

## October 22, 2003

MEMBERS PRESENT: Mark Picton, Helen Gray, Dorothy Hill, Charles LaMuniere.

MEMBERS ABSENT: Marguerite Purnell.

ALTERNATES PRESENT: Candace Korzenko, Anthony Bedini at 7:26 p.m.

ALTERNATES ABSENT: Robert Weber.

STAFF PRESENT: Michael Ajello, Katherine Moquin.

ALSO PRESENT: Barbara Leddy, Robert Leddy, Alex Mc Naughton, Arthur Howland, Thomas Lappala, Dirk Sabin, Atty. Leonard Blum, Bruce Bennett, Atty. Maryjo Andrews, Curtiss Smith.

### Regular Business

Mark Picton called the meeting to order at 7:02 p.m. and seated Members Mark Picton, Helen Gray, Dorothy Hill, Charles LaMuniere and Candace Korzenko for Marguerite Purnell.

### Pending Applications

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

Barbara and Robert Leddy were present and submitted seven pages of plans, "Barbara and Robert P. Leddy, 82 Baldwin Hill Rd., Remove Existing Deck & Construct Patio, dated 10-22-03." They answered the members' questions and explained the following: 1. The existing deck is 83' from the pond and the proposed patio would be 75' from the pond. 2. The plans show the silt fence at about 33' from the pond; the silt fence would be the limit of disturbance. 3. The height of the terrace wall is 8' on one end and 6' feet on the other end; the 36" rail tops at the same height of the wall on the patio side. The patio is a few steps down from the house. 3. A 152' curtain drain (pipe with 1 & 1/4" washed stone) was hand dug this summer (2003) and water now filters across the lawn to the brook. 4. No fill is going to be added below the patio wall. 5. A drain next to the driveway would be installed at a future date as well as a water garden.

Anthony Bedini joined the meeting at 7:26 p.m.

**MOTION:** To APPROVE the application Leddy, IW-03-29, 82 Baldwin Hill Road, Remodel House / Enlarge Patio per page three of the plans submitted tonight, "Barbara and Robert P. Leddy, 82 Baldwin Hill Rd., Remove Existing Deck & Construct Slate Patio, dated 10-22-03" and with the following conditions: 1. No fill is to be added to the area below the terrace wall. 2. The distance between the existing pond and the silt fence is to be at least 30' (thirty feet.) 3. The silt fence is to be the limit of disturbance. By Mrs. Korzenko, seconded by Mrs. Gray and passed 5-0.

### Motion to Add Business Not on the Agenda

**MOTION:** To ADD Strachan, IW-03-57 to the Agenda under New Applications. By Mrs. Hill, seconded by Mrs. Korzenko and passed 5-0.

### Pending Applications

#### **Washington Montessori School, IW-01-08, 240 Litchfield Tnpk., Construct School.**

Alex Mc Naughton, Secretary/Treasurer, was present and submitted a report by Randy Bernard, Hydro Technologies, Inc., dated August 21, 2003 and results from testing the water quality on May 1, 2003, and a proposed planting plan for the two detention basins by Jodi Chase, Ecologist, dated October 6, 2003. He answered the members' questions and explained the following: 1. A biannual schedule of water quality monitoring is proposed and the results would be submitted to the Commission. 2. Water did not leave the property after the storm events of this summer (2003); one retention pond filled and flowed into the other retention pond which has not overflowed to date; both retention ponds stay wet

and range from 0-1' of water continuously. 3.The area below the athletic field is stable now with matting installed to hold the turf. 4.The school driveway went through a vernal pool and the school agreed to remediate by creating two vernal pools. He consulted Hank Gruner, Science Center of CT., who, ethically, does not believe in remediation and does not participate in this type of work. He also consulted Dr. Michael Klemens, Herpetologist, who said that it sounds like gravel vernal pools (only support elastic amphibians) would be created and he said that this is not the time of year to build a vernal pool and furthermore he is not interested in overseeing the construction of two gravel vernal pools. He also consulted Sean Hayden who said that he is not qualified and not interested. He suggested other alternatives to creating vernal pools, i.e. a gift to the Washington Conservation Commission. 5.He proposed hand digging the silt out of the existing vernal pools and putting it into 5 gallon buckets and taking it off the property. 6.According to Jodie Chase, Ecologist, the wet detention basins will not support the plant life proposed in the original planting plan. A dense shrub community to encourage wildlife is now proposed for planting around the detention basins.

Members agreed with the proposed water quality monitoring schedule, agreed that the existing vernal pools could be cleaned out now, by hand, down to the old leaf level, agreed that the proposed planting for the detention basins is a good one and won't interfere with cleaning out the basins, agreed that the restored slopes below the athletic field needs to be inspected next July (2004) and agreed that the remediation for the lost vernal pool cannot be resolved until next Spring (2004.)

Members requested the following: 1.Someone who is on site everyday be assigned the responsibility of checking for any negative effects from storm water. 2.The swale at the bottom of the athletic field is to be cleaned out on a regular basis so that it functions well. 3.A copy of the notes from the experts Mr. Mc Naughton consulted re this meeting be submitted.

Mr. Mc Naughton said that he will assign Eric Havermill, Facilities Co-ordinator, the task of monitoring storm water effects, submitting a report at the same time as the water quality report and he will err on the side of not cleaning it out enough' when he digs the silt out of the existing vernal pools.

**MOTION:** To APPROVE the following Activities for the Permit Washington Montessori School, IW-01-08, 240 Litchfield Tnpk., Construct School: 1.The two existing vernal pools are to be cleaned out by hand to the level of the leaf layer at most. 2.Surface water quality monitoring is to be conducted according to the recommendations by Randy Bernard, Hydro Technologies, Inc. 3.Silt Fencing is to be removed under the

guidance of Michael Ajello, Enforcement Officer. By Mrs. Hill, seconded by Mrs. Gray and passed 5-0.  
New Applications

**Ficalora, IW-03-54, Winston Drive, Construct Drive.**

Arthur Howland, P.E., was present. He answered the members' questions and explained the following: 1.This 2.88 acre lot and the one on Sunrise Lane (road not built yet) are contiguous and from the same sub-division. 2.The wetlands are flagged and the test holes dug (an application has been submitted to the Health Dept.) 2. He found a suitable location for the septic and then fit the house site to it. The feasibility house plan calls for four bedrooms. 3.All of the house site is within the 100' upland review area; the sub-division was created before a wetlands commission was formed; he weighed the pros and cons of a better site for the leaching fields against the benefit of distance from the wetlands.

**Ficalora, IW-03-55, Sunrise Lane, Construct Dwelling.**

Arthur Howland, P.E., was present. He answered the members' questions and explained the following: 1.This 2.88 acre lot has a high water table. 2.The house site including the septic reserve is outside the 100' upland review area except for the discharge footing drain. 3.Spencer Miles, an associate, flagged

the wetlands.

Mark Picton requested that the silt fence be the limit of disturbance and that the plans show the tree line as the limit of clearing.

The Commission will make a **Site Visit** on Thursday, October 30, 2003 at 9:00 a.m. for both IW-03-54 and IW-03-55.

Mr. Howland will make sure the wetland flags are readable and he will stake the proposed driveway.

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

Thomas Lappala, Arbor Services of CT., was present. He answered the members' questions and explained the following: 1.He would spray the herbicide in August 2004 and again six weeks later and then plant New England wet mix seeds. 2.He is licensed as an Arborist but he would be under William Pollack's Turf license. 3.The herbicide, Prosecutor binds with soil particles, even muddy water soil particles; once Prosecutor is diluted in water (preparation) it is not highly toxic to any plants. 4.The systemic application method is not on the label of Prosecutor and therefore cannot be used.

5. Herbicides need to be applied to mature plants so that it is guided to the roots in the way that plants guide the nutrients of their flowers to the roots.

Mr. Bedini consulted D.E.P. about removing invasives from a site next to a lake, with a stream running through it; the D.E.P. had no problem with spraying an

Schwartz con't:

herbicide on such a site and recommended two applications during early Autumn while leaves are still green and not starting to turn brown.

Mr. LaMunier said that cutting invasives doesn't work **if** even a small amount of rhizome is left. He said the Commission can review the situation next summer 2004 to be sure that conditions are dry and water is not flowing.

Mrs. Gray is against cutting the invasives unless the seeds can be bagged.

**MOTION:** To APPROVE the application Schwartz, IW-03-52, 173 West Shore Road, Remove Invasives with the following conditions: 1.A licensed professional is to be present during the spraying of the stand of phragmites. 2.No substitution is to be used for the herbicide Prosecutor. 3.Before spraying commences, the Inland Wetlands Commission is to be contacted to arrange a Site Visit. By Mrs. Korzenko, seconded by Mr. LaMunier and passed 4-0-1. Mrs. Hill abstained as she did not visit the site.

**Levy, IW-03-56 ATF, 129 Wykeham Road, Stone Wall/Fill/Plantings.**

Dirk Sabin, Landscape Architect, and Atty. Leonard Blum were present. Mr. Sabin submitted a map/survey, "Site Analysis Plan, Caroline A. Levy, 129 Wykeham Road by T. Michael Alex, L.S., dated September, 2003" which shows the wetland line flagged. Mr. Sabin answered the members' questions and explained the following: 1.An existing stone wall goes through the stream. 2.The amount of fill added is minor, probably 10 cubic yards; he doesn't think that fill was placed in the wetlands. 3.The hemlocks create a buffer from the road and Mrs. Levy would like to add more hemlocks. 4.The area is stable now/ no erosion is present; he observed a rocky stream bottom. 5.Removing the hemlocks would not serve a purpose and he sees a benefit to having a buffer between the road and the wetlands.

Atty. Leonard Blum does not think a punitive action is called for as there is no evidence of fill in the wetlands; he feels there is an innate bias here because of the violation and it is not justified; he quoted the Inland Wetlands and Watercourses Regulation 4.1 D and said this deposition of material was not

significant.

Members pointed out the following: 1.Our job is to protect the wetlands. 2.The applicant did not prove that the fill was placed outside the wetlands. 3.It is important to be fair to residents who follow the regulations and after-the-fact applications are the Commission's biggest problem. 4.There was a flagrant disregard for a direct order from the Chairman, Dorothy Hill to cease planting immediately; the applicant has taken a long time to resolve this violation. 5.There is a consensus that a permit would not have been given to these activities (planting and constructing a stone wall in wetlands) if an application had been submitted in the first place. 6.It would not be damaging to remove the hemlocks and it would be easy to remove them as burlap encloses their roots. 7.They are keeping the Enforcement Order in place and they are still asking for the wetland site to be restored.

**Auchincloss, IW-03-57, 5 Kielwasser Road, Cut Trees and Brush/Stabilize Stream Banks/Planting.**

Bruce Bennett, Kent Horticultural Service, was present and he pointed out that Margaret Auchincloss is the owner of this property. He answered the members' questions and

Auchincloss con't:

explained the following: 1.This estimated two acre area is wet with several water courses (draining off the road) running through it; the stream banks have been eroding through the years and stones from an existing stone wall would be used to armor them. 2.There are 54 dead trees including ash, elm and cherry; the stumps would remain and a ground cover of aggressive species, including hay-scented fern, planted. Some Red Maples and Sugar Maples would remain. 3.A track machine (with cables) would be used

Auchincloss con't:

to pull out the dead trees (chained into bundles); a skidder would not be used. 4.Where all the streams converge is a trench caused by erosion and it is filled with invasives which would be cleared. 5.In the future, an evergreen screen would be planted. 6.He has maps and soil types which he will bring to the next meeting. He will mark the trees in question.

The Commission will make a **Site Visit** on Thursday, October 30, 2003 at 10:15 a.m.

Old Business

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

Atty. Mary Joe Andrews and Curtiss Smith, Bradford Smith & Son, were present. Atty. Andrews said that she represents the school and is here to see about what happens procedurally.

Mr. Picton and Michael Ajello, E.O., visited the site and were concerned about water being directed along the driveway instead of flowing normally from one wetland to another.

Mr. Smith answered the members' questions and explained the following: 1.He spoke to Marc Beroz, Soil Scientist, who felt that he conservatively mapped these wetlands soils and found only one narrow water course from surface water. 2.He contacted Dudley Ashwood, P.E., who designed the driveway with a pitch high to low - his concept was to allow the surface water to sheet flow across the driveway in its natural direction; paving the driveway became part of the plan because of the 10% grades present; they do not plan to use the driveway during the winter or to plow it; this design is environmentally friendly and does not channel the water.

Mr. Picton consulted Atty. Michael Zizka about this permit; he confirmed that the permit issued to build this driveway as submitted stands and that the statement "driveway to nowhere" is not at issue here; the site of the future soccer fields is not within the Commission's jurisdiction.

Mr. Picton directed Mr. Smith to come in with a revision if there is a problem with the water flow as designed.

Ms. Moquin, Land Use Secretary, will change the permit period from 4 years to 5 years as regulated and send a corrected permit and a letter to Susan Graham, Director, citing the obvious typing error.

#### Pending Applications

##### **Morse Estate, IW-03-33, 313 Nettleton Hollow Road, Remodel House/Enlarge Patio.**

Bob Oley, Land Tech Consultants, left a message that he did not receive Brian Neff's grading plans/hydraulic calculations. Mr. Picton noted the application 65 day time extension was up.

**MOTION:** TO DENY the application Morse Estate, IW-03-33, 313 Nettleton Hollow Road, Construct Driveway, without prejudice due to incomplete information. By

Mrs. Hill, seconded by Mrs. Korzenko and passed 5-0.

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

Mr. Picton noted that no new information had been submitted to date. Ms. Moquin, Land Use Secretary, will send a note to Mrs. Madoff requesting additional information.

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

Natalie Dyer submitted a drawing and a work sequence description - members agreed that there are not enough details to review; Ms. Dyer is still waiting for material to submit from Pete Bennett.

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

Brian Neff, P.E., had submitted a revised plan, "Septic System Repair Plan, Mr. & Mrs. Luis Gutierrez Residence, 13 Dark Entry Road by Brian E. Neff, P.E., dated 9-18-03 and revised 10-09-03" and a copy of the letter he sent to Daudelin/Arciola, owners of the bordering property. The revised plan shows the septic moved and the water from the basement sump pump going into a catch basin and the curtain drain directing water to the swale on the bordering property.

Members noted that Brian Neff's revision essentially covered the Commission's requests; the septic system has failed and there are no prudent alternatives; water directed into the neighbor's swale would benefit the neighbor's property.

**MOTION:** To APPROVE the application Gutierrez, IW-03-49, 13 Dark Entry Road, Septic Repair per the plan, "Septic System Repair Plan, Mr. & Mrs. Luis Gutierrez Residence, 13 Dark Entry Road by Brian E. Neff, P.E., dated 9-18-03 and revised 10-9-03." By Mr. LaMunier, seconded by Mrs. Korzenko and passed 5-0.

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

Mr. Picton noted that Brian Neff, P.E., agreed at the last meeting to add a flagged watercourse missing from the plan and revisit the design to show how the water would be effectively handled.

#### New Applications

##### **Wilson/ Marbledale Pub, IW-03-53 ATF, 258 Litchfield Tnpk., Septic Repair.**

Mr. Picton noted that the Commission can take action at the next meeting.

##### **Laverge, IW-94-64, 226/228 Bee Brook Road, Construct Bridge, Driveway/ Wetlands Crossings - Extension of Permit.**

Members agreed that too much time has elapsed to consider an extension for this five year permit which ended in 1999 and that the Inland Wetlands and Watercourses Regulation 11.10 allows a request

for a permit extension to be filed no later than 35 days before the end of the time period; the \$25.00 fee will be credited to a new application.

**MOTION:** To DENY the Request for an Extension of the Permit LaVerge, IW-94-64, 226/228 Bee Brook Road, Construct Bridge/Construct Driveway/ Wetlands Crossings. By Mrs. Korzenko, seconded by Mrs. Gray and passed 5-0.

**Mayfair Properties, L.L.C., IW-03-36, Woodbury Road, Restoration Plan.**

Mr. Trevenen had submitted a planting plan, "100' Wetland Set Back Planting Proposal, May Flower Inn, Washington, CT. by Tom Laford, dated 9-23-03." Members agreed to accept this plan.

**MOTION:** To APPROVE the Planting Plan for the Permit Mayfair Properties, L.L.C., IW-03-36, Woodbury Road, Restoration Planting Plan as submitted. By Mr. Picton, seconded by Mrs. Gray and passed 5-0.

**Jepsen/Dore, IW-03-25, 144 East Shore Road, Revision - Construct Stairs.**

Mr. Ajello reported that stone had been deposited with his permission and 6 x 6 pressure- treated stairs with stone in-between had been constructed - a good job was done where before there existed a slippery path.

**MOTION:** To APPROVE the Revision to the Permit Jepsen/Dore, IW-03-25, 144 East Shore Road, Construct Stairs as submitted. By Mrs. Hill, seconded by Mrs. Korzenko and passed 5-0.

Enforcement

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

Members discussed the pros and cons to ordering a restoration of the area in question and agreed to come to the next meeting with written notes expressing their opinions.

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

Mr. Picton and Mr. Ajello made a site visit and noted that there are spindly, undeveloped barberry and multi-flora rose growing on the site. Members agreed to review this again in one month.

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

Mrs. Hill noted that the D.E.P. came to look at the dam and did not think they are interested but they will consult their boss.

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

Mrs. Gray noted that the property was sold. Mr. Picton asked Mr. Ajello to write a letter to the new owner requesting the bridges left in the intermittent streams be removed.

**Ross, IW-03-V4, 10 Sunny Ridge Road, Wetlands Restoration.**

Mr. Picton noted the as-built has not been submitted and members discussed how to proceed in directing Mr. Ross to finish removing fill from the wetland as requested.

Administration

Members talked about the proposed revisions for the Zoning Regulations. Mr. Picton asked members to submit their comments in writing at the next meeting. Mrs. Korzenko noted this is a good chance to compare our regulations regards uniformity.

Old Business

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

Mrs. Hill noted Mr. Sheinfeld has not recorded the mylar map with the Town Clerk to date.

#### Consideration of Minutes

#### **Regular Meeting - September 24, 2003**

**MOTION:** To ACCEPT the Minutes of the Regular Meeting on September 24, 2003 as amended. By Mrs. Korzenko, seconded by Mr. Picton and passed 2-0.

#### **Site Inspections - September 30, 2003 re: Ross IW-03-45 and Gutierrez IW-03-49 and Wadsworth IW-03-50.**

**MOTION:** To ACCEPT the Minutes of the Site Inspections on September 30, 2003 re: Ross IW-03-45 and Gutierrez IW-03 49 and Wadsworth IW-03-50 as written. By Mrs. Korzenko, seconded by Mr. Picton and passed 2-0.

#### **Public Hearing re: Proposed Revisions to the Inland Wetlands and Watercourses Regulations - October 8, 2003.**

**MOTION:** To ACCEPT the Minutes of the Public Hearing on October 8, 2003 as amended. By Mrs. Korzenko, seconded by Mr. Picton and passed 2-0.

#### **Regular Meeting - October 8, 2003**

**MOTION:** To ACCEPT the Minutes of the Regular Meeting on October 8, 2003 as amended. By Mrs. Korzenko, seconded by Mr. Picton and passed 2-0.

#### **Site Inspections - October 14, 2003 re: Schwartz IW-03-52 and Lloyd IW-03-22.**

**MOTION:** To ACCEPT the Minutes of the Site Inspections on October 14, 2003 re: Lloyd IW-03-22 and Schwartz IW-03-52 as amended. By Mr. Picton, seconded by

Mrs. Korzenko and passed 2-0.

**MOTION:** To adjourn the meeting. By Mrs. Korzenko.

Mr. Picton adjourned the meeting at 12:42 a.m. October 23, 2003.

FILED SUBJECT TO APPROVAL

Respectfully submitted, Katherine Moquin, Land Use Secretary

Respectfully submitted, filed subject to approval.

Katherine Moquin, Land Use Secretary  
October 31, 2003