

September 10, 2003

Members Present: Mark Picton, Helen Gray, Dorothy Hill, Charles LaMuniere, Marguerite Purnell at 7:15 p.m.

Alternates Present: Anthony Bedini, Candace Korzenko.

Alternates Absent: Robert Weber.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Mildred Pond, Brian Neff, Susan Branson, William Ross.

Note: URA = 100' Upland Review Area.

Mark Picton called the Regular Meeting to order at 7:02 p.m. on Wednesday, September 10, 2003.

Members seated were Mark Picton, Helen Gray, Dorothy Hill, Charles LaMuniere, Marguerite Purnell at 7:15 and Candace Korzenko for Marguerite Purnell from 7:02-7:15 p.m. and again at 10:30 p.m.

MOTION: To ADD to the Agenda under Enforcement, Madoff IW-02-42 and under Consideration of Minutes, Site Visit - August 5, 2003 re; Montessori School IW-01-08, VanDeventer / Maillefert IW-03-34 and Morse Estate IW-03-33. By Mr. Picton, seconded by Mrs. Hill and passed 5-0.

Pending Applications

Pond, IW-03-40, 153 West Shore Road, Install Rocks on Lake Shore.

Mildred Pond was present and she submitted a revised drawing, "Mildred Pond, 153 West Shore Road, Survey Map, dated 9-10-03," to show a decrease in the area proposed for rock placement and to show no changes proposed for the section of beach along the shore line; the installed rocks would be the same size as those rocks existing around the base of the boat house. She changed, dated and initialed the work sequence narrative to reflect the new 2 1/2 width for the area of rock placement.

Mr. Picton recommended that Ms. Pond verify her property boundary line in relation to her proposed work.

MOTION: To APPROVE the application Pond, IW-03-40, 153 West Shore Road, Install Rocks on Lake Shore per the revised drawing, "Mildred Pond, 153 West Shore Road, Survey Map, dated 9-10-203" and with the following conditions: 1. The filling of rock is not to exceed a distance of 2 1/2 ' (two and one-half feet) out from the stone wall sitting on the west side of the beach. 2. Placed rocks are not to exceed the height of the stone wall; placed rocks are to slope down from the stone wall to beach level. 3. The rocks are to be placed by hand and no machines are to enter the beach area. By Mr. Picton, seconded by Mrs. Hill and passed 4-0-1. Mr. LaMuniere abstained as he did not visit the site.

Pond con't:

Mr. Picton noted that it is not the job of the Commission to prevent weeds from growing but the proposed placement of rocks is not extensive and will not detract ecologically; he is not looking to see vegetation suppressed along the shoreline nor filling done in low lying areas; **it will become** a more natural looking shoreline.

Mrs. Hill agrees that this activity will not detract ecologically.

Ms. Purnell appreciates the reduction in the amount of rocks and changed location farther from the lake; the larger size rocks will not migrate **into the lake**.

Morse Estate, IW-03-33, 313 Nettleton Hollow Road, Construct Driveway.

Brian Neff, P.E., was present; he is working on a grading plan. Members reviewed the drainage plan, "Proposed Driveway Drainage Plan, Joseph Wanag, Potash Hill Road & Nettleton Hollow Road by

Brian E. Neff, L.E., dated 7-15-03." Mrs. Hill noted that Land Tech Consultants wants to see a grading plan before reviewing the proposal. Members agreed to continue any discussion at the next meeting.

Steep Rock Assoc., IW-03-41, Christian Street/Route 202, Re-place Culvert.

Susan Branson, Executive Director, and Brian Neff, P.E. were present. Mr. Neff submitted a letter, dated 9-10-03, with his recommendations for the proposed replacement culverts. He thought that the water would overflow the farm road during a big storm but the stream seems to be intermittent.

Ms. Purnell requested the pipes be embedded into the stream bed in order to create a substrate consistent with/to mimic the system there now for the amphibians, insects and other creatures.

MOTION: To APPROVE the application Steep Rock Assoc., IW-03-41, Christian Street/Route 202, Re-place Culvert per the specs in the letter from Brian E. Neff, P.E., dated 9-10-03 and with one condition that the two culvert pipes be embedded 2" (two inches) into the stream bed. By Mr. LaMuniere, seconded by Mrs. Gray and passed 5-0.

Ms. Purnell noted that an engineer looks at the effects of moving water while the IWC looks in addition at somewhat different issues, **i.e. Ecological issues.**

Ms. Branson asked if an application is required for trucks and machines to cross the Shepaug River **at the Tunnel Road** to reach a trail needing repair but situated well beyond URA; the crossing site would be the same one used during the construction of the suspension foot bridge; truck crossings would take place during low water time. Members agreed that an application is necessary.

Fish, IW-03-42, 201 Wykeham Road, 2-Lot Subdivision.

Brian Neff, P.E., was present. He answered the member's questions and explained the following: 1.This is a 5 bedroom, feasibility, house footprint; final plans might show a footprint that is different but the footprint would probably be located in the same spot. 2.It is possible to have a walkout basement and not fill around the lower end of the foundation so that grading could be done without going into the URA. 3.The building **restriction** area adjacent to the house site prohibits structures but does not exclude anything underground or exclude the driveway. 4.The building site contains Woodbridge soils and is more than 100' to intermittent water courses and 150' to wetlands. 5.This subdivision provides a Conservation Easement area. He thinks that this is doable house site.

Fish con't:

Members discussed this property which previously presented to them as one lot for one house and approved (after weighing the pros and cons) a long driveway with seven **culverts** to reach a good building site in a back field; now they have been asked to consider a second house site constricted by intermittent streams, wetlands and a building **restriction** area; _____ slopes exist and they do not want to see any clearing, grading or construction within the regulated area; they could frame the approval with a condition that there be no encroachment or activity within the URA but they feel that **it** might not **be** realistic to expect no _____ use of the land around the house; the submitted plans do not include grading.

The Commission will make a **Site Visit** on Tuesday, September 16, 2003 at 9:00 a.m.

Brown, IW-03-43, 125 Shearer Road, Construct Dwelling.

Brian Neff, P.E., was present and he answered the member's questions and explained the following: _____ Plans show the proposed tree line; most of the clearing proposed within the URA is south of the house site where there is an existing stone wall protecting the stream and this stream is up-grade of the house site and **directed across the slope by the old wood road** bed (nothing is draining down;) the **house site** drainage runs parallel to the stream and wetlands **along the western edge of the house site**; he

pointed out to the homeowners the need to stay within the limits of clearing submitted in their application; the wetlands have been flagged.

Members discussed the proposed house site and clearing proposed within the URA; on one side, the edge of the house is 10' from the URA but there is room to move the house to the northeast. Some members thought that there will not be an impact to wetlands using the proposed limit of disturbance and they want to respect the homeowner's / architect's reasons for the house location. And some members thought that moving the house 30' or so would be a prudent alternative and not an unreasonable request but they would also like to know the homeowner's reasons for choosing this site. Mr. Neff will __relay this to the homeowners. Mrs. Hill asked that the homeowner's ideas regarding this issue be submitted in writing.

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

Mr. Picton noted that they received a request for a 65 day extension for the permit. Mr. Ajello said there is no other new information to date.

Enforcement

Ross, IW-02-04, 10 Sunny Ridge Road, Wetlands Restoration.

William Ross was present and he submitted a letter, dated 9-8-03, and a portion of a survey map, "Sunny Ridge Road, Nettleton Hollow Road" showing the flagged original wetland and the wood road skirting the edge of the wetland. Mr. Ross thought that the stakes belonged on the left side of the road; he said that if the stakes now marking the boundary of the wetland are used, then the trees are too close to the road and one tree, which would then have to be removed, is older than the map.

Members discussed the restoration plan approved for the wetland boundary in question and they disagree with Mr. Ross. Mr. Picton, speaking for all the members, requested a surveyed as-built of the entire restoration area including the wood road and trees, saying that this is such an important project and the as-built will define the boundary and show if the work was done in conformance with the approval plan. Mr. Ross will call Bradford Smith and Son to do the as-built and he will return for the October 8, 2003 meeting. Ms. Purnell said the Commission appreciates all the work Mr. Ross has done to date.

New Applications

Allredge/Daly, IW-03-44 D, 300 West Shore Road, Addition.

Mr. Ajello reported that the house is not close to the lake shore but sits within the URA, the proposal is for enlarging the second floor without changing the footprint, there is access to the site from the road and the work presents no risk to the lake. Mr. Picton recommended that the applicants take care to keep the light weight scraps picked up; Mr. Ajello said that there exists vegetation and brush protecting the shoreline. Mr. Ajello will approve this DeMinimus application.

Enforcement Officer's Report

Montessori School, IW-01-08

Mr. Ajello reported the following: 1. The school sign was installed along with pressure treated guard rails along the driveways; he will talk to the school about the pressure treated wood. 2. Sod was installed on the athletic field and the surrounding steep slopes were graded, seeded and mulched but heavy rain washed out this accomplishment and now it needs to be re-done; stabilization blankets had not been required in the permit. 3. The bio-filtration basin and the silt basin have not been dredged to date.

Mr. Picton asked if the swale, **located** at the bottom of the athletic field's steep slope, had been dug out

and the silt fence repaired; the swale was filled with silt which caused the silt **fence** to be pushed in and silt to flow into the woods;) Mr. Ajello will request this be done.

Ms. Purnell thought that maybe just the material dumped on the wrong side of the silt fence could be removed and maybe the vernal pools would restore on their own. Mr. LaMunier said that unless the drainage problems are addressed, there will be continued impairment of the vernal pools.

Knudsen, 236 Nettleton Hollow Road.

Mr. Ajello submitted pictures; he said that the pond dredging might be postponed until next summer because of the water level.

Boies, 25 Cook Street.

Mr. Ajello reported that debris had been cleared out of the gorge, as much as possible by hand; debris embedded in the soil has been left. To date riprap has not been installed at the culvert outlet. Mr. Picton asked Mr. Ajello to report any accelerated erosion occurring at the site.

Jepsen/Dore, IW-03-25.

Mr. Ajello reported that retaining walls, steps and handrails have been added without a request for a revision, which he then asked them to submit.

Madoff, IW-02-42.

Mr. Ajello reported that a fence had been installed within the URA without a request for a revision; Mrs. Madoff wanted a fence along the road for her children. He asked Mrs. Madoff to submit a revision request.

Lloyd, IW-03-22.

Mr. Ajello said that nothing has been done along the riverbanks to date, because of the high waterline. Martin, Nichols Hill Road.

Mr. Ajello requested a full application for a tennis court and hockey rink within the URA.

Rudins, IW-02-49.

Mr. Ajello said that soil dredged from the _____ pond amounted to a **small** quantity of **mucky** silt and this was spread over the banks of the **EPDM lined pond**, well away from wetlands; no vegetation has been planted in the field.

Robbins, Winston Drive.

Mr. Ajello requested a full application for an accessory apartment because there exists a wetland pocket between the house and the pool.

Wertheimer, 106 Shearer Road.

Mr. Ajello said that the area in question has been seeded.

Hildmann, IW-03-15.

Mr. Ajello reported that no further activity has occurred in the fields because of heavy rains. He asked for a revision request to be submitted for a manure shelter.

Enforcement

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

Members reviewed a letter from Mr. Beck, dated 9-5-03 and agreed to let him remove the invasives

after the first frost.

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

Member reviewed a letter from Dr. and Mrs. Brown, dated 8-6-03 and discussed a response. Wanting someone with authority to sign-off on the safety of the dam, members agreed to contact Wesley Marsh, Dam Safety Unit, D.E.P. by sending a letter along with copies of the file materials; a copy of the letter will be sent to Dr. Brown; Mrs. Hill will talk to the D.E.P. Dam Safety Unit.

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

Mr. Ajello said that there is no new information to date. Members discussed a response to no progress happening to date; they agreed that Mr. Ajello will write a letter citing non-compliance with their request to produce a mapping of wetland soils and saying that this leaves them no choice but to require a restoration of the area to its previous condition by removing the trees, plantings, stones and fill.

Brodie, IW-03-V8, 17 Wheaton Road, Dirt Bike Track Thru Wetlands / Goutiere, IW-03-V10, 33 Wheaton Road, Dirt Bike Track Thru Wetlands.

Members reviewed the Site Visit minutes of 8-22-03 and discussed whether certain trees should remain or be permitted for removal.

Brodie/Goutiere con't:

Ms. Purnell recused herself from this vote, as she did not make a Site Visit. Mr. Picton seated Mrs. Korzenko at 10:30 p.m.

MOTION: To APPROVE the Restoration Plan for Brodie, IW-03-V8, 17 Wheaton Road, Dirt Bike Track Thru Wetlands and for Goutiere, IW-03-10, 33 Wheaton Road, Dirt Bike Tract Thru Wetlands per the summary of proposed work in Anthony Bedini's Site Visit Minutes of August 22, 2003. By Mrs. Korzenko, seconded by Mrs. Gray and passed 5-0.

A letter to that effect will be sent to the applicants by Mr. Bedini.

Mr. Picton re-seated Ms. Purnell at 10:40 p.m.

Consideration of Minutes

Regular Meeting - July 23, 2003

MOTION: To ACCEPT the Minutes of the Regular Meeting of July 23, 2003 as amended. By Mrs. Hill, seconded by Ms. Purnell and passed 5-0.

Corrections/amendements (relevant pages) are attached to the end of these minutes.

Regurlar Meeting - August 13, 2003

MOTION: To ACCEPT the Minutes of the Regular Meeting of August 13, 2003 as amended. By Mrs. Hill, seconded by Mr. Picton and passed 5-0.

Correction/amendments (relevant pages) are attached to the end of the minutes.

Site Inspection - August 22, 2003 re: Brodie IW-03-V8 / Goutiere IW-03-V10.

MOTION: To ACCEPT the Minutes of the Site Visit on August 22, 2003 re: Brodie IW-03-V8 and Goutiere IW-03-V10 as amended. By Mrs. Hill, seconded by Mr. Picton and passed 4-0-1. Ms. Purnell abstained as she did not visit the site.

Site Inspections - September 3, 2003 re: Pond IW-03-40, Steep Rock Assoc. IW-03-41, Brown IW-03043, Ross IW-02-V4.

MOTION: To ACCEPT the Minutes of the Site Visits on September 3, 2003 re: Pond IW-03-40, Steep Rock Assoc. IW-03-41, Brown IW-03-43 and Ross IW-02-V4 as written. By Mrs. Gray, seconded by Mr. LaMunier and passed 5-0.

Site Inspections - August 5, 2003 re: VanDeventer/Maillefert IW-03-34, Morse Estate IW-03-33.

MOTION: To ACCEPT the Minutes of the Site Visits on August 5, 2003 re: VanDeventer / Maillefert IW-03-34 and Morse Estate IW-03-33 as written. By Mr. Picton, seconded by Mrs. Gray and passed 5-0.

Site Inspection - August 5, 2003 re: Montessori School IW-01-08.

MOTION: To ACCEPT the Minutes of the Site Visit on August 5, 2003 re: Montessori School IW-01-08 as written. By Mrs. Hill, seconded by Mr. Picton and passed 5-0.

Administration

Fine Ordinance Draft

Mr. LaMunier sent a draft of the Fine Ordinance to Attorney Michael Zizka. First Selectman, Elaine Luckey incorporated Atty. Zizka's recommendations and she said that she wants the Town Ordinance to be totally legal and safe. Mr. LaMunier and Mrs. Hill worked together to

complete the final draft. Members were asked to review the final draft and to write down and submit any questions.

Sheinfeld, IW-02-61 ATF.

Mr. Sheinfeld did not record the Mylar copy of the map with the Town Clerk to date.

Randall, 53 River Road, Request Release - Enforcement Order from Land Records.

Mrs. Hill said that this is a complicated outcome; Northwest Conservation Service's Soil Survey shows wetlands soils but Mr. Randall's Soil Scientist did not find wetland soils because the wetland soils had been stripped. Ms. Purnell does not think that the requirements have been met.

Santoleri, IW-03-39, 240 West Shore Road, Retaining Wall/Fill/Stone Terrace/Drainage Swale/Fence/Irrigation System.

Mrs. Hill said that plans for the drainage swale have been changed so a revision approval is required. Mr. Ajello will follow-up on this permit.

MOTION: To ADJOURN the Meeting by Mrs. Gray. All agreed at 11:52 p.m.

Respectfully submitted, subject to approval,

Katherine Moquin, Land Use Secretary 9-19-03