

September 25, 2002

Members Present: Dorothy Hill, Helen Gray, Marguerite Purnell at 7:17 pm, and Robert Weber.

Members Absent: Charles La Muniere.

Alternatives Present: Mark Picton.

Alternatives Absent: Candace Korzenko, Mark McGowan.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Leah Pullaro, Stephen Lasar, Mrs. Brown, Dr. Cameron Brown, Jorge Criollo, Richard Rosiello, Joel Johnson, William Ross and Dirk Sabin.

Mrs. Hill called the meeting to order at 7:07 pm, Wednesday, September 25, 2002.

Members seated were Dorothy Hill, Helen Gray, Robert Weber, Mark Picton for Charles La Muniere and Marguerite Purnell at 7:17 pm.

IV. PENDING APPLICATIONS

Pullaro, 23 calhoun Street, #IW-02-48, Addition, Expansion 3rd Floor, Expansion Septic System.

Leah Pullaro and Stephen Lasar, Architect, were present.

Mrs. Hill said Suzanne Von Holt, Sanitarian, submitted a note, dated 9-11-02, explaining that the Health Code required a viable septic reserve area, to be specified and approved, for less than a 50% increase in bedrooms but did not require the installation of this septic reserve, which would be available for future use if it became necessary. The Health Code requires the reserve septic to be installed when the number of bedrooms doubles.

Mr. Ajello explained the following: 1. This B 100 A Health Code was legislated 5 years ago. 2. In order to add onto any heated living space, a homeowner needs to prove a viable septic reserve capable of handling 50% of the load. 3. The existing Pullaro septic system is oversized according to Suzanne Von Holt. 4. The requirement for 4-5 bedrooms is a 1200 gal. tank. 5. An engineer designed the original Pullaro septic but the reserve area does not require an engineered design because it is not the primary area.

Mr. Lasar submitted a sketch showing the reserve septic area, 30 linear feet, with the distances to the existing system and the stream marked as requested. Mr. Lasar pointed out that the reserve area is farther away from the stream than the existing septic and basically level and within the 50 foot State setback requirement.

Mrs. Hill seated Marguerite Purnell at 7:17 pm.

Mrs. Hill asked for the alternatives to the building addition, requested by the Commission and considered by the Pullaros.

Mr. Lasar submitted a plan, "Alternate Location for Addition & Future Septic (If Required,) Pullaro Residence by Stephen Lasar, AIA, dated 9-23-02," showing one alternative for the proposed addition. He explained the following: 1. This map was taken from an A2 survey by Michael Alex. 2. This alternative would require excavation by machine for piers or a foundation, because it is higher at this point on the property. 3. A retaining wall would have to be built at the toe of the slope.

Mrs. Pullaro explained that this alternative (dubbed Alternative B') created a long narrow space, which would be the same square footage as the original proposal but with less of the space necessary for her child with leg braces to manoeuvre around furniture. She said there would also be a loss of one bedroom upstairs, because the original proposal knocked out one wall of a 6 x 27 foot bedroom to create two bedrooms, also giving better access for her child.

The Commission raised the following issues: 1. The southern corner of the deck is only 10-15 feet from Canoe Brook. Storms erode the banks of streams, so there is the possibility that this distance will shorten. 2. Machine excavation carries a temporary impact for the brook but increasing the impervious area close to the brook carries a long term impact. The existing deck allows for some rain water to infiltrate the ground before reaching the brook. Any work on the house could potentially impact the brook at this short distance. 3. A flood situation. 4. The concerns of a child and best interest of this family weighed against the enlarged structure under new ownership. 5. The need for the Commission to be consistent. 6. Possibly using the garage as an alternate site.

Mrs. Pullaro explained that this property was removed from the FEMA maps and is no longer in the flood plain. She said a retaining wall was built below the deck after the 1955 flood and during her experience with storms, the retaining wall worked well and the field across the brook flooded.

Mr. Lasar said the garage is 40 feet from the house and suggested another alternative: To cut off coverage by new construction of the southern corner of the deck at a 45 degree angle and also direct the gutter drains farther away from the brook.

Mr. Picton noted that the deck width is 10 feet, so the angle cut would significantly ease the distance to the brook at this point.

Mr. Weber asked about the pitch of the extended roof and where the roof naturally drains.

Mr. Lasar said the extended roof will have less pitch and will be a hip roof .

Mr. Picton said the gutter spouts could go into a dry well or into a spreader or some method to prevent erosion, including erosion of the stream bank

MOTION: To APPROVE the application Pullaro, #IW-02-48, Addition, Expansion 3rd Floor at 23 Calhoun Street per the plan, "Alternate Location for Addition & Future Septic (If Required,) Pullaro Residence by Stephen Lasar, AIA., dated 9-23-02 and revised "Proposal C' Angled Corner by Stephen Lasar, dated 9-25-'02," which shows the southern corner of the addition to be angled 45 degrees toward the west, northwest from the existing southwest corner of the house and 8-10 feet farther from Canoe Brook than the original proposal. No new building shall occur on the stream side of the 45 degree angled line, drawn 9-25-02 by Stephen Lasar on Alternate B' plan and labeled "Proposal C.' The motion contains one condition: The gutter spouts are to be located farther from the brook and managed to allow the water to infiltrate the ground before entering the brook and prevent erosion By Mr. Weber, seconded by Mrs. Gray and passed 4-1-0. Ms. Purnell voted nay, stating the Commission's history of not allowing any structure to be built closer than 25 feet to a stream and its commitment to protect watercourses from long term impacts and also noting that other alternative locations for the addition exist and would have offered more protection for Canoe Brook.

Brown, Landview Landing, Inc., 96 Romford Road, #IW-02-V3, Dam Reconstruction.

Dr. and Mrs. Cameron Brown were present.

Mrs. Hill asked to have the following included in this application: 1. Digging in the ponds. 2. Deposition of 2 inches of topsoil and plantings around the pond. 3. Regrading and reseeding around the pond. She also asked for the ATF fees to be submitted.

Ms. Purnell asked Dr. Brown to describe the conditions on the property existing prior to his activities and to describe his activities on the property. She said the Commission is trying to understand the following: 1. How a large amount of material was deposited into the wetlands. 2. How much of clearing was done on the hillside and in other areas. 3. How the smaller pond was excavated and linked to the other pond. 4. What the blue color drawn on the survey map, " 1366, Roze," dated 7-28-1997, represented.

Dr. Brown explained the following: 1. They moved into this house in December 2000, and that year the snow fall was very high and continued until April. 2. The snow plow almost fell into the pond and the pipe between the ponds collapsed. They had to park their cars on Romford Road. 3. In February work was done to repair the pipe and add material to increase the height of the portion of the driveway between the ponds. 4. They drove all the way around the south side of the southernmost pond to get to the house while this work was being done. 5. In the Spring of 2002, they added topsoil and seed and plants to fix up the area and the dam partially collapsed while removing a stump in order to plant a tree. 6. The aerial photos were not clear and there was no information obtainable as to what existed on this property in the past. 7. The driveway was not functioning and there were wetlands in the whole area. 8. The area north of the driveway remains exactly the same. 9. The blue outline on the survey map shows the existing shoreline. He did not make the ponds. Mr. Roze, the previous owner, had his IWC application denied but went ahead and dug the ponds. He only worked on the driveway.

The Commission requested Dr. Brown to: 1. Submit a written narrative of tonight's presentation, a history and description of his activities on the property. 2. Implement, as soon as possible, Engineer Denis O'Sullivan's, recommendations to temporarily stabilize the dam and create a spillway. 3. Submit a new application to re-build the dam in a sound manner, using an engineered design for permanent stability. Plans must be drawn to scale and all specs of the plans are to be submitted with this new application. 4. Maps showing the property before and after the activities undertaken to date must be included.

The Commission will have its engineer review the plans submitted for permanent dam stabilization.

V. NEW APPLICATIONS

Kilbrith, 30 Tinker Hill Road, #IW-02-36, Revision, Build Retaining Wall and Stone Steps.

Jorge Criollo, Contractor, was present. He submitted: 1. The \$25.00 fee for a revision. 2. A letter by Jorge Criollo, dated 9-19-02, requesting a revision to expand the approved project to include replacement of the wooden steps and walkway in front of the house with stone and working in the same fashion used in the completed work in the back of the residence. 3. A map / drawing, "Tinker Hill Road, dated 9-19-02," which includes the location of the silt fences and hay bales. Mr. Criollo explained the following: 1. The mulch put down for the present job hasn't moved during the rain. 2. The pressure treated wood will be taken to the dump. 3. The work and bringing the stones to the site will be done by hand. 4. No major regrading will be done, just leveling to settle the stones. 5. Gravel will be placed under the stone. 6. The steps will be sloped for traction. 6. This location is outside the regulated 100 foot review area. 7. No handrails are proposed, only rebuilding the walks back to their original form.

Mrs. Hill noted that the difference is that the wooden walkway is elevated and the stones will go into the ground. Mr. Criollo said the wooden walkway is elevated because there is all ledge on this site.

The consensus of the Commission is that this is a minor revision and does not require a new application.

MOTION: To APPROVE the revision for the application Kilbrith, #IW-02-36, Build Retaining Walls and Steps at 30 Tinker Hill Road with one condition: The work is to be done with the same methods used in the existing work. By Mr. Weber, seconded by Mr. Picton and passed 5-0.

Rudin, 328 Nettleton Hollow Road, #IW-02-62 ATF, Fence.

Richard Rosiello, Contractor, was present. He submitted a photo of the unfinished fence, which remains to be flat-topped. This fence is 4 inches off the ground.

Mrs. Hill noted that the Zoning Commission had not approved this fence to date. She asked how the

fence would be removed if Zoning requests this. Mr. Rosiello explained the following: 1. The posts will be cut flush with the ground and the concrete in which they are embedded will be top dressed with soil. 2. The fence is made with pine wood and the posts with cedar wood and none of the wood is pressure treated 3. The architect is discussing the possibility of staining the wood with a latex stain. 4. Two panels of fence measuring 16 feet are located within wetlands and the rest of the fence is located within the regulated review area.

The Commission asked Mr. Rosiello to let them know about the Zoning Commission's decision.

Eaton, 284 West Shore Road, #IW-02-63, Demolish Deck, Extend Porch.

Joel Johnson, Contractor, was present. He explained the following: 1. There is a screen porch with a deck coming off the porch. 2. The distance between the deck and Lake Waramaug is 35 feet 6 inches. 3. Propose to eliminate the deck, which is half the length of the porch, and extend the screen porch 3 feet, thereby increasing the distance to the lake by 3 feet. 4. There will be 8 foot wide stairs off the porch and a flagstone patio off the stairs. 5. The new distance between the Lake and the stairs will be 34.6 feet. 6. The porch will remain one story with a more shallow pitch to the roof. 7. The pier holes would be dug by hand or with a small backhoe. 8. A silt fence would be installed from the driveway all the way around to the front. There would be nothing placed between the silt fence and the Lake. 9. Any left over material would be spread under the porch. No material would be brought in. 10. The basic reason for this change is that the 9 foot porch is not large enough for a table and chairs to sit down for dinner. 11. The covered porch would be wood. The existing deck is wood. 12. The applicant will go to the ZBA Commission for a change in a footprint which is within 50 feet of the Lake.

Mr. Weber requested the piers to be hand dug.

Ross, 10 Sunny Ridge Road, #IW-01-24, Revision, East Crossover.

William Ross was present and submitted a letter, dated 9-24-02 and photos taken from a plane. The letter requests a revision to relocate the headwall and stabilize the stream with riprap. He explained the following: 1. When the excavation was ongoing, they discovered the pipe existed in a different location 10 feet over. The pipe doesn't go straight and bypasses the original stream. 2. 38 feet of the pipe was exposed. 3. The upper headwall was done. 4. Vegetation was cleaned out of the stream bed. 5. Proposing to put rocks along the bank of the stream to stabilize it, because it is so deep, 6 feet below grade.

The Commission noted the following: 1. Cleaning out vegetation from a stream bed is not allowed because this increases the velocity of the water flow and causes erosion. 2. The best solution is to let the channel of water find its own way and re-vegetate. The stream bed, below where the pipe was dug up, does not need riprap, as there are enough rocks there already. 3. Vegetation will grow up through the riprap, which replaces the pipe, as long as it is not mortared. 4. The stream bank below the pipe. Which was removed, does not need to be built up.

Mr. Ajello, Enforcement Officer, noted the pipe was cut lower than the stream and created its own channel. He requested the three large stumps, observed on the site, be left in place.

MOTION: To APPROVE the revision for the application Ross, #IW-01-24, East Crossover at 10 Sunny Ridge Road to Relocate the Headwalls northerly to the actual location of the pipe, which is about 12-15 feet from the edge of the crossover travel way above the bend in the pipe, and at the upper end of the excavation as shown on photos A and B submitted tonight, and to use large flat stones or riprap to prevent bank or channel erosion. And to DENY stabilization of the bank and putting riprap in the portion of the stream located downstream of the excavated pipe. By Mr. Picton, seconded Mrs. Gray and passed 5-0

Ross, 10 Sunny Ridge Road, #IW-01-26, Revision, Pool and Pool Palisade.

William Ross was present and submitted a plan, "10 Sunny Ridge Road, dated 9-25'02 and signed by William Ross." He explained the following: 1. Grading and sodding around the pond was done. 2. Mr. Kincaid is ready to plant. 3. Proposing a revision in the planting to shorten the width of the planting for the 360 linear feet required in the previous approval and then to plant the remaining plants along the farther bank of the pond and along the wetlands for another 360 linear feet. This new location will provide a better use for these plants than in the grass area.

The Commission made the following points: 1. The approved planting served the purpose of mitigation for the elimination of an intermittent stream. 2. The planting provided a buffer zone between the grass and the pond, thereby preventing material, nitrogen or fertilizers from reaching the pond. At least a 10 foot wide buffer of planting was needed to accomplish this. 3. They could agree with a reduction in the width of the plant buffer.

MOTION: To APPROVE the revision for the application Ross, #IW-01-26, Pool and Pool Palisade at 10 Sunny Ridge Road per the plan "10 Sunny Ridge Road, dated Sept. 25, 2002" showing a portion of the property and signed by William Ross to Reduce the Planting by 10 feet in depth, to a planted width of 10 feet for 360 linear feet around the northwest and southwest sides of the pond, which is depicted in yellow, and Plant 10 feet in depth for 360 linear feet on the south and southeast side of the pond and running up around the driveway, which is depicted in blue and measure the 10 feet of depth of planting starting at the top of the steep bank nearest to the pond (which is about 5 feet back from the current edge of the water.) By Ms. Purnell, seconded by Mrs. Hill and passed 5-0.

VI. ENFORCEMENT

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

William Ross was present and submitted a letter which asked for an extension in the schedule laid out for the restoration. He explained that the engineer needed more time to complete the plans.

The Commission asked if the plans could be submitted for approval by the second meeting in October, the 23rd '02 and if it was possible to do the work by the end of November '02. Mr. Ross agreed to this new schedule.

MOTION: To GRANT an Extension for the application Ross, #IW-02-V4, Wetlands Restoration at 10 Sunny Ridge Road to Submit an engineered plan for Removal of the Overburden out of the wetlands by October 23, 2002 and To Have the Overburden removed out of the wetlands by the end of November 2002. By Mrs. Purnell, seconded by Mrs. Gray and passed 5-0.

Enforcement Report

Rudin, 328 Nettleton Hollow Road, #IW-02-11, Dredge Pond

Mr. Ajello explained the following: 1. This pond was not deep. 2. When the workers pumped down, they scraped bottom hitting ledge and hardpan. 3. They were not able to make it any deeper. 4. All the fish were killed during the process of dredging.

Mr. Ajello laid out some methods of dredging, which could be used to save fish and other creatures. Mrs. Hill asked Mr. Ajello to put these rescue' methods of dredging in writing.

NEW APPLICATIONS

Sheinfeld, 112 Lower Church Hill Road, #IW-02-61 ATF, In-ground Pool, Modify Deed Restrictions.

Mr. Dirk Sabin, Landscape Architect, was present and submitted a project summary, dated 9-9'02 and a

"Slope Restoration Planting Plan" by Dirk W. Sabin, dated 9-9-02, added to an A2 Survey Map, "Site Analysis Plan, Jay Sheinfeld, 112 Lower Church Hill Road" by T.Michael Alex L.L.S., dated July 1996. This map shows the deed restricted area (limit of disturbance proposed,) which comes around the edge of the pool and goes to the knoll and includes a linear corridor along the driveway. Mr. Sabin made the following points: 1. There is 1178 square feet (.02 acres) taken from the original limit of disturbance with the corner of the pool. 2. The filled in area will likely return to a natural condition within 3-4 years of growing seasons. 3. All the labor would be done by hand. 4. He did not think removing the pool was prudent. 5. The pool filter pad was installed and a fence needed to be installed around the pool, as a Building Code requirement.

Mrs. Hill requested an authorization letter and a \$60.00 after the fact fee.

The Commission made the following points: 1. The main concern is protecting the large wetland area in the back, which is adjoining a pristine head water area on the next property. 2. The activities approved for this property have expanded considerably without permission and has resulted in a continually increasing impact on the wetlands. 3. There existed a pristine vernal pool, which was possibly destroyed during the construction of an unauthorized driveway and the addition of fill. 4. The language used in drafting a deed restriction needed to include some type of legally effective enforcement power, which would not accept monetary damages and only accept full restoration of the area to its original condition. 5. The decision of the Commission would be a negotiated solution, not a preferred solution. 6. There remains the option to dismantle this illegal pool.

The Commission will make a **Site Visit** on Monday, September 30, 2002 at 9:00 am.

PENDING APPLICATIONS

Hochberg, 15 Couch Road, #IW-02-46, Clean Silt from Pond and Spread in Non-Wetlands Area.

A Letter from Mr. Hochberg, dated 9-11'02 was submitted.

The Commission will send a letter to Mr. Hochberg explaining the following: 1. The DEP, with current information, now considers creating a pond in wetlands to be of serious concern and is now cognizant of the importance of having a diversity of wetlands types. 2. He would need to make a compelling argument for creating a pond in that location. 3. This serious undertaking did indeed require an engineer and a soil scientist. 4. Prior approvals given a great many years ago have expired and are no longer taken into account.

Mrs. Hill noted the 65 day application expiration date compels the Commission to act on this application at the next meeting.

Neuhaus, 147 Kinney Hill Road, #IW-02-52, Construct Dwelling.

The Commission noted there was nothing new submitted into the file to date.

Nassar / Uruburu / Schneider, 121 West Church Hill Road, #IW-02-57, Subdivision Review.

Mrs. Hill noted that she sent a letter, dated 9-23'02, to Attorney William Fairbairn, stating this application is out of the Inland Wetlands jurisdiction. Mr. Ajello had confirmed, during his 9-18'02 site inspection, that there were no apparent wetlands or watercourses present on this property.

NEW APPLICATIONS

Goutiere, 33 Wheaton Road, #IW-02-60, Clear Brush and Cut Tree in Pasture.

Mr. Ajello noted that brush clearing along the stream bed would expose the stream to more sunlight and he thought limited clearing at a few access points would be safe. He said the grade is level with the stone wall and then goes down to the stream.

The Commission noted the following: 1. The black cherry tree, proposed to be cut down, is toxic to horses. 2. Flagging the items to be cut down would be wise. 3. Need to clarify that the roots will remain. 4. A 20 foot vegetated buffer along the stream, except for a couple of access points, might be a possibility.

The Commission will make individual **Site Visits**.

ENFORCEMENT

Schwartz, 173 West Shore Road, #IW-02-58 D, Install Removable Deck.

Janet Hill, Certified Enforcement Officer, signed off this application as De-Minimus

Mitchell, 77 Old Litchfield Road, #IW-02-59 D, In-ground Pool.

Mr. Ajello noted the pool's location is proposed for 65 feet from the wetlands. The grade is flat for these 65 feet, then drops 75 feet down to the wetlands.

Ms. Purnell noted this wetlands borders a perennial watercourse with a dam and waterfall and the very steep drop makes this an upland review area, requiring a permit.

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

Mrs. Hill noted the Commission sent an Enforcement Order on 8-2'02 but this order did not include a time table. The Commission will send a letter to request a restoration plan be submitted.

DISCRETION OF THE CHAIR

Santoleri, 240 West Shore Road, #IW-00-29, Extension.

Mrs. Santoleri has requested an extension to renew work not completed on stone walls previously permitted. The start card was submitted on 9-27'00. Mrs. Santoleri is also asking to install a drain.

The Commission noted the one year limit, given with a permit, prevented an extended period of erosion and requested a plan, to install a drain, be submitted.

Mrs. Hill will call Mrs. Santoleri.

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

Montessori School is asking for an extension to complete the permitted work, started one year ago.

The Commission noted that a written request needs to be submitted.

Daly / Alldredge, 300 West Shore Road, #IW-02-51, Remove & Install Oil Tank

Mrs. Hill asked Mr. Ajello to send a letter about the shoreline.

Mrs. Gray excused herself from the meeting at 12:00 am.

CONSIDERATION OF THE MINUTES

Changes made in the minutes of the **Regular Meeting, September 10, 2002**, are indicated with a double asterisk (**_____**) at the beginning and end of each change. A copy of the pertinent pages are attached to the end of these minutes.

MOTION: To ACCEPT the minutes of the Regular Meeting, September 10, 2002 as amended. By Mr. Weber, seconded by Ms. Purnell and passed 4-0.

MOTION: To ADJOURN by Mrs. Hill. All agreed at 12:34 am, September 26, 2002.

Respectfully submitted, filed subject to approval,

Katherine Moquin, Land Use Secretary, October 7, 2002