniere pointed out that there had been filling nearer to the house. It was agreed this area should be left alone and the natural vegetation allowed to regrow. Mr. Ajello was instructed to issue specific instructions and to ask for a planting plan for the wetlands restoration.

Pullaro/23 Calhoun Street/Pave Driveway: Mr. Ajello reported the side dressing would have to be

repaired to enable sheet flow. He added no planting would be done until spring.

Ingrassia/East Shore Road/Reconstruct Barn: The concrete work is completed, but has not been backfilled yet. The silt fence is in good condition.

Gatto/155 Woodbury Road/#IW-04-01/Unauthorized Deck: Ms. Purnell had researched the record and file and read her 11/23/04 memo, which was the timeline for the application. It was noted again that: 1) the deck was not on the plans submitted with the application and that the owner said at the meeting that it would be removed and so it had not been discussed, 2) if it had been discussed, feasible and prudent alternatives would have been reviewed, and 3) Mr. Ajello ordered the Gattos to remove the deck, but they have not done so. It was the consensus that this was a significant issue and that enforcement should proceed.

MOTION: To request the Enforcement Officer send an Enforcement Order to Mr. and Mrs. Gatto/155 Woodbury Road and to schedule a show cause hearing at 6:45 p.m. on December 8, 2004 in the Land Use Meeting Room, Bryan Memorial Town Hall. By Mr. Picton, seconded by Ms. Coe, and passed 5-0.

Sasson/4 East Shore Road/Repair Stone Deck, Retaining Wall: At the last meeting it had been agreed that if an application was not submitted by the 11/23 meeting, an enforcement order would be issued. Mr. Ajello noted an application had not yet been submitted. The Commission asked Mr. Ajello to issue a Notice of Violation.

Carter/292 Walker Brook Road/#IW-04-V8/Repair of Retaining Wall: Mr. Ajello discussed this matter with Mr. Carter's attorney who said he would send in the citation fine. Mr. Picton requested an as-built and a report from Mr. Neff regarding how the original work should have been done, how the work actually done varied from the approved plans, and whether the retaining wall is now structurally sound.

Young/113 Litchfield Turnpike/Excavation: Mr. Ajello circulated photos of drainage work done without a permit. Mr. Ajello will send a Notice of Violation and prepare recommendations for the Commission to consider at the next meeting.

Bailey/93 Old Litchfield Road/#IW-04-V7/Destruction of Wetlands by "Quads": Mr. Ajello reported there was no recent activity, but some lagoons remain. He noted there were trees being cut on the other side of the wetlands and so he will reinspect the property.

Beck/132 Calhoun Street/#IW-02-V1/Cutting, Clearing in Wetlands: Mr. Ajello noted Mr. Beck had reopened the driveway.

Greenfield/12 Ives Road/Clearing In or Near Wetlands: The Commission is still waiting for the submission of an application.

Meeker/269 New Milford Turnpike/Parking Area: An application will be ready for the next meeting.

Matthews/89 Lower Church Hill Road/Site Development: It must be determined whether there are any wetlands issues, and if there are none, this item will be taken off the agenda. Ms. Purnell noted a site inspection had been conducted and thought a Special Meeting notice should have been filed with the Town Clerk. It was noted, however, that there had been no quorum of any Town commission invited or in attendance and so legally a meeting had not been held and a notice was not required. Ms. Purnell said the Commission must guard against any appearance of impropriety.

Other Business

2005 Calendar: After a brief discussion it was decided to eliminate the first meeting in July and to hold the second meeting in November on the fifth Wednesday, November 30.

MOTION: To approve the 2005 Calendar as amended. By Mr. Picton, seconded by Mrs. Hill, and

passed 5-0.

It was noted there would be a seminar on aquifer protection on 11/29 in Goshen.

Mr. LaMunier's 9/20/04 memo on site inspection procedure was circulated. The importance of keeping together on site inspections so that all notable points could be gathered for inclusion in the minutes and writing the minutes promptly so they would be filed on time with the Town Clerk was stressed.

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

Mr. Picton adjourned the meeting at 10:10 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,