

February 12, 2003

Members Present: Dorothy Hill, Charles LaMunier, Marguerite Purnell.

Members Absent: Helen Gray, Robert Weber.

Alternates Present: Candace Korzenko, Mark Picton.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Mark Daft, Reporter from Voices, Richard Carey, Josette Kistela, Joseph Kistela, Brian Neff, and Dirk Sabin.

Dorothy Hill called the meeting to order at 7:12 p.m., Wednesday, February 12, 2003. Members seated were Dorothy Hill, Charles LaMunier, Marguerite Purnell, Candace Korzenko for Helen Gray and Mark Picton for Robert Weber.

MOTION: To ADD the minutes from Special Meeting of January 29, 2003 to the Agenda under Consideration of Minutes. By Mrs. Hill, seconded by Ms. Purnell and passed 5-0.

MOTION: To SHIFT Consideration of Minutes to the end of the meeting as a regular course. By Mr. LaMunier, seconded by Mrs. Korzenko and passed 5-0.

V. New Applications

Carey, IW-03-07 E, 138 Church Hill Road, First Cut, Lot Subdivision.

Richard Carey was present and submitted an A2 survey map, which is entitled "Preliminary Subdivision, Property of Richard O. & Barbara Carey, 138 Church Hill Road by Dudley Ashwood, P.E., dated 2-10-03." He explained: 1. There is a total of 32.8 acres with a plan to give 6-7 acres as a conservation easement to Steep Rock Assoc. (the area is marked Conservation Easement on the above mentioned map and depicted with cross hatching lines'.) 2. There exists a 12.9 acre Conservation Easement (sits on the western-most portion of the property with 500 feet of road-front and some wetlands) eased to Steep Rock Assoc.in the year 2000. 3. There is a watershed divide on the property in the location where there is an existing steel fence. Drainage goes north to Walker Brook and drainage goes to Steep Rock Basin. 4. Only one smaller dwelling is proposed on 12 acres of almost entirely flat field. Perc tests had not been done. When Dudley Ashwood, P.E., walked the site, he thought Paxton and Woodbridge soils were there. 5. Mr. Carey's current home, was built in 1790-ish and the last previous owner had the road moved away from the house. The Town of Washington built this portion of road across a wetland. This wetland extends into a corner of the property near the road, RT.109, and the proposed new driveway for the proposed new dwelling will be within the 100 foot upland review area of this wetland. He does not plan to construct the driveway now before a buyer for his house is in place and the property division is agreed on by both parties.

Mr. Picton made the following points: 1. A site inspection may not definitively identify wetland soils where Paxton and Woodbridge soils occupy a flat field. Wetlands located by a soil scientist is the easiest way to allay all uncertainties. 2. Members need to know the impact construction will have and the location of the septic.

Ms. Purnell made the following points: 1. She thought this proposal requires a regular application. 2. She recommended due diligence be paid with the wetlands flagged on a map by a soil scientist. Her concern is the wetland encroachment by the proposed driveway entrance.

corrected

Carey con't:

MOTION: To DENY the application Carey, IW-03-07 E, 138 Church Hill Road, First Cut, Lot

Subdivision as an Exemption because it does not meet the qualifications for an exemption. By Mrs. Korzenko, seconded by Ms. Purnell and passed 5-0.

Kistela, Jr., IW-03-08, 73 Dark Entry Road, Construct Dwelling.

Josette and Joseph Kistela and Brian Neff, Civil Engineer were present.

Ms. Purnell noted the house site is moved toward the rear of the property and closer to the wetlands than shown on the previously approved subdivision plan.

Mr. Neff noted the only area within the 100 foot regulated review area is a small portion of the driveway. Mr. Kistela explained that they took the driveway around a rock outcropping and 300 year old hickory tree in this location. Ms. Purnell requested this account be submitted to the file in written form.

Mr. Kistela explained the following: 1. The house site is on a flat knoll. There will be a full basement starting from the side of the garage. 2. The trees up close to the house will remain and to accomplish this the concrete will be pumped in for the foundation. The only clearing and tree cutting to be done will be for the septic area and a portion of the reserve septic area. No trees will be cleared within the 100 foot review area.

Mr. Picton noted there is a gradual slope behind the house and the silt fence on the western side is the limit of disturbance including the limit of tree cutting and brush clearing.

The members will make a **Site Visit** on Monday, February 24, 2003 at 4:00 p.m.

Maury/Cady, IW-03-10, 67/79 Carmel Hill Road, Property Line Revision & Site Development.

Dirk Sabin, Landscape Architect, was present and submitted a sketch, "Existing Conditions Overview." He explained: 1. The above mentioned sketch is slightly distorted but gives the general idea. 2. The A2 survey map, which is entitled "Site Analysis Plan, Topography, Maria Eugenia Maury, Carmel Hill Road by Michael T. Alex, L.L.S., dated November 2002," is accurate and shows all the topography. 3. Edwin Cady, Contractor, wants to begin construction this Spring. 4. The two old stone dams in the stream are low - 2/2 feet high. 5. Three parcels are allowed on this site as of right, given the fact they pre-existed town planning. 6. Re-vegetative Planting is shown on the map, "Site Layout & Planting Plan, Ms. Maria Eugenia and Mr. Edwin Cady, 67-79 Carmel Hill Rd. by Dirk Sabin, L.L.A., dated January 30, 2003" including location, numbers and kinds. The map also shows wetlands flags, site grading (house, pool and pond,) existing wood roads, sediment and erosion controls, details of the proposed ponds, in-stream filter, using chicken wire with hay to catch sediment and allow water to flow through, proposed meadow buffers, temporary diversion points, stockpile location, etc.

Mr. LaMunier pointed out the following: 1. More than an acre of headwater wetlands is proposed to be replaced by two ponds. Ponds support different wildlife functions than a swamp or marsh, and standing water compared to wetland soil has no retention ability. He recommended leaving the wetlands intact and creating the ponds in a non-wetlands area. 2. He thought two dams in the stream is significant.

Ms. Purnell pointed out the following: 1. This site has been identified as a special conservation area. This proposal will divide and disturb a habitat corridor where creatures are known to move mile upland. She recommended formally referring this application to the Conservation Commission for review and employing Michael Klemens, Herpetologist, or Hank Gruner, D.E.P., as an independent biologist to study

corrected

Maury/Cady con't:

and report on the site's series of vernal pools. Mr. Klemens wrote and developed guidelines for amphibians. 2. Given the snow cover, she questioned the Commission's ability to see the subtle differences of the micro-topography during a site inspection.

Mr. Sabin explained: 1. Other sites for creating ponds did not look feasible. Side hills are not possible for ponds and the stream is not possible as it is a depository for drainage and the ponds will leak if ledge is blasted. 2. Creating the ponds is a way for the builder to make this an economically feasible enterprise. He thought this proposal achieves a net positive for this property.

Mrs. Hill noted the Commission will need to consult with the D.E.P.

Mr. Picton pointed out the following: 1. This property could be divided into 3-6 lots with no impacts to wetlands or 2 lots with a large impact to wetlands. 2. The driveway goes through the proposed Conservation Easement. 3. He recommended looking at other flat north-western areas out of the wetlands for ponds and one pond serving both lots. And he requested the wetlands on the map be colored.

Ms. Purnell requested: 1. Calculations, relating to the soils existing, to factor a possible 6 lots and calculations for 3 lots regarding the Zoning requirement for road frontage. 2. Calculations on the area of the canopy removed for the open areas including the driveway. 3. A document which lays out the long term maintenance for the ponds, and meadow buffers.

Mrs. Korzenko requested watershed calculations to Sprain Brook from this property and the impact to the watershed flows from the proposed development.

Mrs. Hill requested eight copies/sets of maps for the members to use during site inspections.

MOTION: To SET a Public Hearing for the application Maury, IW-03-10, 67/79 Carmel Hill Road, Property Line Revision & Site Development on March 26, 2003 at 6:30 p.m. for two reasons: 1. The potential impact to the watershed area and the wetlands. 2. This area is listed in the "Washington, Connecticut Natural Resource Inventory Report and Recommendations" by Town of Washington, Connecticut Ad Hoc Conservation Committee as a Special Habitat Area. By Mr. Picton, seconded by Mrs. Korzenko and passed 5-0.

The Commission considered consulting with D.E.P. Dam Safety Unit, D.E.P. Fisheries, Army Corp. of Engineers and obtaining hydrological calculations for the changes associated with creating ponds out of wetlands and the effect to the watershed area above the ponds and down to Sprain Brook. Mrs. Hill will ask Michael Klemens, Herpetologist, to make a site inspection and report and ask Bob Oley, Land Tech Consultants (Engineers and Wetland Scientists) to review the plans and produce a list of essential information to be obtained. Mrs. Korzenko will request input from the Conservation Commission. Mr. Ajello will review the D.E.P website.

Ms. Purnell noted that protecting headwaters is paramount or don't even look to protect downstream' but the applicant is looking at the feasibility of development.

Mr. LaMunier thought that the principle of an Inland Wetlands Commission is called into question if they approve the removal of over an acre of wetlands.

IV. Pending Applications

Rizzo/James, IW-02-69129 Bee Brook Road, Build Retaining Structure.

Members noted the following: 1. No new information had been submitted to date. 2. The time limit for the application extension was up. 3. All agreed that a plan by a qualified engineer was important for a project along the bank of the Shepaug River.

corrected

Rizzo/James con't:

MOTION: To DENY the application Rizzo/James, IW-02-69, 129 Bee Brook Rd., Build Retaining Structure due to the lack of information and the ending of the 65 day time limit and 65 day extension. By Ms. Purnell, seconded by Mrs. Korzenko and passed 5-0.

DiBenedetto, IW-03-04, 212/214 Calhoun Street, Remove Invasives & Dead Trees, Prune Trees.

Members noted there was no new information submitted to date.

Ms. Purnell pointed out that removing invasive plants is positive but the canopy, providing for a healthy stream temperature, needs to be considered.

Mrs. Korzenko pointed out that during their site visit on 1-30-03, Mr. DiBenedetto showed them a neighbor's road front as an example of clearing.

V. New Applications

Brown, IW-03-09, 96 Romford Road, Permanent Dam Repair.

The members noted that the application is incomplete, including missing watershed calculations and that Mr. O'Sullivan, P.E.'s signature and seal are not on the plans.

Mrs. Hill will ask Land Tech Consultants (Engineers) to review the submitted plans and make a detailed list of information required for making a competent analysis.

VI. Enforcement

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

Members noted: 1. There was no new submissions to date, except a phone message from Mrs. Beck saying they will cooperate. 2. They are waiting for Mr. Beck to hire a qualified botanist.

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

Members noted: 1. A letter from Dudley Ashwood P.E., dated 2-20-03, informing them a soil scientist will go to the site in March or April due to the snow cover and he knows that Bradford Smith's has plans. 2. They discussed the lengthy period of time this process has taken so far. Kathy Johnson's site inspection report and recommendations for the wetland restoration were given to Mr. Ross in July 2000. 3. There is 12-15 feet of overburden on the deepest end and all of the overburden needs to be removed prior to the growing season. Some overburden could be removed now, because snow cover has kept the ground from freezing deep and the rest of the overburden removed at the time of the thaw. Mrs. Hill will write a note to Mr. Ross explaining that he remains in violation of an enforcement order and the need to finish this work before the growing season starts and that it is possible to remove some of the overburden now.

S.M.R.Partners, IW-03-V5, 103 Baldwin Hill Road, Permit Violation, Deposition of Materials.

Members noted that no new incidents had occurred to date. Mr. Ajello reported that one large tree had been cut and the tree trunk left in the drainage ditch. Ms. Purnell reported that trees were cleared across Baldwin Hill Road to give room for trucks to back up.

Croasdaile, IW-02-66, 67 River Road, Clear Detention Basin.

Mr. Ajello reported there was much more sediment found in the detention basin than was estimated but the job was well done and is now completed.

corrected

Fairbairn, IW-02-54, 206 Wykeham Road, Construct Wetland Crossing.

Mr. Ajell reported that he contacted Geoff Fairbairn, who promised to remind his brother, Attorney William Fairbairn, to produce the easement document as required as a condition of the permit. Members discussed their options including a letter to the new owner of the property, Arthur Weinshank. Mrs. Hill pointed out that the new owner cannot get a Zoning permit for a house without a permit from Inland Wetlands. Mrs. Hill will write a letter to Ronald Fairbairn, informing him that he is still in violation and that this letter will be put on the Land Records and a copy of this letter will be sent to the Zoning Commission.

MOTION: To HAVE a Notice of Condition of Permit Violation for the application Fairbairn, IW-02-54, 206 Wykeham Road, Wetland Crossing, be SENT and PLACED on the Land Records. By Mr. Picton, seconded by Ms. Purnell and passed 5-0.

Rising, 191 West Shore Road, Long Term Parking of Vehicle on Lake Shore.

Mr. Ajello reported that a vehicle continues to be stored near the lake. Mrs. Korzenko read the Inland Wetlands and Watercourses Regulations, number 2.34, regarding an adverse impact and she thought possible leakage of oil, gas or transmission fluid qualified as an adverse impact. Mr. Ajello will write a letter asking Mr. Rising to remove the vehicle.

II. Consideration of Minutes

Site Inspections on November 22, 2002 re: S.M.R. Partners IW-02-72 and Kirk IW-02-74

MOTION: To ACCEPT the Minutes of the Site Inspections on November 22, 2002 re: S.M.R. Partners IW-02-72 and re: Kirk IW-02-74 as written. By Ms. Purnell, seconded by Mrs. Korzenko and passed 5-0.

Special Meeting on January 29, 2003 re: Revision of Inland Wetlands and Watercourses Regulations and re: Sheinfeld IW-02-61 ATF.

MOTION: To ACCEPT the Minutes of the Special Meeting on January 29, 2003 re: Revision of Inland Wetlands and Watercourses Regulations and Application and re: Sheinfeld IW-02-61 ATF as amended. By Mr. Picton, seconded by Mr. LaMuniere and passed 5-0.

Site Inspection on January 30, 2003 re: DiBenedetto IW-03-04.

MOTION: To ACCEPT the Minutes of the Site Inspection on January 30, 2003 re: DiBenedetto IW-03-04 as amended. By Mr. LaMuniere, seconded by Mrs. Hill and passed 5-0.

Regular Meeting on January 22, 2003

MOTION: To ACCEPT the Minutes of the Regular Meeting on January 22, 2003 as amended. By Mrs. Hill, seconded by Mr. LaMuniere and passed 3-0-2. Ms. Purnell and Mr. Picton abstained as they did not attend this meeting.

The corrected/amended minutes (relevant pages) are attached to the end of these pages.

MOTION: To ADJOURN the meeting by Mr. Picton. All agreed at 11:27 p.m.

Katherine Moquin Land Use Secretary
February 21, 2003