

## October 8, 2003

**Members Present:** Mark Picton, Charles LaMuniere, Marguerite Purnell at 6:53 p.m.

**Members Absent:** Helen Gray, Dorothy Hill.

**Alternates Present:** Anthony Bedini, Candace Korzenko, Robert Weber at 6:53 p.m.

**Staff Present:** Michael Ajello, Katherine Moquin.

**Also Present:** Valerie Freedman.

Mark Picton call the Public Hearing re: Proposed Revision to the Inland Wetlands and Watercourses Regulations to order at 6:46 p.m. on Wednesday, October 8, 2003. Members seated were Mark Picton, Charles LaMuniere, Candace Korzenko for Dorothy Hill and Anthony Bedini for Marguerite Purnell.

Mrs. Korzenko explained the revisions which include the fee schedule, dropping Conservation Commission from the title and putting the authority to collect fees for consultant services under their own governance per the advice of Atty. Michael Zizka because the Inland Wetlands Commission is empowered by the State, not the Town; the Zoning Commission and Zoning Board of Appeals Commission consultant fees are both governed by a Town Ordinance.

Mr. LaMuniere thought the introductory statement should state clearly that the applicant would bear the expense of consultant fees - as it reads now, the applicants responsibility for consultant fees appears father along in the text.

Marguerite Purnell was seated at 6:53 p.m. and Anthony Bedini was re-seated for Helen Gray. Robert Weber also joined the public hearing at 6:53 p.m.

Valerie Freedman, Resident, praised this revision, saying it is important for a Commission to be able to consult a professional different from the one hired by the applicant and she said that it is long overdue.

Members discussed changing the revision text and decided that it could be updated when revisions to the entire Inland Wetlands and Watercourses Regulations, which are now being developed , were presented to the public. Mrs. Korzenko assumes this revision takes effect immediately.

**MOTION:** To CLOSE the Public Hearing at 6:58 p.m. by Mrs. Korzenko, seconded by Ms. Purnell and passed 5-0.

Respectfully submitted, filed subject to approval,

Katherine Moquin  
Land Use Secretary  
October 15, 2003

**Members Present:** Mark Picton, Charles LaMuniere, Marguerite Purnell.

**Members Absent:** Helen Gray, Dorothy Hill.

**Alternates Present:** Anthony Bedini, Candace Korzenko, Robert Weber.

**Staff Present:** Michael Ajello, Katherine Moquin.

**Also Present:** Brian Neff, Thomas Lappala, James Strub.

Mark Picton called the Regular Meeting to order at 7:03 p.m. on Wednesday, October 8, 2003. Members seated were Mark Picton, Charles LaMuniere, Marguerite Purnell, Candace Korzenko for Dorothy Hill and Anthony Bedini for Helen Gray.

**MOTION:** To ADD to the Agenda under Administration a vote on the Fee Schedule - Proposed Revision of the Inland Wetlands and Watercourses Regulations and under Administration a discussion of the State's New Time Lines for Land Use Applications and Public Hearings and under Administration a discussion of Storm Water Regulations/Issues and under New Applications Schwartz

IW-03-52. By Mr. Picton, seconded by Mrs. Korzenko and passed 5-0.

### **Pending Applications**

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

Brian Neff, P.E., was present and he said that he mailed his grading plan and hydraulic calculations to Land Tech Consultant 1 1/2 weeks ago.

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

Brian Neff, P.E., was present and submitted a revision to the plan, "Soil Erosion and Sediment Control Plan, Brown Residence, 125 Shearer Road by Brian E. Neff, L.E., dated 7-28-03 and revised 10-6-03." He answered the member's questions and explained the following: 1. The house site was moved 20' to the east, adding extra clearance to the tree line. 2. The septic is a gravity flow system. 3. The pool house is 700-800 square feet. 4. The soil scientist examined soils within a few hundred feet of the building envelope - he did not find wetland soils in the area below the septic site until he was off the property.

Members noted that the applicant moved the house site as requested and the soil scientist did not identify wetland soils in the stream overflow area on the western edge of the house site.

**MOTION:** To APPROVE the application Brown, IW-03-43, 125 Shearer Road, Construct Dwelling per the drawing, "Soil Erosion and Sediment Control Plan, Brown Residence, 125 Shearer Road by Brian E. Neff, L.E., dated 7-28-03 and revised 10-6-03." By Ms. Purnell, seconded by Mr. LaMuniere and passed 5-0.

#### **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: Silt and clay soil is present in the septic area, so water does not percolate through but stays near the surface. The drainage is designed to collect water coming naturally out of the wetland and direct it around the septic to allow room for waste water to filter. The curtain drain on the west side ends at the boundary of the property and the pipe comes to the surface at the outlet - this water would then follow the same direction along the swale which is proposed for installation on the bordering property. Mr. Neff said that this drainage plan will help the property next door. The Health Dept. permit is pending; as septic repair is a necessity, the Health Dept. will issue a permit.

Mrs. Korzenko, Mr. Picton and Mr. Weber visited the site. Members discussed the difficult situation they find when dealing with subdivision lots which would not be approved building lots today because of extremely wet conditions but were approved years ago and they weighed any possible impact, from water proposed to be directed to the bordering property swale, to possible alternatives. Members asked Brian Neff to notify the neighboring owners, Daudelin/Arciola, of his proposed plan before the Commission acts on this application and if possible to obtain a drainage easement. Mr. Picton requested the catch basin location be moved 20' farther from the wetland and drainage water be re-directed to the swale from the exit-point now shown on the plans,

"Septic System Repair Plan, Mr. & Mrs. Luis Gutierrez Residence, 13 Dark Entry Road by Brian E. Neff, L.E., dated 9-18-03."

Mrs. Korzenko and Ms. Purnell requested a solution to accommodate water coming from the sump pump, possibly a vegetative filter installed at the outlet.

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

Brian Neff, P.E., was present. He said that a drainage easement for a neighboring property is in place. Candace Korzenko, Mark Picton and Robert Weber visited the site on 9-30-03; they noted that there is water (from the road and going in a north-easterly direction) running across the property in a number of

places and one well defined channel that runs through the proposed septic area and they noted the wetlands are flagged. Mr. Picton requested a well thought out plan that shows how the wetlands and watercourses would not be impacted. Mr. Neff will do more research and make a site inspection.

Ms. Purnell noted that this is a feasibility plan for the purpose of selling the property.

**Schwartz, IW-03-52, 173 West Shore Road, Remove Invasives.**

Thomas Lappala, Arbor Services of CT., Inc., was present. He answered the member's questions and explained the following: 1. There are 8-10' tall phragmites growing in a 4000 square foot area; probably 40,000 plants in all, so a systemic application onto each individual plant would be an enormous job. Some ferns and sedges are also growing in this wet area; phragmites only grow in wet soil. 2. His proposal is to spray a round-up type herbicide material, Prosecutor, made by the Lesco Co.; he submitted a copy of the label and a sheet of technical information. He would not use a big dose - probably 8 oz. in 3 gallons of water from a back-pack. 3. The area is too wet for a brush hog to access; the stems could only be clipped because they are very tough. 4. Fall is the best time to spray.

**Schwartz con't:** He does not have a license from the State. Prosecutor would be bound by soil particles so there is only a minimal chance for it to reach the lake; he would not apply the herbicide when rain is due, otherwise it would not work.

Mr. Ajello understands that repeated applications are necessary.

Ms. Purnell pointed out that there is much more knowledge about invasives growing in coastal areas; she said the Nature Conservancy could muster 20 volunteers to work on a systemic application of the herbicide to a crop of invasives.

Mr. Bedini will call D.E.P. to ask for advice from their invasive species experts.

The Commission will make a **Site Visit** on Tuesday, October 14, 2003 at 9:00 a.m.

**Old Business**

**The Gunnery, IW-00-63, 22 South Street, Construct Driveway.**

James Strub, Law Clerk for Secor, Cassidy & McPartland, P.C., representing Michael and Marjorie Stern, 54 South Street (abutting neighbors of Gunnery School) was present. He submitted a letter, dated 10-8-03, from Atty. Gail E. McTaggart, which poses questions about the permit given to the school for a driveway to access athletic fields which are no longer part of the plan.

Members discussed the legitimacy of the permit; they agreed to pass the information to their attorney, Michael Zizka and then to ask Susan G. Graham, Head of The Gunnery, if any changes were made to the plans submitted for the permit. Members will look at the file individually and Mr. Picton will write a letter to Atty. Michael Zizka asking for advice. Mrs. Korzenko will draft a letter to Susan Graham. Ms. Purnell will talk to Dorothy Hill.

**Pending Applications**

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

Mr. Picton noted that there is no new information to date; the application's 65 day extension ends on 11-2-03.

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

Mr. Picton noted that a drawing and measurements need to be submitted.

**Ross, IW-03-45, 10 Sunny Ridge Road, Re-build Stonewall.**

Candace Korzenko, Mark Picton and Robert Weber made a Site Inspection on 9-30-03; the actual length of the stonewall is 212' not 250' as submitted. Members discussed the way to specify where the stonewall is to end and noted that they had the stone wall dimensions listed on the application.

**MOTION:** To APPROVE the application Ross, IW-03-45, 10 Sunny Ridge Road, Re-build Stonewall per the description on the application form and per the stone wall as shown and highlighted in red on the photo-copy section of the map, "Repair Stone Wall, dated 9-12-03" and with two conditions: 1. The southern end of the stonewall is to end at a distance no closer than 50' (fifty feet) from the marked wetland located south of the stone wall. 2. No change is to be done to the grade existing on the east side of the stone wall facing the recently restored wetland. By Mr. Picton, seconded by Ms. Purnell and passed 5-0.

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

Mr. Picton noted that Natalie Dyer is waiting for Pete Bennett to submit more information.

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

Mr. Ajello reported that the work had gone well.

**MOTION:** To APPROVE the application Horace Mann School, IW-03-47, 220 Nettleton Hollow Road, Install Well and Waterline as submitted. By Ms. Purnell, seconded by Mrs. Korzenko and passed 5-0.

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

Mr. Ajello reported that the crossing is actually located 100' downstream of the Hauser Bridge and it is clear that this is the same pathway used previously.

**MOTION:** To APPROVE the application Steep Rock Assoc., IW-03-48, Steep Rock Reservation/Tunnel Road, Cross Shepaug River as submitted and with one condition that the stability of the banks be reassessed at the end of the work and if necessary remediation/stability is to be conducted. By Ms. Purnell, seconded by Mr. Bedini and

Passed 5-0.

Ms. Purnell said that if the banks are armored after the crossings have ceased, then she does not see any long term impacts.

**Enforcement**

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

Mr. Ajello reported that there was no communication from Mr. Beck.

Mrs. Korzenko noted that there had been a frost. Mr. Picton thought the best course for the Commission to take, would be to wait until Mr. Beck asked for the violation to be removed from the Land Record and at that time address his requirements. All agreed.

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

A letter from Jodi Brown, dated 9-24-03, had been submitted; Mr. O'Sullivan, P.E. will produce the requested water shed analysis.

Mr. Ajello reported that stone had been deposited at the toe of the dam.

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

Mr. Picton noted that Mr. Ross is expected to submit the requested as-built at the next meeting on

October 22, 2003.

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

A letter, dated 10-7-03, from Atty. Leonard Blum had been submitted; he said the requested information would be submitted for the October 22, 2003 meeting.

Mr. Picton cannot even imagine a legitimate purpose for filling a wetland.

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

Mr. Ajello said that the riprap spreader, at the terminus of the drainage pipe and extending to the top of the gorge, is still to be installed; he appreciates Mr. Boies' ongoing cooperation.

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

Mr. Ajello said there is no progress to report.

**Montessori School, IW-01-08, 240 Litchfield Tnpk., Drainage Basins, Swale, Silt Fence, Vernal Pools.**

Mr. Ajello instructed Mr. McNaughton to clean out the drainage swale and Mr. McNaughton put this task on highest priority. In re the vernal pools, Mr. McNaughton is waiting to hear from a specialist.

**Enforcement Officer's Report and Actions Taken.**

**Hildmann, IW-03-15, 34 Popple Swamp Road, Revision to Permit.**

Mr. Ajello said the pole barn cover over manure is shown on Brian Neff, P.E.'s approved plan.

**Boies, IW-03-51 D, 27 Cook Street, Construct Pole Barn.**

Mr. Ajello approved this DeMinimus application; the pole barn was constructed in the parking area and consists of six posts with enough room for one car.

**Morrill, 88 Gunn Hill Road.**

Mr. Ajello reported that the silt fences worked well during the construction period but the Town road crew recently flushed out road culverts with a fire truck hose and material washed onto the site. Ms. Morrill used stones to build a bigger and better spreader which will afford more protection.

**Santoleri, 240 West Shore Road.**

Mr. Ajello thought the impact to Dr. Holzworth's tree is extremely minor.

**Deveraux-Glenholme School.**

Mr. Fitzherbert, Director, hired Chris Allen of Land Tech Consultants to prepare an application.

**Lloyd, IW-03-22, 149 Whittlesey Road.**

Mr. Ajello submitted pictures and reported that work is done along the banks of the Shepaug River and stones placed under the deck; work is starting along the banks of the Bantam River. After looking at the pictures, members want to see the work in person.

The Commission will make a **Site Visit** on Tuesday, October 14, 2003 at 9:30 p.m.

**Consideration of Minutes**

Members decided to review the minutes at the next meeting.

**Pond, 153 West Shore Road.**

Mr. Ajello submitted pictures.

**DePecol, 252 Bee Brook Road.**

Mr. Ajello submitted pictures and he described how the bridge was being constructed.

**Kauff, 82 Old Litchfield Road.**

Mr. Ajello reported that it looked like the recent heavy rain blew the dam out; he recommended a natural wetland habitat, downstream of the dam, be left untouched.

**Administration**

**Revisions to the Zoning Regulations**

Members will review the proposed revisions and write down possible changes and discuss what the Commission will recommend at the next meeting.

**Revision to the Inland Wetlands and Watercourses Regulations**

**MOTION:** To APPROVE the Revision to a portion of the Inland Wetlands and Watercourses Regulations re: Fee Schedule as presented at the Public Hearing tonight. By Mrs. Korzenko, seconded by Mr. Bedini and passed 5-0.

**New Revision of the State Regulations**

Members discussed the effect of this revision to their application process. Mr. Bedini will contact the State Attorney General's office to ask about the timing in the acceptance of applications.

**Storm Water Issues/Discharge**

Ms. Purnell asked the members to schedule a get-together with the Zoning Commission and Town Road Crew to discuss ideas and proposals to deal with storm water situations. Members agreed that a smaller committee would be the best format for discussion purposes. Ms. Purnell will talk to Elaine Luckey, First Selectman, Hank Martin, Zoning Chairman, Janet Hill, Zoning Officer, and to Roger Canavara, Town Road Crew Foreman.

**Old Business**

**Sheinfeld, IW-02061 ATF, Record Mylar Map.**

Mr. Ajello said that Mr. Sheinfeld agrees to record the mylar map with the Town Clerk.

Mr. Ajello submitted pictures of the newly installed pool fence.

**MOTION:** To Adjourn the Meeting by Mrs. Korzenko. All agreed at 10:40 p.m.

Respectfully submitted, filed subject to approval,

Katherine Moquin  
Land Use Secretary  
October 17, 2003