

November 26, 2002

Members Present: Dorothy Hill, Charles La Muniere, Marguerite Purnell. **Members Absent:** Helen Gray, Robert Weber. **Alternates Present:** Candace Korzenko, Mark Picton. **Alternates Absent:** Mark McGowan. **Staff Present:** Michael Ajello, Katherine Moquin. **Also Present:** Joe Gitterman, Mark DePecol, Peter Kirk, Kevin Hayden, Sigrid Hildmann. Dorothy Hill called the meeting to order at 7:07 p.m., Wednesday, November 26, 2002. Members seated were Dorothy Hill, Charles La Muniere, Marguerite Purnell at 7:12 p.m., Candace Korzenko for Robert Weber and Mark Picton for Helen Gray. **II. Consideration of Minutes Regular Meeting of 11-13-02** Members agreed to review these minutes at the next meeting. **Site Inspections, Re: S.M.R. Partners IW-02-72 and Kirk IW-02-74.** Mrs. Hill noted she was the only member at both meetings and she will write the minutes as soon as possible. Mr. La Muniere noted he made an individual site visit to the Kirk property. **III. Pending Applications** **Sheinfeld, IW-02-61 ATF, 112 Lower Church Hill Road, In-ground Pool, Modify Deed Restrictions.** Mr. Ajello said Mr. Jay Sheinfeld came to the Land Use office today and spoke with Janet Hill, Land Use Coordinator. He submitted the following: 1. A letter, dated 11-26-02, requesting an extension of 65 days for his application. 2. A letter, dated 11-26-02, regarding the Conservation Easement and the Warranty Deed. 3. A letter, dated 2-2-99, from Atty. Robert Fisher to Cecelia Shusdock, Former Chairman of Inland Wetlands and Conservation Commission. 4. Warranty Deed, Jay Sheinfeld, 112 Lower Church Hill Road, dated July 1996. 5. The unsigned draft of a Conservation Easement between the Town of Washington and Jay Sheinfeld, dated 1998. Mrs. Hill said she telephoned: 1. Dirk Sabin today and he is in the process of moving the pool equipment. 2. Atty. Michael Zizka today and said he talked to Atty. Robert Fisher. Janet Hill faxed to Atty. Zizka, copies of the Warranty Deed and the Conservation Easement brought in by Mr. Sheinfeld. Atty. Zizka thought a Conservation Easement, not a Deed Restriction, afforded a better format for enforcement and should be submitted to the Town of Washington with both Elaine Luckey, First Selectman and Dorothy Hill, Chairman of Inland Wetlands Commission signing this agreement and then recording it. Mrs. Hill explained this would occur only after the members approved the Conservation Easement and Atty. Zizka reviewed it. Ms. Purnell said there is nothing for the Commission to evaluate at this time, as they are waiting for confirmation from Atty. Zizka but they could vote to grant Mr.

Sheinfeld a 65 day extension for his application, which would start on November 29, 2002. All agreed.

Sheinfeld con't: Mrs. Korzenko noted the compressor, sitting on the gravel pad, is connected to the house via a buried pipe containing a conduit. Mr. Picton recommended asking for all the equipment to be moved, including the compressor. All agreed. **S.M.R. Partners, IW-02-72, 103 Baldwin Hill Road, Construct Dwelling.** Joe Gitterman was present and he explained the following: 1. There is a viable telephone cable, installed years ago, which comes in from Baldwin Hill Road. This cable is exposed in a section of the drainage swale, which runs along the northern side of the driveway. There is also a C.L. & P. cable, dead with exposed wires sticking out in the swale. He proposes to cut the exposed portion of C.L. & P. cable and leave the rest buried. He plans to re-bury the telephone cable where it lies. He is not going to fill in the drainage swale. 2. There is also a new electric power conduit and a smaller C.L. & P. cable conduit in a trench, which runs down the center of the driveway. He knows the location of these new lines, because he happened to be driving by at the time of their installation. 3. All the cables, mentioned above, are connected into the same utility box. 4. The drainage swale along the driveway is banked well. Leaves and debris, which have not been cleaned out, are the cause of water on the drive. When he cleaned out the ditch, the puddles dried up. He proposes to grade the existing drive, when the house construction is done, using the gravel (plenty) pushed to the side. He does not plan to raise the grade of the drive. 5. He proposes to extend the culvert, that exists on the north side of the shared driveway, closest to his proposed new driveway. He will not dig up the existing culvert, just add

three feet to it. 6. A soil scientist located the wetland boundary before he bought the property. 6. The plan, "Subsurface Sewage Disposal System, 103 Baldwin Hill Road by Brian E. Neff, L.E., dated 9-26-02 and revised 10-24-02: will be modified to a smaller septic, as the house is to be smaller, three bedrooms. 7. Timing is important for this project. The culvert needs to be extended and the driveway prepared for the house delivery scheduled on 12-19-02. The foundation needs to be constructed by 12-5-02, so there is enough time for the cement to cure. The Commission discussed the following: 1. All of the activity along the driveway is in the regulated 100 foot review area. The house site is high and dry and not in the regulated area. 2. Information about the conduit location, down the center of the shared driveway, is not shown on the plan. 3. There are three culverts shown on the plan. 4. Members are concerned with the existing direction of the drainage water into the wetlands, which was done by someone in the past, during the creation of the subdivision. And the proposed house footing drains discharge a few feet from the wetlands. 5. Members cannot vote at this Thanksgiving week, Tuesday meeting, because of a 14 day State Statute, but they can schedule a special meeting. The Commission requested Brian Neff print a plan depicting the new culvert and accurate locations of the other culverts and a notation about the location of the exposed and buried cables. Mrs. Hill said a special meeting will be held on December 3, 2002 at 3 p.m., if members can accomplish a quorum.

Cass / DePecol, IW-02-73, 46 June Road, Construct Dwelling, Renovate Guest House. Mark DePecol was present Mrs. Hill sent a letter, dated 11-25-02, to Robert Oley, Land Tech Consultants, Inc., requesting a review of this permit application, including review of drainage, grades, culvert spacing, sediment and erosion controls, accessibility to emergency vehicles, along with a copy of the plan, "Septic System Design Prepared for Mark DePecol, June Road by Berkshire Engineering & Surveying, L.L.C., dated 10-14-02" and the A-2 survey map, "Laurence J. & Helen G. Cass, June Road by Richard J. Adams, R.L.S., dated June 1979" and "Project Report Drainage Calculations, Mark DePecol, June Road by Berkshire Engineering & Survey, L.L.C., dated 11-22-02." The above mentioned drainage calculations were also submitted to the file. There has not been a response from Bob Oley to date. Ms. Purnell noted the members are waiting to hear from Mr. Oley before voting.

Kirk, IW-02-74, 34 Sunset Lane, Install Footing Drain. Peter Kirk was present. Along with the members, 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 10-10-99, revised 6-26-02" and explained the following: 1. He consulted Mr. Tavino, Engineer for developing this property, and two builders about alternate ways to install the footing drains. One way would be to pump it with a buried sump pump - this is not recommended as the pump could burn out without the owner's awareness. Another way would be to build a dry well. Another option would be to dig a trench all the way to the town road, which is too costly. 2. He proposes to raise the foundation 3 feet, setting up a slope, down from the house, to the east. The footing drains will start at 9 feet below ground around the house and taper off to ground grade as it exits into the wetlands. It will be covered with brush where it is exposed. The purpose of the footing drains is to collect the ground water. 3. Creating a grade for drainage is important on this very flat lot, as there is a 4 foot grade deviation overall. Mrs. Hill and Mr. La Muniere noted they had visited the site individually. Ms. Purnell said the members are pleased Mr. Kirk submitted this application, but pointed out the original plan for the footing drain went in a different direction, at the time of the subdivision approval by the Commission. Mr. La Muniere noted the first floor elevation is proposed to be 952 feet.

Hayden, IW-02-76, 11 Loomarwick Road, Selective Removal of Trees & Bushes. Kevin Hayden was present and submitted photos and a letter, dated 11-25-02, which explained the proposed activities. He explained the following: 1. There are 90-100 existing trees. About 30 trees are dead or badly damaged, other trees are too close together and not doing well, and a few trees are too large to afford a view. He will cut less than 50% of the trees. 2. He will drop and cut the trees, chip some and cut others for fire wood. 3. There exists a hedge, which holds up a steep slope and should never be cut. 4. There exists two streams, one 30 feet from the tree removal

site, which flows to a culvert under West Shore Road on the east side and another stream 50-75 feet from the tree removal site on the west side, which flows south along Loomarwick Road. Lake Waramaug lies 80-100 feet north of the property.

Hayden con't: The Commission reviewed the A-2 survey, "Map Prepared for Mark Beckett & Christine Adams, West Shore Road by Robert W. Grossenbacher, R.L.S., dated 8-22-1996." Mr. Ajello said he did not see the trees flagged. He thought the quality of the forest is marginal and if the stumps are not removed, no grubbing is done, no large equipment is used on the site, and the edge of the watercourses are undisturbed, there wouldn't be an impact to the watercourses. The members will make individual **Site Visits. V. Enforcement Hildmann, IW-02-77 E, 34 Popple Swamp Road, Reclaim Pasture.**

Sigrid Hildmann was present and referring to the map, "2 Lot Subdivision, Prepared for Cecilia Carnicke Seidel and William J. Carnicke, Popple Swamp Road by Samuel P. Bertaccini, Jr. R.L.S., dated January 1987," she explained the following: 1. The areas colored in green represents regular soil and blue represents wetlands soil. The area east of the barn is very wet and will not be changed. The area, northeast of the barn and approximately 20 acres out of 50 acres, is proposed to be cleared and designed as rotating pastures. They do not plan to expand the pasture area, farther than this, in the future. 2. The work will be done on one area at a time. 3. North of the barn, along Popple Swamp Road, most of the trees are broken stumps or very damaged from storms. The large trees will remain, but most of the tree rings show a growth of 29 years. 4. Between the pastures, there will be a high fence and hedgerows to protect about 10 mares and foals (their plan is to breed horses.) They have not decided which type of fence to use. The fence will be 5 feet from the outside of the hedgerow on both sides. 5. The stumps will be taken off the property. A lot of trees will be chipped and pulled under to nourish the soil. Grass will be planted, grazed and mowed, but not harrowed to re-seed. The Commission discussed the following: 1. There is an existing watercourse east of the barn and an existing swale, coming in from the road, in the same area. 2. The limits of their regulation 4.1 A, which allows an exemption for agricultural use (as of right permitted use.) 3. The stipulations they would want in place along with an approval. 4. Before voting, the usefulness of making a site inspection and the judiciousness of having an expert decide which areas to return to pasture. 5. Noting that, at the time the commission approved the construction of the barn, Mr. and Mrs. Hildmann stated they did not plan to have a pasture. 6. Asked about the alternative of using the small parcels of non-wetlands near the house. Mrs. Hildmann said a bridge would be needed to get there. **MOTION:** To APPROVE the application Hildmann, IW-02-77 E, 34 Popple Swamp Road, Reclaim Pasture, as an exemption, allowed under 4.1 A of the Washington Inland Wetlands and Watercourses Regulations, as Agricultural Use and, in order to protect the remaining wetlands habitat, with the following stipulations: 1. No clearing is to be done in watercourse areas, as defined in the Washington Inland Wetlands and Watercourses Regulations, or in defined drainage pathway areas. 2. No additional areas will be cleared in excess of the areas proposed and shown and drawn on the map submitted, which is entitled "2 Lot Subdivision, Prepared for Cecilia Carnicke Seidel and William J. Carnicke, Popple Swamp Road by Samuel P. Bertaccini, Jr. R.L.S., dated January 1987,"

Hildmann con't: approximately 13 acres total (with the hedgerows included.) 3. The soil surface will not be disturbed other than for stumping and leveling of stump holes; No more than 30% soil surface will be bared. * To this end, trees will be pulled or uprooted or cut individually, to avoid a continuous and widespread disturbance of soil. 4. Hedgerows, which measure 30 feet wide (fences 30 feet apart with a 20 foot wide woody vegetation in the center,) will be maintained between pastures, as shown on the above mentioned map. 5. Large trees will remain per Mrs. Hildmann's statements. By Mr. Picton, seconded by Mrs. Hill and passed 4-1-0. Ms. Purnell voted nay, as: a. She didn't feel it qualified as an exemption. b. These decisions run with the land and future owners may not be as conscientious as the Hildmanns. c. There is a possible consequence of changing the character of water flow in that area. d. Looking at the greenways running through Washington, she sees this area, in the western corridor going

toward Lake Waramaug, providing a connection for habitat activity. e. She does see the connection between producing hay and agriculture but she thinks the members need more information about the requirements of horses. The Commission will make individual Site Visits.

III. Pending Applications

Steep Rock Assoc., IW-02-75, Rt.47, Bee Brook Road / Hidden Valley, Replace

Culvert. Mr. La Muniere noted he had visited the site. Mrs. Hill noted nothing new had been

submitted. The Commission will make individual Site Visits.

Rizzo/James, IW-02-69, 129 Bee Brook Road, Build Retaining Structure. Mr. Ajello submitted photos, showing an example of a cellular containment system, which keeps stones from moving during wave action. Ms. Purnell pointed out a property on Walker Brook Road, where gabions failed along a stream with less water than the Shepaug River. Mr. Picton said he is not convinced a slope stabilization is the best approach and thought it important for them to consider an engineer's recommendations. He said the roof and driveway run-off, bringing sediment into the Shepaug River during a storm, had not been solved and overly aggressive landscaping on the bank could create a problem. Mr. La Muniere thought the present condition of the bank is not a threat to the Shepaug River. Mrs. Korzenko noted the applicants wanted to add soil to the edge of the bank to raise the lawn there and if the fine hairs on the roots of the Hemlocks, existing along the bank, are covered, the Hemlocks will die.

V. Enforcement
Fairbairn, IW-02-54, 206 Wykeham Road, Wetlands Crossing Mr. Ajello reported the following: 1. The crossing has been installed and is an excellent job, with good use of riprap and well mulched. 2. He looked for the excess soil previously deposited and it seemed to be gathered up in the process of building the crossing. 3. There are good erosion controls in place. 4. The easement document is in progress. Mr. Ajello submitted photos from his site inspection.

Fairbairn con't:

Ms. Purnell thought the material, previously deposited, was in the location of the original detention basin. She will make an individual Site Visit.

Duchin, IW-02-68, 6 Church Street, Build Retaining Wall & Steps, Clearing, Construct Parking Pull-off. Mr. La Muniere and Mr. Ajello visited the site together and thought the clearing was well done, with a natural look and not too much removed.

Rudin, IW-02-49, 328 Nettleton Hollow Road, Construction of EPDM Lined (60 foot diameter) Reflecting Pond. Mr. Ajello submitted photos from his site inspection.

Beck, IW-02-V1, 132 Calhoun Street, Cutting & Clearing in Wetlands. Mrs. Korzenko, Ms. Purnell went on a site visit with Elizabeth Corrigan, Conservation Commission. A letter from Ms. Corrigan, dated 11-26-02, was submitted and included the following recommendations: 1. Allow the remaining vegetation to re-grow. Re-planting is not recommended. 2. Invasive plants must be removed by best management practices and monitored for 5 years under the direction of a qualified botanist. 3. No additional removal of native plant materials of any sort. Mrs. Korzenko pointed out the following: 1. There are nice trees still existing on the site. 2. Because there are so many rocks and roots and stumps, it would be difficult to re-plant. 3. She thought the restoration guidelines should be placed on the Land Records. 4. Perhaps there are more wetlands existing, which are not flagged on the survey map, "Data Accumulation Plan, Prepared for Julian Beck, 132 Calhoun Street, by Brautigam Land Surveyors, P.C., dated 9-26-96. Ms. Purnell concurred it did seem to cause more trouble to re-plant now but she is concerned about the canopy, which will take 30-35 years to be restored. She said the stream is pretty well shaded and she recommended drafting a letter, with restoration guidelines, for review at their next meeting. Mr. La Muniere concurred with putting the Commission's requirements for the restoration on the Land Records, so that future owners are informed. Mr. Picton pointed out there is no reference to a soil scientist on the survey map, so he is not comfortable accepting this survey as accurate with regard to the wetland location and he noted that no soil scientist's report accompanied the application.

Brown, Longview Landing, Inc., IW-02-V3, Dam Failure. Mr. Ajello noted there is a written phone message, submitted by Janet Hill, dated 11-26-02, which said work had started on the dam and would be finished

tomorrow. Mrs. Hill said she talked to Dr. Brown, on the phone, on 11-15-02 and was told the engineer, Mr. O'Sullivan suggested temporary measures might serve as permanent dam stability. She told Dr. Brown the Commission will ask it's own engineer to review permanent dam repair plans. Ms. Purnell said she is encouraged by the temporary repairs being done, but is still very concerned about protecting the wetlands and public safety issues. Mrs. Hill will write a letter to Dr. Brown telling him they are encouraged by the work being done and to please submit the information requested at past meetings. Ms. Moquin noted she gave Dr. Brown copies of the minutes referring to requests for information. **Ross, IW-02-V4, 10 Sunny Ridge Road, Wetlands Restoration.** Mr. Ajello submitted photos from his site inspection and reported the planting was done around the pond as directed in a condition of the permit # IW-01-24 ATF. Mrs. Hill said Mr. Ross told her Dirk Sabin had not given him a plan as yet and so Mr. Ross called Dudley Ashwood. Mr. Ashwood will look for a soil scientist first to work together with him on a plan. Mr. Ross faxed an authorization letter, dated 11-26-02, for either Mr. Sabin or Mr. Ashwood for tonight's meeting. **MOTION:** To ADJOURN the meeting by Mr. Picton. All agreed at 10:58 p.m. Katherine Moquin Land Use Secretary December 9, 2002