

June 25, 2003

Members Present: Dorothy Hill, Helen Gray, Charles LaMuniere, Marguerite Purnell.

Members Absent: Robert Weber.

Alternates Present: Anthony Bedini, Candace Korzenko, Mark Picton.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Dirk Sabin, Brian Neff, Barbara and Robert Leddy, Gail Danion, Josh Weiner.

Dorothy Hill called the Regular Meeting to order at 7:04 p.m. on Wednesday, June 25, 2003. Members seated were Dorothy Hill, Helen Gray, Charles LaMuniere, Anthony Bedini for Marguerite Purnell and Mark Picton for Robert Weber.

Motion to Add Business Not on the Agenda

MOTION: To ADD to the Agenda Sheinfeld IW-02-61 ATF under Enforcement, Report of the Nominating Committee under Administration, After The Fact applications re: Revision to Regulations under Administration and Weiner IW-03-02 E (Revision) under Enforcement. By Mrs. Hill, seconded by Mr. Picton and passed 5-0.

Mrs. Hill seated Marguerite Purnell at 7:10 p.m.

Pending Applications

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

Dirk Sabin, A.S.L.A., was present.

Each member read their notes and discussed their considerations and conclusions. All agreed on the following: 1. Dirk Sabin did an admirable job, both with his presentations and his response to the Commission's requests; the great amount of time and effort put forth was noted. 2. This property is an unusual and valuable natural resource, including a fragile headwater, vernal pool ecosystem, a pristine wetlands/ the last undisturbed headwater wetlands left in Washington and part of a large contiguous forest; the Commission's assignment is to first protect wetlands and watercourses and members needed to approach this decision in the same manner used for other applications. 3. Considerable potential exists for negative immediate and long term impacts; a loss here could not be reversed; a proposed Conservation Easement is not enough of an offset and a resource management plan would be exceedingly difficult to enforce during future years. this property, if divided into six lots of three acres apiece and each lot cleared completely, the result would be eighteen cleared acres as opposed to the proposed clearing of twenty-one acres. 4. There are feasible and prudent alternatives not yet explored, for instance - this property, if divided into six lots of three acres apiece and each lot cleared completely, the result would be eighteen cleared acres as opposed to the proposed clearing of twenty-one acres. 5. There remains unknowns, information gaps which might be important for Commission members to consider.

The notes from each member were submitted into the file for the record.

Maury/Cady con't:

MOTION: To DENY the application Maury/Cady, IW-03-10, 67-79 Carmel Hill Road, Property Line Revision & Site Development for the following reasons, which are not all inclusive; refer to the Public Hearing record:

1. The site is unusually valuable ecologically and insufficient effort has gone into avoiding activities in the most valuable areas, the wetlands and associated surrounding habitat areas. Refer to Dr. Michael Klemens' report dated 5-13-03. The site is identified in the Connecticut Natural Diversity Database and

Map (# 37 in Public Hearing file material list) as an area of statewide special concern.

2. Considerable potential exists for immediate and long term adverse impacts from the proposed activities on wetland resources on the property and those downstream. Examples of immediate or short impacts are the likelihood of turbidity and sediment movement and the loss of some species during the clearing and construction. Examples of long term impacts are a faunal shift due to habitat changes and alteration of the natural, indigenous character of onsite wetlands.

3. The mitigation proposed for this adverse impact (example, the conservation easement, meadow buffers and the bio-filter; these first two examples are difficult to monitor and/or enforce) is not sufficient to clearly offset the certain and potential damage.

4. Insufficient information has been submitted on the nature of certain aspects of the application to determine whether the plan can be carried out without additional adverse impacts. Examples are the multiple dams in the watercourse on Lot 1, the conservation easement and the environmental management plan (which has not been provided.)

5. Insufficient consideration has been given to alternatives to the proposed activities, which would not involve significant alteration of wetlands and nearby upland review areas. Examples of possible alternatives are: No ponds, relocated ponds, water features outside of wetlands, less lawn, concrete cistern for fire protection, no clearing for meadow/orchard proposed, alternate uphill location for the Lot 1 drive, relocation of tennis courts and pools out of the Upland Review Area.

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

Lloyd, IW-03-22, 149 Whittlesey Road, River Protection/Armoring.

Dirk Sabin, Landscape Architect, was present. Members discussed a report, dated June 19, 2003, submitted by Don Mysling, D.E.P. Biologist, who along with Todd Bobowick, U.S.D.A./N.R.C.S., made a site inspection on June 10, 2003 in the company of Dirk Sabin, Anthony Bedini, Candace Korzenko, Mark Picton and Michael Ajello. Mr. Mysling and Mr. Bobowick observed minor undercutting beneath several large trees along the banks of both the Bantam and Shepaug Rivers and in their opinion the proposal to excavate the river banks and place boulders is quite extreme; they recommended hand placing of smaller boulders beneath undercut trees and hand placed boulders around the piers with low growing shrubs to the river bank instead of lawn; they also recommended restoration of the peninsula area at the confluence of the two rivers, which is "maintained as manicured lawn - this has created sterile near shore and riparian habitat."

Dirk Sabin answered the members' questions and offered the following changes to his proposal: 1. He withdraws working from the stream bed and instead proposes to heel-in boulders at the edge of the rivers in areas where low hanging trees are obviously undercut; this would be done by hand and with a wheelbarrow during average flow conditions (6" to 1' lower than current water level;) some boulders would be placed by hand under the deck ____ by working from above and low bush blueberries would be planted as a buffer (shrubs at the top of the bank and rocks on the slope of the bank.) 2. The purpose for the

Lloyd con't:

armoring is to prevent damage to the banks during a big storm and to save a few large trees.

Members expressed concern about changing river dynamics (potential erosive eddies and currents downstream, changing habitat areas and removing approximately 1/2 yard of bank soil per one yard boulder and pointed out that the condition of these river banks shows the natural function of these riparian systems; they agreed that restoring the peninsula is important and planting low bush blueberries in place of lawn is beneficial.

The Commission will make a **Site Visit** on Tuesday, July 8, 2003 at 9:00 a.m.

Dirk Sabin will talk to the owners and during the site visit, he will flag areas in the field and depict the flags on the plans.

Jepsen/Dore, IW-03-25, 144 East Shore Road, Repair Stone Wall.

Brian Neff, Civil Engineer, was present and he submitted plans including a work sequence, "Soil Erosion & Sediment Control Plan, Jepsen & Dore Boathouse Renovation, 144 East Shore by Brian E. Neff, P.E., dated 6-10-03." Mr. Neff answered the members' questions and explained the following: 1. The job would be done by hand and the soil taken out in buckets. A note is on the plan to say the concrete would be mixed in a tub. The material pile location is on the plan. 2. The building would be conforming to the existing footprint and have the same height. There would be a 3 1/2 high concrete footing, 3 1/2 high, so it will be below the frost line and the back wall would be re-done. Temporary braces would be taken out and steel supports put in and extended out from the land and anchored in the concrete wall with existing rocks also used as support; nothing would be put in the water. 3. It is possible to work by hand around the tree.

Members requested the following: 1. A tarp be placed under the construction to catch any falling debris. 2. No excavation is to be done in the water. 3. The work area to be limited to the areas of structure shown on the plan. 4. If possible, the old concrete debris is to be removed from the water. Mr. Neff said that he will put these requests on the plans for the contractor and submit the revised plans.

MOTION: To APPROVE the application Jepsen/Dore, IW-03-25, 144 East Shore Road, Re-build Boat House with the following conditions: 1. A tarp is to be used underneath the construction to catch falling debris. 2. The work area is to be limited to those areas of existing structure shown on the plan. By Ms. Purnell, seconded by Mrs. Gray and passed 5-0.

New Applications

Leddy, IW-03-29, 82 Baldwin Hill Road, Remodel House/Enlarge Patio.

Barbara and Bob Leddy were present and they answered the members questions and explained the following: 1. They propose to put a 384 sq. foot addition on the house. The rotting deck would be removed and replaced with a slate patio, which would be lower and 8' larger toward the pond (20' out from the house and within the upland review area at approximately 92' from the pond.) 2. The footing drains would be repaired; the grade is gentle. 3. Thick earthy vegetation and moss exist between the house and the lawn.

Members requested the following be put on the plans: 1. Sedimentation and erosion controls/ silt fence. 2. A construction sequence. 3. A stock pile location. Mr. Leddy depicted the stock pile location on the driveway and silt fence location, signed and dated it.

Leddy con't:

Mr. Ajello recommended placing a curtain drain to run parallel to the garage doors and connect it to the existing drain with an outlet in the lawn; Mr. Leddy will submit plans at the next meeting.

The Commission will make a **Site Visit** on Tuesday, July 8, 2003 at 10:00 a.m.

Danion, IW-03-30 ATF, 25 Wheaton Road, Restoration Stream Bank / Planting / Reconstruct Bridge.

Gail Danion was present and she submitted a drawing, dated 6-25-03, which showed the proposed location for planting spruce, willow and Red Maple trees, willow shrubs and lilies; she said that she can transplant ferns at a later time. Mr. Ajello noted that the upper holes exist above the brook and the lower holes exist in apparent wetland soils. Ms. Danion pointed out that the fence is the property line.

Members agreed to allow the planting to proceed as better protection for the brook than leaving open holes.

Mr. Ajello pointed out that the bridge replacement would be a simple procedure of picking up the old one and setting down the new one.

Enforcement

Weiner, IW-03-02 E, 110 Litchfield Tnpk., Revision.

Josh Weiner was present and he answered the members questions and explained the following: 1. He is letting the field dry out before moving the material piles; erosion controls are in place. 2. The purpose for the new pond location is for better use of space; the ponds are used for irrigation and a hose interweaving between the trees is not practical at a 300' length; this new #3 pond is key for getting water to the field where he plans to begin planting fruit trees. 3. Pond's #1&2 were originally dug out to obtain sand for the Route 25 construction; he submitted 1940's aerial photos that documents this; his father bulldozed in these ponds and now he is trying to restore them. Mr. LaMuniere noted that new pond #3 sits just 10' from Meeker Swamp and contains 100% fine flood plain sand.

The Commission will make a **Site Visit** on July 8, 2003 at 10:30 a.m.

Pending Applications

Getnick, IW-03-20, 237 West Shore Road, Extend Retaining Wall & Stairs, Remove Soil.

Mrs. Hill noted that nothing new had been submitted to date.

Hackney/Holiman, IW-03-28, 125 West Shore Road, Repair Stone Wall.

Mrs. Hill noted that nothing new had been submitted to date. Mr. Ajello will contact them to find out the status of the application.

Washington Montessori School, IW-01-08, 240 Litchfield Tnpk., Revision to Permit.

Mrs. Hill read the letter of request, dated 6-18-03, for a revision to move the head and toe of the slope located east of the gym and south of the classroom; members reviewed the proposed revision depicted on a portion of a map.

Washington Montessori con't:

MOTION: To APPROVE the Revision to the Permit Washington Montessori School, IW-01-08, 240 Litchfield Tnpk. By Ms. Purnell, seconded by Mrs. Gray and passed 5-0.

Enforcement

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

Mrs. Hill said that she left a message for Mr. Beck about removing the invasives.

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

Mrs. Hill noted that nothing new had been submitted to date and that the letter of denial for application Brown IW-03- 09 had been sent.

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

Mr. Ajello reported that work had not started because of rainy weather.

Fairbairn, IW-02-54, 206 Wykeham Road, Permit Violation, Construct Wetlands Crossing.

Mrs. Hill and Mr. Picton informed Town Atty. David Miles about the deed and Atty. Miles added language to the deed to state specifically and with dates that the right of way was permitted by the

I.W.C. Atty. Arthur Weinshank recorded the deed and mylar map with the Town Clerk. Mrs. Hill will submit copies into the file and at the next meeting call for a vote to lift the permit violation off the Land Records.

Levy/Kady, IW-03-V6, 129 Wykeham Road, Deposition In or Near Wetlands.

Mr. Ajello reviewed the application approach with Mr. Kady and told him that a soil science report is necessary.

Brodie, IW-03-V8, 17 Wheaton Road, Dirt Bike Tract Thru Wetlands.

Goutiere, IW-03-V10, 33 Wheaton Road, Dirt Bike Tract Thru Wetlands/Clearing in Regulated Area/Interruption of Water Course.

Mrs. Hill noted that nothing new had been submitted to date.

Boies, IW-03-V7, 27 Cook Street, Deposition in Drainage Gorge, Erosion.

Mr. Ajello recommended that the work of removing debris be done by hand and noted that the difficulty is caused by the steepness of the gorge slopes. Mr. Ajello will write to Mr. Boies to request a plan to remove the gorge debris, doing the work by hand, as much as possible; install riprap at the pipe outlet and offer his help to stabilize the bank.

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

Mr. Ajello reported that the pool pump and air filter were moved to the location of the compressor and that a pile of sand stands ready for bedding the pipes after an inspection by the building inspector.

Mrs. Hill explained that Atty. Michael Zizka advised that a neighbor filing a jurisdictional legal action could invalidate permits with an invalid address; she will investigate to find correct address, # 110 or # 112 Lower Church Hill Road.

Rumsey Hall School, IW-03-01, 201 Romford Road, Reconstruction of Dormitory Building.

Mr. Ajello reported that the cloudy water going to Bantam River from the excavation site was quickly remedied by adding stone to the bottom of the pipe inlet and now the water runs clean; the silt fence is perfect.

Surnow/Kyte, IW-02-55, 170 Church Hill Road, Clean Pond.

Mr. Ajello reported that clearing has been done to prepare for pond cleaning and storm damage but a start card has yet to be submitted.

Lecher, IW-03-11, 97 West Shore Road, Shoreline Planting.

Mr. Ajello reported that there are ruts in the roadside area. Ms. Purnell explained that the Lake Waramaug Task Force meeting reviewed the driving that took place in the area planned as a wildflower meadow; the area will be re-graded, additional plantings will be done and some changes made to handle road run-off.

Wertheimer, 106 Shearer Road

Mr. Ajello said that the State Forestry Service contacted Dorothy Hill about timber harvesting; Mr. Ajello has an appointment on Friday, June 27, 2003, with Mr. Johnson, Caretaker. Mrs. Korzenko noted that this property is for sale.

Consideration of Minutes

Regular Meeting - May 28, 2003

MOTION: To ACCEPT the Minutes of the Regular Meeting - May 28, 2003, as amended. By Mrs. Hill, seconded by Ms. Purnell and passed 3-0-2. Mrs. Gray abstained as she did not attend the hearing; Mr. LaMuniere abstained as he did not review the minutes.

Public Hearing re: Maury/Cady IW-03-10 - June 11, 2003.

MOTION: To ACCEPT the Minutes of the Public Hearing re: Maury/Cady IW-03-10 - June 11, 2003, as amended. By Mrs. Hill, seconded by Ms. Purnell and passed 5-0.

Regular Meeting - June 11, 2003

MOTION: To ACCEPT the Minutes of the Regular Meeting - June 11, 2003, as amended. By Ms. Purnell, seconded by Mrs. Hill and passed 5-0.

Show Cause Hearing - June 11, 2003

MOTION: To ACCEPT the Minutes of the Show Cause Hearing - June 11, 2003, as amended. By Mrs. Hill, seconded by Ms. Purnell and passed 5-0.

Site Inspection re: Lloyd IW-03-22 - June 10, 2003

MOTION: To ACCEPT the Minutes of the Site Inspection re: Lloyd IW-03-22 - June 10, 2003, as amended. By Ms. Purnell, seconded by Mrs. Gray and passed 5-0.

Site Inspection re: Boies IW-03-V7 - June 13, 2003

MOTION: To Accept the Minutes of the Site Inspection re: Boies IW-03-V7 - June 13, 2003, as written. By Mr. Picton, seconded by Ms. Purnell and passed 5-0.

MOTION: To ADJOURN the Meeting by Mrs. Gray. All agreed at 12:25 a.m., June 26, 2003.

Respectfully submitted, filed subject to approval.

Katherine Moquin, Land Use Secretary July 7, 2003
