

July 9, 2003

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

Alternates Present: Anthony Bedini, Candace Korzenko.

Alternates Absent: Robert Weber.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Jill and Michael Lloyd, Dirk Sabin, Brian Neff, Josh Weiner.

Dorothy Hill called the Regular Meeting to order at 7:05 p.m. on Wednesday July 9, 2003. Members seated were Dorothy Hill, Helen Gray, Charles LaMuniere, Anthony Bedini for Mark Picton, and Candace Korzenko for Marguerite Purnell.

Mr. LaMuniere reported the following candidates had been selected by the Nominating Committee_____: Dorothy Hill to remain Chairman for one year; Robert Weber to become an Alternate Member; Mark Picton to become a Regular Member and Vice-Chairman.

MOTION: To CLOSE the Nominations for 2003-4 portion of the meeting. By Mrs. Gray, seconded by Mrs. Korzenko and passed 5-0.

MOTION: To ACCEPT the Nomination of Dorothy Hill as Chairman and Mark Picton as Vice-Chairman / Regular Member and Robert Weber as Alternate Member. By Mr. LaMuniere, seconded by Mrs. Korzenko and passed 5-0.

Motion to Add Business Not on the Agenda

MOTION: To ADD Wertheimer, 106 Shearer Road / Logging Operation to the Agenda under Enforcement. By Mrs. Hill, seconded by Mr. LaMuniere and passed 5-0.

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

Pending Applications

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

Jill and Michael Lloyd and Dirk Sabin, Landscape Architect were present. Mr. Sabin submitted a revised map, "Proposed Lawn Expansion and Boulder Shore Protection, Jill & Michael Lloyd, 149 Whittlesey Road by Dirk W. Sabin, L.A., dated 5-7-03 and revised 7-9-03," which depicts and numbers the areas to be armored per the Commissions site visit of July 8, 2003. Mr. Sabin answered the members questions and explained the following: 1. The boulders would be placed by hand; machine placement of boulders would occur only in the area _____ around the deck (45' length.) 2. An estimate of the percentage of shoreline to be armored is approximately 100' (25% Shepaug River frontage) and 120' (25% Bantam River frontage.) 3. The stone steps are proposed at 3-4' wide for weight and stability. 4. The high water mark reached approximately 1/3 up the face of the rocks.

Members reviewed the report, dated June 19, 2003, by Don Mysling, D.E.P. Biologist and Todd Bobowick, U.S.D.A./ N.R.C.S.

Lloyd con't:

Mrs. Hill read a letter from Atty. Robert Fisher, dated July 9, 2003, recommending a vote of approval for this application.

Mrs. Korzenko encouraged the restoration of the peninsula, located at the confluence of the two rivers. Mr. LaMuniere recommended leaving the large boulders in place, not shifting them, at the top edge of the Shepaug River bank in the lawn area. Mr. Picton recommended leaving the duff (leaf litter) under the Hemlock trees and not excavating the river banks for boulder placement. Some members agreed

that the armoring is not necessary except to support the deck area _____.

Mrs. Gray recused herself as she did not make a site visit. Mrs. Hill seated Candace Korzenko.

MOTION: To APPROVE the application Lloyd, IW-03-22, 149 Whittlesey Road, River Protection / Armoring as submitted and revised on 7-9-03. By Mrs. Korzenko, seconded by Mr. LaMuniere and passed 3-2. Ms. Purnell voted nay because it is a natural river function and based upon experience, she thought the placement of boulders into the banks of the Shepaug and Bantam Rivers will cause the long term loss of riparian habitat and possibly contribute to erosion and she would like to see a modified version of the proposed plan along with a portion to be done first as an experiment. Mr. Picton voted nay because in his opinion, a sizable amount of the proposed armoring is unnecessary and the approach overdone and he agrees with Ms. Purnell's statements.

Mrs. Hill reseated Helen Gray.

New Applications

Mann, IW-03051, 51 Calhoun Hill Road, Construct Enclosed Porch.

Brian Neff, Civil Engineer, was present and he explained that the old porch would be demolished and a new porch would be built on the same footprint but on top of a basement (excavation would be done); the porch sits at 90' from the pond.

Mr. Ajello reported that there are continuous and heavily vegetated gardens between the house and the pond, so he does not see the possibility of sediment reaching the pond.

Pending Applications

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

Mr. Ajello said that he talked to Mr. Getnick about the application time limit and Mr. Getnick told him that he is reconsidering this project.

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

Mr. Ajello said that he left a message requesting more information.

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

Ms. Purnell read the July 8, 2003 Site Inspection report, which included the following: 1. The proposed terrace would run the length of the house. 2. A retaining wall is needed. 3. There is a small depression on the east side of the driveway and an alternate way to handle this would be to grade this area to produce a sheet-flow of water. Mrs. Hill noted that Mr. Leddy agreed to submit more detailed plans.

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

Mr. Ajello reported that the trees have been planted. Ms. Purnell noted that anything planted along the stream is ecologically better than grass and that it is not clear who created the lawn.

MOTION: To APPROVE the After the Fact application Danion, IW-03-30 ATF, 25 Wheaton Road, Planting in Wetlands as submitted. By Ms. Purnell, seconded by Mrs. Gray and passed 4-1. Mr. LaMuniere voted nay because he thinks that the submitted planting plan is minus sufficient details and that the Commission should make a site inspection; in these regards, he believes the Commission has not achieved an approach consistent with other applications.

Buttfield, IW-03-01 D, 159 Woodbury Road, Addition of Shed Dormers.

Mr. Ajello reported that he approved this De Minimus application

Enforcement

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

Mrs. Hill sent a letter to Conn. Soil directing that invasives be cut back by hand.

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

Members agreed to explore taking Dr. Brown to court because of longstanding non-compliance with requests to a final detailed engineering design for permanent dam repair. Mrs. Hill will speak to the Board of Selectman and follow up with a letter to the Selectmen (Cc: Dr. Brown and Atty. Michael Zizka.) Members noted that Dr. Brown could end court proceedings at any time by submitting to their requests.

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

Mr. Ajello said that he had not received the start card to date and he will make a site visit.

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

Mrs. Hill will call Arthur Weinshank, new owner of the property, to ask him to proceed with transferring to his name the permit and then the Commission will release this violation from the Land Records.

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

Mrs. Hill noted that no new information has been submitted to date.

Weiner, IW-03-02 E, 110 Litchfield Tnpk. Revision/New Location Pond # 3.

Josh Weiner was present and he explained that this is a family farm and the area, planned for irrigation from the newly located pond # 3, is the last part of the farm to be developed; there has always been sand at this site.

Members pointed out that the permit was issued for a different piece of property and that he needed to establish for the record that this new pond is part of his farming operation; he could do this with a new application and a planting plan. Members noted that Meeker Swamp is a very important resource and because Meeker Swamp is adjacent to this site, they requested a soil science report and recommended a consultation with Kathleen Johnson, N.R.C.S., who is an Agricultural expert. Ms. Purnell explained that an agricultural exemption does not include an alteration of the indigenous character of the site.

Weiner con't:

Mr. Picton noted that only a test hole had been dug for the original pond # 3. At Mrs. Hill's request, Mr. Weiner depicted the test hole on the drawing, " Map of Property of Joshua M. Weiner, Pond Sites," and signed it. Mr. Weiner pointed out that the test hole revealed that no water existed at an acceptable depth and it would be counter productive to dig deeper there as the result would be the loss of the whole end of the field as a planting site.

MOTION: To DENY the Revision to the Exemption Permit Weiner, IW-03-02 E, 110 Litchfield Tnpk., Revision / New Location Pond # 3, because the new pond exists on a different piece of property and therefore requires a new application and because an agricultural use has not yet been proven. By Mr. Picton, seconded by Ms. Purnell and passed 5-0.

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 has been submitted to date. Mr. Ajello will call Ms. Brodie and Ms. Goutiere.

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

Mr. Ajello reported that Mr. Boies agreed to the Commission's requests and he will clean out the gorge in late July / early August and then install riprap at the pipe outlet and follow-up with a planting plan for the gorge banks.

Wertheimer, IW-03-11, 106 Shearer Road, Logging Operation.

Mr. Ajello reported the following: 1. The Town collected a Bond for a logging operation/ permit at this site in 1999 and the logging continued until recently; the skidder is now broken down and sitting on site. Mr. Schuler does not appear to be a professional forester, his name is not in the State of CT. Directory of Certified Forest Practitioners. 2. An intermittent stream winds through the center of the logging site and wood, modular bridge sections remain to form crossings in 3-4 places. Activity did not take place near the pond. 3. He talked to Elaine Luckey, First Selectman; previously, a system had not been in place to sign off completed work; there needs to be a termination date on the timber harvest permits.

Mr. Ajello will call the State Forester and he will send an investigatory Letter of Enforcement to Alain Wertheimer.

Enforcement Officer's Report

Anderson/ DeSimone, Sunset Lane

Mr. Ajello reported that there is a man-made drainage trench on Sal DeSimone's property, which is used by the Anderson neighbors and the Town as well. He consulted with Janet Hill, Zoning Officer, Elaine Luckey, First Selectman and Roger Canavarro, Road Crew Foreman. The drainage area has become a wetland and is causing problems between the neighbors.

Deveraux - Glenholme School, Sabbaday Lane.

Mr. Ajello reported the following: He met with Gary Fitzherbert, School Agent, for a preliminary discussion about a field drainage plan; there is a well sitting on high ground 50' from a wetland pocket in a field; the school is worried about the artesian well being

Deveraux - Glenholme School con't:

flooded - there is an electric box, sitting a few feet lower than the well-head, that has been flooded; there is a buried 100-150' drainage pipe running through the field and around the well that exits into wetlands - drainage comes from a culvert sitting under the road.

Mrs. Hill pointed out that first this situation needs to be investigated by the Health Dept.

Mr. Picton ventured that planting iris in the wetland pocket might be the better than draining it. The Commission will make individual **Site Visits** before the next meeting.

Jackson, 69 Wykeham Road.

Mr. Ajello reported that an application is being prepared to propose a garage construction.

Lecher / Lake Waramaug Task Force, West Shore Road.

Mr. Ajello reported that planting is being done but the ruts remain the same. Ms. Purnell said that the ruts will be repaired.

Morrill, 84 & 88 Gunn Hill Road.

Mr. Ajello reported that trees were being cut near the wetland boundary and he instructed the contractor to limit the clearing and not to cut even dead wood in the wetlands; the permitted line of clearing is not delineated on the plans. Ms. Purnell requested photos of the area.

Pullaro, 23 Calhoun Street.

Mr. Ajello reported that there is a silt fence and a row of hay bales between construction and Canoe Brook; the volunteers are using a two-man, hand-held post hole digger.

Consideration of Minutes

Site Inspections re: Lloyd IW-03-22 / Leddy IW-03-29 / Weiner IW-03-02 E - July 8, 2003.

MOTION: To ACCEPT the Minutes of the Site Inspections - July 8, 2003 re: Lloyd IW-03-22 as written, Leddy IW-03-29 as amended and Weiner IW-03-02 E as written. By Mrs. Hill, seconded by Mr. LaMunier and passed 5-0.

Administration

A brief discussion was held concerning jurisdiction of Town Commissions. Mrs. Hill encouraged cooperation between them.

MOTION: To ADJOURN the Meeting by Mrs. Gray. All agreed at 10:40 p.m.

Respectfully submitted, filed subject to approval.

Katherine Moquin
Land Use Secretary
July 18, 2003