

September 24, 2003

Members Present: Mark Picton, Marguerite Purnell.

Members Absent: Helen Gray, Dorothy Hill, Charles LaMuniere.

Alternates Present: Candace Korzenko, Robert Weber.

Alternates Absent: Anthony Bedini.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Brian Neff, Vincent Forese, Glenn Sherratt, William Ross.

Mark Picton called the Meeting to order at 7:02 p.m. on Wednesday, September 24, 2003. Members seated were Mark Picton, Marguerite Purnell, Candace Korzenko for Charles LaMuniere, Robert Weber for Dorothy Hill.

MOTION: To ADD the following to the AGENDA: Proposed Revisions for the Washington Zoning Regulations under Administration, Discussion of the Revision for the Washington Inland Wetlands and Watercourses Regulations under Administration, Schwartz, IW-02-59 D, under Enforcement Officer's Report, and Montessori School, IW-01-08, under Enforcement Officer's Report. By Ms. Purnell, seconded by Mr. Weber and passed 4-0.

Pending Applications

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

Mr. Picton noted that nothing new has been submitted to date.

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

Brian Neff, P.E. was present and he will bring his grading plan to Land Tech Consultants.

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

Mr. Picton noted that a letter, dated 9-18-03, has been submitted declaring a withdrawal of this application for re-subdivision.

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

Brian Neff, P.E. was present and he said the owners and their architect are working on a revision of their plan. Mr. Picton pointed out that the stream overflow on to the land, along the western edge of the house site, is not marked on the Site Plan, "Soil Erosion & Sediment Control Plan, The Brown Residence, 125 Shearer Road, by Brian E. Neff, L.E., dated 7-28-03."

New Applications

Steep Rock Assoc., IW-03-48, Steep Rock Reservation/Tunnel Road, Cross Shepaug River.

Vinney Forese, Contractor, was present. He answered the members questions and explained the following: 1.The only way to reach the trail in need of repair is to cross the Shepaug River. The easiest spot to cross along the whole river is the same site (just below the Hauser Bridge) used during the construction of the bridge - the banks here have the most gradual grade and the water in this area is usually low during the summer. The banks here were armored with gravel for the bridge construction process; the banks are not expected to be torn up during the proposed truck crossings; a few limbs would be trimmed along the banks in order to protect truck mirrors; he might move over a few of the larger stream bed rocks by hand. 2.The plan is to haul 25 loads of fill with 1 1/4 " processed gravel in a 4 yard dump truck (provides larger wheels and less trips) and also take across a 4-wheel tractor with a bucket; these vehicles are in good condition/ nothing is leaking. 3.The stockpile would be located just past the tunnel within a large turn-a-round.

Mr. Forese depicted the temporary stockpile location on the map, "Trail to be Repaired, Crossing just below Hauser Bridge" as directed by Mr. Picton. Ms. Purnell said that the banks might need stabilizing after the crossings take place. Mr. Ajello will make a site inspection.

Horace Mann School/John Dorr Nature Lab, IW-03-47, 220 Nettleton Hollow Road, Well Waterline.

Glenn Sherratt, Director, was present and asked for an expedited permit to drill a new well and install a waterline/electric line to their distribution center. He answered the members questions and explained the following: 1. Two out of their three wells have gone dry and this presents an urgent need to supply water as mandated by the State Public Water Supply provisions; they are currently trucking in water. The State is making a site inspection tomorrow. 2. The waterline would run 800' from the well head under an existing driveway, under an existing culvert and under an existing lawn; the trench (3' wide x 6' deep) would not be left open but be filled in as they go along excavating and placing the pipe and wire; the waterline/electric line would be pulled under the culvert at 6' down under the road and to the center as much as possible because the septic line is located in the same area, cutting to the right under the intermittent stream and hugging the left side of the road. 3. Hay bales would be placed on the down side of the driveway.

Mr. Weber thought boulders had probably been placed under the road bed as support, so placing the waterline below the culvert might make a mess or require a new route. Members agreed to authorize the proposed work to start now and have the permit process continue as an after-the fact application. Mr. Picton set guidelines: 1. The excavator is to fill in the trench as they go along the course with no more than twenty feet open at a time. 2. An additional silt fence/hay bales is to be installed. 3. Workers are to follow Mr. Ajello's recommendations.

MOTION: To APPROVE the application, # IW-03-47, submitted by the Horace Mann School to install a well and waterline at 220 Nettleton Hollow Road on an Emergency Basis. By Mr. Picton, seconded by Mr. Weber and passed 4-0.

Ross, IW-03-45, 10 Sunny Ridge Road, Rebuild Stone Wall.

William Ross was present. He submitted pictures, answered the members questions and explained the following: 1. The stone wall is 250 linear feet starting at the southern edge of the road; it is not going anywhere near the wetland; it is estimated to be 42" high and 34" wide. 2. A silt fence would be placed on the boundary of the re-planned wetland. 3. A Bob-Cat would be used to move around material.

As directed by the members, Mr. Ross marked the two ends of the stone wall in red on a portion of the map, "Topographic Map, William & Judith Ross, Sunny Ridge Road and Nettleton Hollow Road by Bradford E. Smith & Son, dated 1-28-91."

The Commission will make a **Site Visit** on Tuesday, September 30 at 9:00 a.m.

Enforcement

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

William Ross was present and submitted an as-built, "Filled Wetlands To Be Restored by Bradford E. Smith & Son, dated March 19, 1991." He answered the members questions and explained the following: Curt Smith, Bradford E. Smith & Son, determined that three different drawings of the same site had been done by their company: The first shows the road running into the wetland and the second shows the road out of the wetland and through the trees. Originally one section of the road was dipped lower than it is now.

Members asked for Bradford E. Smith & Son to sign-off on an as-built showing the road, the wetland

and the tree. Mr. Ross said he will ask for the stone wall to also be depicted.

New Applications

Gutierrez, IW-03-49, 13 Dark Entry Road, Septic Repair.

Brian Neff, P.E., was present. He answered the members questions and explained the following: 1. The Health Dept. permit is pending. The septic is designed for a four bedroom house. 2. A soil survey does not show wetland soils present at the septic site. 3. It looks like water from the wetland runs laterally across the back yard. Water needs to be kept away from the septic - he proposes to install a catch basin at the lowest point adjacent to the wetland and re-direct surface and sub-surface water around the septic.

Ms. Purnell thought that a water course exists across the back yard. Mr. Picton said that if they determine that a water course exists, then they might not want to come close to the wetland with sub-surface drainage.

The Commission will make a **Site Visit** on Tuesday, September 30, 2003 at 9:30 a.m.

Wadsworth, IW-03-50, 12 Winston Drive, Construct Dwelling.

Brian Neff, P.E., was present and he submitted a map, "Subsurface Sewage Disposal System, Church Hill Corp., Subdivision Lot 70 A, 12 Winston Drive, by Brian E. Neff, L.E., dated 8-20-03." He answered the members questions and explained the following:

1. This is an approved subdivision lot, which Mrs. Wadsworth wants to sell with all the approvals in place. The plan is for a hypothetical four bedroom house. 2. This is a difficult 4.5 acre lot with a compact area of development; a watercourse flows across the back (north.) The proposed house site is on the southeast corner of the property, very close to the road and the driest area. 3. Wetland flags are set in place. It is possible to

Wadsworth can't:

move the house site farther away from the wetland but he is not sure where the other wetlands extend to.

Members speculated that this lot might better accommodate a three bedroom house proposal.

The Commission will make a **Site Visit** on Tuesday, September 30, 2003 at 10:00 a.m.

Madoff, IW-02-42, 241 West Shore Road, Revision to Permit.

Mr. Ajello said that a fence had been installed to protect the Madoff's young children from the road. Mr. Picton tabled their review of this after-the-fact revision request until more information is submitted.

Dyer, IW-03-46, 273 Sabbaday Lane, Re-place culverts.

Mr. Picton tabled their review until Mrs. Dyer submits a drawing and more information

Enforcement

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

Mr. Ajello said there is nothing new to report. He will take pictures of the site.

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

Mr. Picton spoke to Jodi Brown who said that they were having difficulty obtaining a hydrolic study from their engineer. Mrs. Brown said that they will retain the services of a different engineer so that they can comply with the Commission's requirement.

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

Mr. Ajello sent a letter, dated 9-19-03, to Mr. Kady stating the Commission's un-acceptance of further delay in producing a soil science report. Mr. Picton spoke to Mr. Kady and answered his concerns by explaining that the Commission is only doing their job and that conducting their business at a meeting is a public matter. Mr. Picton read a letter, dated 9-24-03, from Atty. Leonard Blum stating a soil science report will be submitted within 30-60 days.

Members discussed the fact that a letter, dated May 22, 2003 had been sent to Mr. Kady requesting immediate installation of sediment and erosion controls, wetland soil mapping to be done and an application to be filed; sediment and erosion controls have not been installed and wetland soil mapping has not been done to date. Members agreed to wait until the October 22, 2003 meeting to evaluate the status of this situation.

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

Mr. Ajello said that he is pleased with the results of the gorge clean-up; there is erosion at the top of the gorge and he will recommend to Mr. Boies that he install a hand placed splash pad, which extends up the bank of the gorge, at the terminus of the pipe.

Members expressed appreciation for Mr. Boies' undertaking the solution to a problem which he did not create.

Wertheimer, IW-03-V11, 106 Shearer Road, Logging Operation.

Mr. Ajello will make a Site Visit soon.

Schwartz, 173 West Shore Road, Remove Invasives.

Mr. Ajello reported the following: 1.Jocelyn Schwartz talked to a tree service about removing invasives -phragmites from a 5000 square foot area across from the boat house; this site is about 80-100' from the lake shore. 2.He described to her the method of hand cutting followed by painting the stems with herbicides but this seems too time consuming for 5000 square feet. 3.The tree service wants to spray glyphosate on the invasives and Ms. Schwartz is asking for advice. 4. He will check to see if this tree service has a license to remove invasives.

Members discussed the importance of proper guidance for this large an area adjacent to the lake and the need for monitoring any growth from the seed bank which will surely be present; they also noted that there is a native species of phragmites but only molecular analysis (genotyping) could determine which species is growing on this site. Members agreed to ask for an application with a proposal for a well-founded method to remove invasives and then the Commission can evaluate the work proposed.

Ms. Purnell recommended Judy Singer, Pesticide Coordinator at D.E.P., as a contact for information.

Montessori, IW-01-08, Litchfield Tnpk., Drainage Basins, Swale, Silt Fence, Vernal Pools.

Mr. Picton asked for the swale located at the bottom of the athletic field's slope to be dug out tomorrow to allow water to be directed into the silt basin and not go past the silt fence. Mr. Ajello will direct Alex McNaughton to have this done.

Enforcement Officer's Report

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

Mr. Ajello reported that the swale was effective post the recent heavy rainfall; some pea sized stone spread to the grass but nothing reached the lake.

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

Mr. Ajello reported that armoring of the river banks started two days before the heavy rainfall - no excavation took place, instead rocks were tumbled down and maneuvered into place with levers.

Marbledale Pub, New Milford Tnpk.

Mr. Ajello requested an application be filed for newly installed septic fields.

Consideration of Minutes

Regular Meeting - September 10, 2003

MOTION: To ACCEPT the Minutes of the Regular Meeting on September 10, 2003 as amended. By Mr. Picton, seconded by Ms. Purnell and passed 4-0.

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

Site Inspection re: Fish IW-03-42 - September 16, 2003

MOTION: To ACCEPT the Minutes of the Site Inspection re: Fish IW-03-42 on September 16, 2003 as written. By Ms. Purnell, seconded by Ms. Korzenko and passed 4-0.

Old Business

Sheinfeld, IW-02-61 ATF, Record Mylar Map.

Mr. Picton noted that the mylar map has not been recorded to date.

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

Mr. Picton said that Dorothy Hill offered to research this situation; he tabled their review until a later date.

Administration

Town Fine Ordinance Draft

Members discussed a few directions the Fine Ordinance underwent regarding the authority of the Commission.

Proposed Revision to the Inland Wetlands and Watercourses Regulations.

Members discussed fine-tuning the wording of a few sentences regarding consultant's fees and expenses. Mr. Picton said that even if nothing is changed in this proposed revision, he would still be pleased with it; Ms. Purnell agreed. Mrs. Korzenko noted that much of the language in the revision came from the State Regulations because it is clear and easy to understand.

Proposed Revision to the Zoning Regulations.

Members agreed to review this document at home before the next meeting.

State Statute 22 A- 42- C2

Members discussed De Minimus applications; Ms. Purnell pointed out that the Commission can defer to their Agent a proposal involving no greater than minimal impact to wetlands or watercourses; Ms. Korzenko noted that the State does not use the word De Minimus and the Washington Inland Wetlands and Watercourses Regulations will be changed at some point to reflect this, perhaps calling De Minimus - Agent Approval.

MOTION: To ADJOURN the Meeting by Mr. Picton. All agreed at 10:47 p.m.

Katherine Moquin, Land Use Secretary October 3, 2003

Respectfully submitted, filed subject to approval