

## **January 8, 2003**

**Members Present:** Dorothy Hill, Charles La Muniere, Marguerite Purnell and Robert Weber.

**Members Absent:** Helen Gray.

**Alternates Present:** Candace Korzenko.

**Alternates Absent:** Mark Picton.

**Staff Present:** Michael Ajello, Katherine Moquin.

**Also Present:** Elaine Luckey, First Selectman, Mark Daft, Reporter from Voices, Diane Dupruis, Dirk Sabin, Mark DePecol, John Di Maria, James Osowiecki, Peter Kirk, Dorota Habib, Thomas Farnen, Josh Weiner, and Joseph Gitterman.

Dorothy Hill called the meeting to order at 7:08 p.m., Wednesday, January 8, 2003. Members seated were Dorothy Hill, Charles La Muniere, Marguerite Purnell at 7:20 p.m., Robert Weber and Candace Korzenko for Helen Gray.

### **II. Neighbors, Rabbit Hill Road, Cell Tower, Warren.**

Elaine Luckey, First Selectman and Diane Dupuis, Rabbit Hill Association, were present. Elaine Luckey will submit a letter she received from Christopher Herrmann and Joseph Lorino of 128 Litchfield Tnpk., dated 12-31-02, that includes concerns about wildlife, the ridgeline view and property values.

Ms. Dupuis submitted a letter she wrote to friends and neighbors, that lists her concerns about the proposed cell tower. She stated these concerns including wildlife and environmental damage to surrounding forests and Meeker Swamp and explained the following: 1. The Town of Warren asked A.T.& T. to wait until Spring time to assess the nesting areas of birds. This area is a migratory path for birds and she worries about birds striking the tower. 2. There is an elevation of 700 feet and the run-off from the ridge is significant during storms. There is a danger of seepage from the batteries. 3. Towers cause an increase of lightening strikes. 4. Dr. Michael Clemens, Herpetologist, is available to do field work necessary to learn what species are in that area. A Steep Rock review is being done to study the 75-100 endangered species present in Meeker Swamp. 5. There are 40 different homes in the area but is described rural by A.T.& T. 6. Sprint, as reportedly, is also looking at RT.47 and RT. 109, as there is a network of towers planned.

Mr. Ajello pointed out the following: 1. Bee Brook is 1500 feet below and west of the proposed tower site. There exists a wetland pocket or intermittent stream very near the proposed tower site. 2. One tower can accomodate up to five carriers.

Mrs. Hill asked Ms. Dupuis to submit in writing the statements she made tonight and noted the Commission will give their view of the situation during the upcoming 1-27-03 Zoning Meeting.

### **IV. Pending Applications.**

#### **Sheinfeld, IW-02-61 ATF, 112 Lower Church Hill Road, In-ground Pool, Modify Deed Restrictions.**

Dirk Sabin, Landscape Architect, was present.

Sheinfeld con't:

Mrs. Hill said she talked to Michael Zizka, I.W.C. Attorney, today and he is concerned about the Town accepting a Conservation Easement without having enforcement at it's disposal, whereas the I.W.C. does have enforcement powers in place.

She said the members need to agree upon the language of the Conservation Easement and both parties

need to agree before a permit is given.

Elaine Luckey said the Town has accepted a few Conservation Easements to date and David Miles, Town Attorney, said the Town can turn over management of a Conservation Easement to the Conservation Commission.

Mrs. Hill will give members copies of the proposed Conservation Easement to review for the next meeting. Dirk Sabin asked that Atty. Zizka work with Robert Fisher, Mr. Sheinfeld's Attorney, to address this situation.

Dirk Sabin explained the following: 1. Mr. Sheinfeld is willing to move the compressor but asks permission to leave it in place. 2. The compressor cannot be placed in the new pool mechanics location, as it is too far from the house for effective operation. 3. It will be necessary to dig a trench from the house to a new location and dig a trench from the new location to the propane gas tanks, which are below the house and above the reserve septic system. Ms. Purnell asked that alternate locations be marked on the map, "Site Analysis Plan, Jay Sheinfeld, 112 Lower Church Hill Road, by T. Michael Alex L.L.S., dated July 1996 and revised 9-9-02 / 11-8-02." The members agreed the compressor is to be moved, pointing out honoring the original Deed Restriction" as their main reason.

**Cass/DePecol, IW-02-73, 46 June Road, Construct Dwelling and Driveway, Rennovate Guest House.** Mark DePecol, John Di Maria, Berkshire Engineering, and Mr. Osowiecki, Contractor, were present. Revised plans, "Site Development Plan, Mark DePecol, June Road by Berkshire Engineering & Surveying, L.L.C., dated 10-15-02 and revised 12-31-02" and hydraulic calculations, dated 1-2-03 were submitted. Mr. Di Maria said these revised plans and hydraulic calculations were sent to Land Tech Consultants. Mrs. Hill read the FAX from Land Tech, dated 1-8-03, which stated the revisions were adequate but recommended they be added to the map.

Ms. Purnell noted there is an increase of about one foot of the paved area along the driveway at the turns. She recommended strengthening the shoulder, along the driveway, with underlayment, gravel and grass or pavers that allow grass to grow through. Mr. La Muniere noted the paving is planned in order to decrease erosion and does have a sturdy underlayment.

Mr. La Muniere is concerned about erosion in the triangle area proposed for clear cutting and recommended looking more carefully at the vegetation management and being present when the trees to be cut are marked. Ms. Purnell noted there were not many large trees left in that area.

Mr. Ajello recommended creating by-pass areas along the driveway, wide spots to allow for the passing of cars going and access for emergency vehicles.

The Commission agreed to yield to Land Techs expertise and Mr. Weber recommended reviewing the revised plans with due diligence.

**Kirk, IW-02-74, 34 Sunset Lane, Install Footing Drain.**

Mr. Kirk was present and noted that he had submitted the requested information: updated plot plan, narrative about equipment and alternatives explored for the drainage direction. Ms. Purnell noted the Commission's appreciation for this information.

**MOTION:** To **APPROVE** the application Kirk, IW-02-74, 34 Sunset Lane, Install Footing Drain, as submitted. By Ms. Purnell, seconded by Mrs. Hill and

passed 5-0. Ms. Purnell noted all issues had been addressed and a best effort made to look at alternatives.

**Rizzo/James, IW-02-69, 129 Bee Brook Road, Build Retaining Structure.**

Mr. Ajello talked to Mrs. James to ask that a construction sequence be prepared for the next meeting.

## **V. New Applications**

### **Shepaug Realty, IW-03-03, RT.47/Washington Depot, Temporary Bridge.**

Mr. DePecol was present and explained the following: 1. He bought 40 acres out of 65 acres next to Newman's property with a few thousand feet of frontage. 2. The existing bridge collapsed into Bee Brook. 3. He asked Brian Neff to design a permanent bridge but in the meantime he requires a temporary bridge to start preliminary construction activities. 4. He will submit a survey.

The Commission requested a narrative explaining why he needs a temporary bridge and what kinds of measures he is going to take to decrease the impact to Bee Brook or improve the area.

### **Rumsey Hall School, IW-03-01, 201 Romford Road, Demolish Dorm, Construct Dwelling.**

Thomas Farmen, Headmaster, and Dorota Habib, Business Manager, were present. Mr. Farmen explained the following: 1. The dorm is a pre-fab unit erected in 1970 and is the first building on the left as one turns onto Whittlesey Road. This is at the far west end of campus. 2. The footprint of the new structure will be smaller and a second story added. 3. This will also be a pre-fab unit, built off campus and brought in. 4. A foundation will be constructed in June after the students leave for the summer. An estimated 410 yards of material will be removed.

Mr. Weber asked about the high water table in this area and the direction of the footing drain flow. Mr. Farmen explained: 1. Dry wells right around the existing dorm, drain well. Once the new septic was installed, the area became dry. 2. There is natural drainage from an old mill site between the building and Whittlesey Road going toward Bantam River.

The Commission noted it's concern is the impact to Bantam River and requested dumpster and stockpile locations be depicted on the plans. The members will make individual **Site Visits**.

### **Weiner, IW-03-02 E, 110 Litchfield Tnpk., Improve Two Farm Ponds, Create One Farm Pond.**

Josh Weiner was present and explained: 1. This is a Christmas tree farm. He needs the ponds to use for watering the trees. 2. He created two ponds through the years each time he removed about 5 yards of material to fill in the large hole left after a 30-35 year old tree was pulled out. 3. The material removed to create the third pond will be stockpiled (to the east of pond #2 in the middle of the field) to use for filling in future holes and hay

Weiner con't:

bales will be placed around the stockpiles. 4. The three ponds total about 1.2/1.4 acres. The two existing ponds are about 5 feet deep and proposed to be dredged to about 8-10 feet. 5. The soil is sandy with about 10 inches of topsoil on top.

Ms. Purnell made the following points: 1. She is concerned about Bee Brook in relation to pond #1. 2. Evaporation will be minor within this scale of operation. 3. This site is in a portion of Meeker Swamp. Yale University is doing a study about managing the Meeker Swamp area for a diversity of types of wildlife. A plus for the area is that evergreens provide a habitat for wintering songbirds.

Mr. Ajello noted that this is a cycle of storing water in the ponds to be returned later to the trees.

The consensus of the members is that this application is definitely an exemption with the ponds as an integral part of the farming operation and Mr. Ajello can sign off on this. Mr. Weber noted this would be different if a much larger number of ponds was proposed.

## **VI. Enforcement.**

### **S.M.R. Partners, IW-02-72, 103 Baldwin Hill Road, Construct Dwelling.**

Joe Gitterman, Agent, was present.

Mr. Ajello and Mr. Gitterman explained : 1. Pouring concrete for the foundation began today with the footings and the cement truck got stuck as it proceeded down the shared driveway. The cement accelerant was a special mix for fast curing in the cold. With only a short time period to get the job done and the difficulty of rescuing a heavy truck, Mr. Ward, Contractor, had 60 yards of processed stone put down on a little less than one/half of the driveway. 2. When the weather warms, the road bed may sink and it may be necessary to bring in more material.

Mr. Gitterman explained: 1. To date two or three trucks have gotten stuck. 2. He had communicated to Mr. Ward the conditions of the IWC permit and Mr. Ward thought this addition of processed stone was within the definition of filling in potholes.' 3. He thinks the driveway caved, creating a depression, in the section that was filled.

The Commission discussed the following: 1. Their disappointment with this situation. 2. The options available: a. The material remaining or being removed. b. Erosion control fencing to be placed along the driveway to prevent the material going into the wetlands and culverts. c. Revoking the permit or asking for a new application for a permit to strengthen the driveway. d. Sending an Enforcement Order.

The members agreed on the following: 1. The permit will be kept in place given there are no other violations. 2. An Enforcement Order will be sent directing: a. No additional material be placed in the driveway without first coming to the Commission. b. An application by the co-owners is to be filed in the Spring to address the problems of removing any material extending into the wetlands and driveway maintenance. c. Mr. Gitterman is to carefully communicate this to Mr. Ward.

### **Gunn Hill Road, Drainage Problems**

Elaine Luckey, First Selectman, in response to a complaint letter explained: 1. Gunn Hill Road is very steep and the drainage problems existed for a long time. 2. She will visit the site along with Nick Solley, Selectman, Harry Wyant, Selectman and Roger Canavaro, Road Crew Foreman to better understand the situation and then respond to complaints from neighbors.

### **Beck, IW-02-V1, 132 Calhoun Street,. Cutting & Clearing in Wetlands**

The members discussed the draft motion and revised it.

**MOTION:** That **Cease and Restore Order**, IW-02-V1, issued by the Commission on June 17, 2002 in re the Julian and Pamela Beck property at 132 Calhoun Street, Washington, CT. be **REVISED** to require a five-year plan for:

- a. monitoring and removal of invasive plant species,
- b. monitoring of tree canopy re-growth, and
- c. confirmation that the + / - one acre wetlands is being allowed to return to a natural, undisturbed state.

Under this revision to the Order, the property owner (s,) currently the Becks, shall:

1. retain a qualified botanist, approved by the Commission, to monitor the wetlands for the appearance of invasive plant species and be responsible for the removal of said species, using best management practices, should they appear. ( The targeted species are listed in "Non-native and Potentially Invasive Vascular Plants in Connecticut" by the Center for Conservation and Biodiversity, University of Connecticut, as amended.) The botanist must submit a written report to the Commission each year in November

( in May and November, 2003,) and also **whenever** invasive species are noted and removed;

2. allow remaining native vegetation to re-grow and;
3. refrain from cutting, mowing or removing any native plant materials from the wetland, including dead trees, limbs and brush, or stream deposits such as detritus, all of which contribute to a healthy wetland eco-system

The Cease and Restore Order, as revised 1-8-03, is to **REMAIN** on the Washington Land Records for a period of five years until all requirements of the Order are met and the Order itself rescinded. By Mrs. Hill, seconded by Mrs. Korzenko and passed 5-0.

**Brown, Longview Landing. Inc., IW-02-V3, 96 Romford Road, Dam Failure.**

Mrs. Hill said she did not call Dr. Brown, as discussed during the last meeting. The members agreed on February 6, 2003 as a new deadline for Dr. Brown to submit plans for a permanently stable dam and Mrs. Hill will communicate this to him.

**Ross, IW-02-V4, 10 Sunny Ridge Road, Wetlands Restoration.**

Mrs. Hill noted Dudley Ashwood did not come to the meeting as expected and she will call him to see if he can attend the next meeting with plans to review.

**VII. Administration**

**Washington Community Housing Trust, IW-02-67, 16 Church Street, Construct Apartments/New Submission.**

The members reviewed the submitted revised plans: "Drainage & Grading Plan, 16 Church Street by Authur H. Howalnd L.S., dated 12-13-02" and "Zoning & Driveway Submissions, Driveway & Septic Revisions, Site Plan by Peter Talbot A.I.A., John Smolen & Assoc.L.L.C., Nicoll Krepak, Consulting Engineer, Authur H. Howland, P.C., dated 1-10-03." It was agreed the revisions do not trigger' the Commission's jurisdiction.

**III. Consideration of Minutes**

**Regular Meeting, December 12, 2002**

**MOTION:** To **ACCEPT** the minutes of the Regular Meeting of December 12, 2002, as amended. By Ms. Purnell, seconded by Mr. Weber and passed 4-0-1. Mrs. Korzenko abstained as she did not attend this meeting. The amended/corrected minutes

(relevant pages) are attached to the end of these pages.

**MOTION:** To **ADJOURN** the meeting by Mr. Weber. All agreed at 10:55 p.m

Katherine Moquin Land Use Secretary  
January 17, 2003