

November 13, 2002

Members Present: Dorothy Hill, Charles La Muniere, Marguerite Purnell, and Robert Weber. **Members Absent:** Helen Gray. **Alternates Present:** Candace Korzenko. **Alternates Absent:** Mark McGowan, Mark Picton. **Staff Present:** Michael Ajello, Katherine Moquin. **Also Present:** Mark DePecol, Susannah Croasdaile, Judy Auchincloss, Peter Kirk, Susan Branson, Dirk Sabin, Dorota Habib, Thomas Farnen, Mark Daft, Reporter from Voices. Dorothy Hill called the meeting to order at 7:10 p.m., Wednesday, November 13, 2002. Members seated were Dorothy Hill, Charles La Muniere, Marguerite Purnell at 7:13 p.m., Robert Weber and Candace Korzenko for Helen Gray.

MOTION: To ADD Washington Community Housing Trust, IW-02-67, 16 Church Street, Construct Apartments to the agenda under VI. Administration. By Mrs. Korzenko, seconded by Mr. Weber and passed 4-0.

II. Consideration of Minutes Regular Meeting, October 23, 2002. MOTION: To ACCEPT the minutes of the Regular Meeting, October 23, 2002, as amended. By Mrs. Korzenko, seconded by Ms. Purnell and passed 5-0. The amended/corrected minutes (relevant pages) are attached to the end of these pages.

Special Meeting, Site Inspection - Re: Cass/DePecol IW-02-65 E, October 29, 2002.

MOTION: To ACCEPT the minutes of the Special Meeting, Site Inspection, October 29, 2002, Re: Cass/DePecol IW-02-65 E, as amended. By Mrs. Hill, seconded by Mr. La Muniere and passed 5-0.

III. Pending Applications Cass/DePecol, IW-02-65 E, 46 June Road, Construct Dwelling.

Mark DePecol, buyer under contract, was present. Mrs. Hill noted the Commission's Site Inspection on 10-9-02, during which the members agreed to ask for a full application. Mrs. Hill said she called Mr. DePecol to inform him.

MOTION: To DENY the application Cass/DePecol, IW-02-65 E, 46 June Road, Construct Dwelling, because the Commission determined, based on their observations in the field, a full application is required. By Ms. Purnell, seconded by Mr. Weber and passed 5-0.

IV. New Applications

Cass/DePecol, IW-02-73, 46 June Road, Construct Dwelling & Driveway, Renovate Guest House.

Mark DePecol, buyer under contract, was present. He explained the Zoning Commission needed an okay from the Inland Wetlands Commission to set a public hearing, ahead of the usual sequence, in order to facilitate his permit process. Mrs. Hill said the Zoning Commission, by State law, cannot make a decision before an IWC decision. Mrs. Korzenko pointed out the members are planning to coordinate with the Zoning Commission for a consultation with Land Tech Consultants, Inc. to address the following: 1. Drainage and erosion control. 2. The adequacy of the culvert spacing. 3. Limits of tree cutting and clearing. 4. The capacity of the riprap pads. Ms. Purnell said this is a procedural issue and pointed out that Zoning issues are not necessarily the same ones Inland Wetlands considers. Mrs. Hill will speak to the Zoning Enforcement Officer tomorrow. Mr. La Muniere and Mr. Ajello will make individual **Site Visits**. Mr. La Muniere explained the following: 1. There are two major issues, how many trees will be cut and how to control water run-off along the proposed driveway. 2. He thought that placing the culverts closer together, would result in a better distribution of water. 3. Disturbing the large quantity of existing topsoil, during construction, will have an impact. Ms. Purnell asked about the possibility of phasing the construction work, in order to stabilize one area before continuing to the next. Mr. DePecol agreed. Mr. DePecol explained the following: 1. All the natural soil cover will remain with no stumping, no grubbing and no seeding for a lawn in the view area. Only trees, in the view area, tall

enough to block the view of the lake from the house, are planned to be cut. 2. The path to the pinnacle cuts off the whole watershed happening on this property. He would characterize the path an intermittent stream. With this observation in mind, he had thought it was not necessary to calculate the amount of descending water. 3. The distance, to the edge of the lake from the beginning of the driveway, is approximately 150 feet. Mr. DePecol asked if his engineers could fax explanatory comments about their plans to give to Land Tech Consultants, Inc. The members agreed. The Commission requested the following be submitted: 1. A perimeter survey map. 2. Two copies of the plans. 3. A written note, which specifies that all the under-story will remain and which trees will be cut. 4. A written description of the planned work phases. **Croasdaile, IW-02-66, 67 River Road, Clear Detention Basin.** Susannah Croasdaile was present. Mrs. Hill recused herself at 8:15 p.m. for this application, as she is a neighbor, and seated Mr. Weber as chairman. Mr. Ajello explained the following: 1. Mr. Carollo, Contractor, told him the material will be trucked to a station in the Town of Warren, to be mulched and burned. 2. The clearing needs to be done between rain periods, for the protection of the lawns and shrubs. 3. No heavy equipment will go into the detention basin. Mr. La Muniere noted the some header rocks needed to be replaced and the cracks filled in with mortar. Mrs. Korzenko pointed out: 1. There should be no further additions of brush and leaves into the detention basin. 2. During a site visit, she observed the stream running and thought the detention basin is functioning well as silt management.

Croasdaile con't: Ms. Purnell pointed out phragmites, an invasive species, is part of the vegetation which will be taken out of the detention basin. She asked Mrs. Croasdaile to check for any re-growth in the coming Spring time. MOTION: To APPROVE the application Croasdaile, IW-02-66, 67 River Road, Clear Detention Basin, with the following notation: Material is to be removed by hand and information added to the file regarding the proposal to take the cleared material to a station in the Town of Warren, where the material will be mulched and burned. By Ms. Purnell, seconded by Mr. Weber and passed 4-0.

Mrs. Hill resumed the chair at 8:24 p.m.

IV. New Applications S.M.R. Partners, IW-02-72, 103 Baldwin Hill Rd., Construct Dwelling. Judy Auchincloss, Real Estate Agent, was present without authorization to speak for Mr. Gitterman. She reviewed the following: 1. There exists a long driveway, proposed to be re-graded. 2. The house is factory built, so there will be no piles of material on site. 3. Trees are planned to be planted in the Spring time. 4. Mr. Gitterman is requesting a permit as soon as possible, in order to finish the house in December 2002. The Commission requested the following be submitted: 1. Clarification of what is proposed to be done to the driveway (both the existing and the shared driveway,) including the type and quantity of material to be added and which areas of the driveway will be done. 2. How will the trucks access the site to bring in the house sections. The Commission will make a **Site Visit** on Friday, November 22, 2002 at 9:00 a.m. **Kirk, IW-02-74, 34 Sunset Lane, Install Footing Drain.** Peter Kirk was present. He reviewed the plan, "Subsurface Sewage Disposal System Design Plan, Profile, Notes & Details, Sunset Fields Lot 2, 34 Sunset Lane, by Peter J. Tavino, Jr. P.E., P.C., dated Oct. 10, 1999, revised June 26, 2002." He explained the following: 1. This 3.7 acre lot is very flat (varies 5 feet in elevation.) 2. In order to direct ground water away from the house, a slope will be created by raising the foundation. The house will sit at an elevation of 950 feet with the rest of the property at 946 feet. 3. The roof water will run out across the lawn and will not go down 9 feet to the trench around the foundation. 4. The work, to dig the trench and put in the footing drain pipe with a back hoe, will take a few hours. 5. The wetlands pocket is 102 feet from the corner of the house. Test holes showed good drainage soil. 6. The foundation will be dug in the Spring time. Ms. Purnell pointed out: 1. Any additional modifications or changes to the plans submitted, needs to come before the Commission. 2. The series of wetlands pockets on this property are connected to the high quality wetlands of Popple Swamp. She asked if there were any possible alternatives to the footing drain for directing water away from the

foundation. 3. The trenching for the footing drain pipe is proposed to be done entirely in the upland review area. Mr. La Muniere noted the footing drain goes to a wetlands pocket and asked if there was a possible different direction to take the footing drain.

Kirk con't: The Commission requested the following be submitted: 1. A written description of the equipment, which will be used and the amount of disturbance estimated. 2. An accurate house foot print depicted on the plan. 3. Language about why the footing drain is proposed for this particular route and why the footing drain is not going in a different direction. The Commission will make a **Site Visit** on Friday, November 22 at 9:30 a.m. Mr. Kirk offered to re- stake the house site before the site visit, if Peter Talbot, Architect, adjusts the footprint. **Steep Rock Association, IW-02-75, RT. 47, Bee Brook Road, Hidden Valley, Replace Culvert.** Susan Branson, Executive Director, was present and explained the following: 1. The goal is to replace the existing culvert, which is a serious hazard now. The top of the crossing has collapsed in spots. 2. The trail is bare ground and heavily used by hikers, horses and bicycles. There is no vegetation there with all the walking. 3. The culvert extends across the trail and not up the slope. At this point, one side of the trail is very steep with plenty of water descending and the other side drops down to the river, where people venture to the edge. 4. The equipment can access the site by going on an existing roadway, over a small wooden bridge and through a bar gate. 5. A contractor had not been hired to date, but she has asked Nick Solley. 6. A plan for erosion controls had not been figured out, so far. The Commission requested the exact dimensions, of the existing pipe and proposed pipe, be submitted. The Commission will make individual **Site Visits.**

III. Pending Applications Sheinfeld, IW-02-61 ATF, 112 Lower Church Hill Road, In-ground Pool, **Modify Deed Restrictions.** Dirk Sabin, Landscape Architect, was present and he explained the following: 1. The map, "Site Analysis Plan, Jay Sheinfeld, 112 Lower Church Hill Road, by T. Michael Alex L.L.S., dated July 1996 and revised Slope Restoration Plan, dated 9-9-02" is revised to show the new location for the pool filter pad. The new location has a distinct difference in direction of water flow and is 100 feet from the regulated review area. Witch Hazel and Mountain Laurel were also added to the flat, westerly area off the southern end of the garage, as had been discussed. 2. The existing filter pad location will remain and the compressor, for the house air conditioning, will not be moved, as it will not impact the wetlands. There are no plants proposed for the area below this rock ledge but he will gladly plant there at the Commission's request. 3. He understood that Attny. Robert Fisher and Atty. Michael Zizka had both reviewed the original Deed Restriction. 4. He wanted to plant on the hill, adjacent to the pool, as soon as possible, in order to stabilize the slope before the upcoming weather. This is an excellent time to plant, otherwise it will have to wait for Spring time. For the same reason, he is asking for permission to move the pool equipment now. 5. He said Mr. Sheinfeld needs the CO for this house, in order to sell it and this is powerful motivation to comply with the Commission's directives. The Commission made the following points: 1. There exists, in the file, only drafts of the Deed Restriction, not a copy of the final Deed Restriction and Mr. Sheinfeld was informed that a copy of the Deed Restriction had not been submitted to the file. The members have nothing to review and they cannot approve a Deed Restriction unseen. They have not heard from Atty. Michael Zizka. 2. The members hesitate to approve anything without a Deed Restriction in place. Mr. Sheinfeld installed the pool equipment after the Commission told him to cease all work in the restricted area. Mrs. Korzenko pointed out that planting on the slope (adjacent to the pool) now, provided more protection for the wetlands.

Ms. Purnell made the following points: 1. **She is thinking about the long term impacts. This pristine and rare wetlands resource will be impacted, on into the future, by the creation of this steeper bank and only for the purpose of placing a pool there. She would rather take the pool and pool equipment out of the deed restricted area, restore the original topography and thus honor the Deed Restriction.** 2. **There is no guarantee a new deed restriction will be settled in an amicable way and approving this current application, without a Deed restriction in place, is exactly how**

they arrived in this situation. **3. A very important consideration is precedent setting for future applicants. The Commission is setting itself up to explain why any other future deed restriction cannot also be amended and any lawyer, worth his salt, would be asking this question.** **4. The area along the driveway, offered as substitution, is not a high quality area, with plowing gravel and salt during the winter and most of the area is already under Inland Wetlands jurisdiction.** Mrs. Hill stated the consensus of the Commission is to allow, at this time, planting on the slope adjacent to the pool and moving the pool equipment to the newly proposed location. Ms. Purnell disagreed and thought the Commission should ask for assurance for a certain percentage of the planting to survive a certain quantity of years. **Rumsey Hall School, IW-02-05 ATF, 201 Romford Road, Revision, Irrigation System, Storage Shed for Pump and Electric Panel.** Thomas Farmen, Headmaster and Dorota Habib, Business Manager were present. Mr. Farmen apologized for this after the fact application. He explained the following: 1. A decision was made, during the dry summer season, to put in an irrigation system, for the playing field, while the permitted septic work was being done. 2. The shed serves as a rain shield for the electric panel and pump. There is little room for storing much else. 3. The field ground water, which is high (there was a lot of fill put in for the septic,) provides the water supply. The pump collects the water from a dry well, which refills by gravity. Ms. Purnell pointed out the following: 1. All of this irrigation system is within the regulated area; 57 feet from the pond and 75 feet from the high water mark of the river. 2. The size of the septic system project qualifies the shed as a revision. And she thought this will have a minimum impact. The Commission requested a copy of the final plan be submitted to the file. **MOTION:** To APPROVE the ATF Revision to the application Rumsey Hall School, IW-02-05, 201 Romford Road, to add an Irrigation System / Storage Shed for Pump and Electric Panel. By Mr. Weber, seconded by Mrs. Hill and passed 5-0.

Brown, Longview Landing Inc., IW-02-V3, 96 Romford Road, Driveway Improvements. The Commission discussed the importance of having the dam stabilized as soon as possible and how many times they had communicated with Dr. Brown to accomplish this necessary dam stabilization to protect the citizens of this community. The Commission pointed out the following: 1. A note from Pamela Osborne, Land Use Secretary, recorded a phone message from Dr. Cameron Brown: His engineer is waiting for the water table to rise, to determine the flow rate, before the permanent measures to repair the dam are undertaken. These temporary repairs will be done before snowfall. 2. A letter from Denis O'Sullivan, Engineer, dated September 4, 2002, stating his recommended measures for temporary repair of the dam. 3. A letter to Dr. Brown from Mrs. Hill, dated September 22, 2002, directing him to accomplish Mr. O' Sullivan's temporary measures as soon as possible. 4. Requested information, about what existed on site before the driveway repairs and additional enlargement of the ponds, had not been submitted. The information in the file is not correct. 5. The proposed activity in this application is not what the Commission requested in their letter to Dr. Brown, dated August 5, 2002. 6. They could hire an engineer and a wetlands scientist, so the correct information can be reviewed. 7. They could invoke the General Statute 22-40, Penalty A, allowing them to ask for civil penalties and reasonable attorney fees. **MOTION:** To DENY the application Brown, Longview Landing Inc., IW-02-V3, 96 Romford Road, Driveway Improvements, due to the lack of information necessary for the Commission to render a decision. By Mrs. Hill, seconded by Mrs. Korzenko and passed 4 -1-0. Mr. La Muniere voted nay, because he is unclear about the follow-up. **V. Enforcement Brown, Longview Landing, Inc., IW-02-V3, 96 Romford Road, Dam Failure.**

Note: Enforcement issues and the ATF application have been included in the same file to date and this will be remedied. Ms. Purnell pointed out the ground will freeze soon and said the Commission can call Attorney Michael Zizka to ask about: 1. Health and human safety issues and the ongoing impact to wetlands and watercourses. 2. A proper strategy for handling this situation: notifying Dr. Brown the Commission is going to take him to court and fine him forward from August 5, 2002. Mrs. Hill said that after the Commission has obtained answers from Atty. Zizka, they will send a certified letter to Dr.

Brown informing him of their intentions. **III. Pending Applications Rizzo/James, IW-02-69, 129 Bee Brook Road, Construct Shed, Build Retaining Structure.** Mrs. Hill read a letter from Mrs. Rizzo/James, dated November 6, 2002, which included notification of the shed location being moved beyond the 100 feet Upland Review Area and taken off the application. She noted that nothing else was submitted to date.

V. Enforcement Fairbairn, IW-02-54, 206 Wykeham Road, Wetlands Crossing, Notice of Violation. Ms. Purnell noted this is a violation of the approval/permit, with a condition to have an easement in place. Mr. Ajello explained the following: 1. He sent a notice of violation, dated 10-25-02, requesting a viable wetlands crossing before work continues and easement for Lot 1 access using the same crossing. 2. The crossing has now been constructed and good erosion controls are in place. 3. He talked with Geoff Fairbairn about the easement and Ronald Fairbairn said Attorney William Fairbairn is preparing the easement, which should be done in a few days. **Beck, IW-02-V1, 132 Calhoun Street, Cutting & Clearing in Wetlands.** A survey map, "Data Accumulation Plan, Prepared for Julian Beck, 132 Calhoun Street, by Brautigam Land Surveyors P.C., dated 11-1-02" and a letter, from Mr. Beck, dated 11-5-02, was submitted. Ms. Purnell made the following points: 1. This wetlands area is one acre. 2. She recommends a 3-5 year plan for scrutinizing invasive plants and amending the cease and restore order to reflect a monitoring schedule. It will take years to replace the lost canopy and taking away a canopy creates a ripe situation for invasives to seed. 3. The Commission can consult Elizabeth Corrigan, Conservation Commission, to obtain salient and prudent recommendations. And consult nurseries for available trees and sizes. Mr. La Muniere said both planting the Hickory, Maple and Ash trees, recommended by Cynthia Rabinowitz, Soil Scientist and checking on invasive plants, for a few years, can be done. Mr. Weber noted the Commission wants to re-establish the canopy and advised waiting for the information about reasonable sizes of trees, before directing Mr. Beck. Ms. Purnell will obtain the information from nurseries. Mrs. Korzenko will call Betsy Corrigan. Mrs. Hill will write to Mr. Beck to thank him for the survey map and request the additional \$120.00 fee for the other acre, based on the accurate survey estimation of the wetlands size. **Ross, IW-02-V4, 10 Sunny Ridge Road, Wetlands Restoration.**

Mrs. Hill noted a plan, for the restoration, had not been submitted to date and she will call Mr. Ross.

Ms. Purnell said she wanted to see Mr. Ross follow Kathy Johnson, Restoration Biologist's recommendation to dig holes to find the base of the fill and take out the overburden and plant rye and completely restore the wetlands area to it's original condition.

Mr. Weber asked about consulting a soil scientist.

Mr. Ajello said the planting had been done around the pond, according to a condition of the wetlands crossing permit IW-01-24 ATF.

VI. Administration Washington Community Housing Trust, IW-02-67, 16 Church Street, New Plans Submitted. Mrs. Hill noted additional plans, "16 Church Street, Housing Proposal for The Washington Montessori School Site, by Peter Talbot A.I.A., dated 10-22-02 and revised

Washington Community Housing Trust con't:

by Arthur H. Howland, P.C., dated 11-12-02" were submitted, which shows a revised site plan. A photo taken in October 2002 is attached to the plan. Also submitted were two letters: One, dated 11-12-02, tells about the STEAP Grant, the Town of Washington obtained, to fund the securing of drainage from the westerly site. Therefore, no increase in storm water drainage is expected and states that finished engineering plans will be submitted. And one letter stating the existing site has approximately 3,000 square feet more impervious area than the proposed layout. The Commission reviewed the submitted plan. Ms. Purnell noted the catch basin will be diverted to storm water drainage. The Commission

thanks the Washington Community Housing Trust for keeping them updated with these submissions.**Michael Ajello's appointment:** Mr. Ajello said he finished the three required courses and will receive certification from the state D.E.P.

Mrs. Hill noted the Commission may, according to 3 A and 3 C of the Commission's By-laws and Sections 8-7 and 8-14 of the Washington Inland Wetlands and Watercourses Regulations, may, at it's discretion, duly authorize it's Enforcement Officer, as our duly authorized agent to approve an activity outside the regulated area, that will not impact the wetlands or watercourses, with notification in writing within 24 hours to the Land Use office and the Commission at the next meeting.

MOTION: To DELEGATE powers, mentioned in 3A and 3C of the Commission's By-laws, and in 8-7 and 8-14 of the Washington Inland Wetlands and Watercourses Regulations, to Michael Ajello as a duly authorized agent, with the understanding he will be extremely cautious with exemptions. By Mrs. Hill, seconded by Mrs. Korzenko and passed 5-0.

MOTION: To ADJOURN the meeting by Mr. Weber. All agreed at 12:00 a.m., November 14, 2002.

Katherine MoquinLand Use SecretaryNovember 22, 2002
