

October 9, 2002

Members Present: Dorothy Hill, Helen Gray, Charles La Muniere, Marguerite Purnell.

Members Absent: Robert Weber.

Alternates Present: Candace Korzenko, Mark Picton.

Alternates Absent: Mark McGowan.

Staff Present: Michael Ajello, Katherine Moquin.

Also Present: Dirk Sabin, Richard Rosiello, Darrell Cherniske.

Dorothy Hill called the meeting to order at 7:14 p.m., Wednesday, October 9, 2002. Members seated were Dorothy Hill, Helen Gray, Charles La Muniere, Marguerite Purnell and Candace Korzenko for Robert Weber.

II. CONSIDERATION OF THE MINUTES

Show Cause Hearing - August 14, 2002, Re: Brown #IW-02-V3.

MOTION: To ACCEPT the minutes of the Show Cause Hearing - August 14, 2002, Re: Brown, 96 Romford Road, Landview Landing, Inc., #IW-02-V3, Dam Failure, as written. By Mrs. Hill, seconded by Mrs. Korzenko and passed 5-0.

Regular Meeting - September 25, 2002.

The amended minutes (relevant pages) are attached to the end of these pages.

MOTION: To ACCEPT the minutes of the Regular Meeting - September 25, 2002, as amended. By Mrs. Korzenko, seconded by Ms. Purnell and passed 4-0-1. Mr. La Muniere abstained as he did not attend this meeting.

Special Meeting - Site Inspection, September 30, 2002, Re: Sheinfeld IW-02-61 ATF

MOTION: To ACCEPT the minutes of the Special Meeting, Site Inspection - September 30, 2002, Re: Sheinfeld, 112 Lower Church Hill Road, #IW-02-61 ATF, In-ground Pool, Modify Deed Restrictions, as written. By Ms. Purnell, seconded by Mr. La Muniere and passed 5-0.

III. PENDING APPLICATIONS

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

Dirk Sabin, Landscape Architect, was present. He reviewed the plan, 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, and the revision to add the westerly area, off the south end of the garage, to the deed restricted area, which increases the buffer zone and possibly planting more shrubs (five Mountain Laurel and one witch hazel) on the flat area.

Mr. Sabin read language for a new deed restriction, to increase the level of enforcement, which he had drafted for review.

The Commission discussed the issues involved, including the following: 1. A deed restriction needed to be worded properly by a lawyer and checked by the Commissions lawyer. 2. Accepting a new deed restriction in place of a standing deed restriction, opens the possibility for negotiating every future deed restriction. 3. The decision before the Commission is to enforce the standing deed restriction and order the restoration of the land back to its indigenous character or to accept the offsets offered in this application and have a new deed restriction put in place with stronger enforcement language. 4. There

are the impacts to the wetlands to consider, including the following: a. The short term impact during removal of the pool with machines. b. The long term impact of potential degradation of a pristine and rare wetland resource by the creation of the steeper bank for the purpose of a level area for a pool (installed without a permit.) c. Especially troubling is the long term impact from the pool equipment, which was installed on the edge of the steep slope, without a silt fence and after the Commission notified Mr. Sheinfeld of the deed restriction violation. Some of the drain water will go down to the wetlands and the stored chemicals pose a greater danger. Members already observed a carelessly stored bucket of chlorine with a loose top and could foresee the possibility of the bucket rolling down the steep bank by being bumped or blown during a storm.

The Commission requested more information: 1. A deed restriction drawn up by a lawyer. 2. Proposals to remove and relocate the pool mechanicals.

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

Richard Rosiello, Kent Greenhouse, was present and submitted a redrawing of the fence, dated 10-9-02, showing the two 8 foot sections of fence to be moved a few feet back from the roadside town land. He said these two sections are within wetlands and the rest of the fence is within the 100 foot regulated review area. He explained the following: 1. The fence is elevated 4-6 inches off the ground, which will allow small migrating animals access. 2. The volume of concrete for each post will be yard (bag.)

Mr. Ajello recommended the work commence immediately to take advantage of the end of the dry season.

MOTION: To APPROVE the application Rudin, 328 Nettleton Hollow Road, #IW-02-61 ATF, Fence, with the revisions proposed tonight to move two 8 foot fence panels back from Nettleton Hollow Road, per the order of the Board of Selectmen, shown on the map, "3 Lot Subdivision Prepared for Robert Stephen Cohen, Nettleton Hollow Road, dated March 25, 1988 and revised 10-9-02 by Richard Rosiello." By Ms. Purnell, seconded by Mrs. Gray and passed 4-0-1. Mr. La Muniere abstained as he did not know the issues regarding this application.

Mrs. Hill said this project will have a minimal impact to the wetlands and she agreed with the recommendation to start work immediately.

IV. NEW APPLICATIONS

Duchin, 6 Church Street, #IW-02-68, Clearing, Planting, Construct Parking Pull-off.

Darrell Cherniske, Kent Greenhouse, was present and reviewed the plan, "Site Concepts, Duchin Residence, 6 Church Street by Darrell Cherniske, dated Aug-02" and explained the following: 1. Ray Boas is in the process of moving out. 2. Everything on this plan is within the 100 foot regulated review area. 3. Some things included in the plan are in the design stage. 4. The rear deck is the major entrance, which is 4 feet below road grade. Propose to create two tiers by building two 2 foot retaining walls with stone steps in between. Mortar will be used in the walls but the walls will appear as drywall. The material excavated will be used to level the rest of the terrace area and topsoil added. A silt fence and hay bales will be properly placed. This is the main focus for now. 5. The area along the road is proposed to be leveled, so water will be directed away from the property. The stone wall proposed close to the road will be 2 foot high on the road side and flush with the middle terrace on the inner side. 6. The existing lawns (established turf) will **not** be disturbed. 7. If the perennials are removed, then evergreens (depicted in magenta) with 2-2 root balls will be planted there by hand. 8. All the work, proposed in this application, is planned to be done this Autumn season. 9. The existing deck will need to be repaired (replace boards and shore-up with timber) and pressure washed. 10. There is an existing bluestone terrace. 11. The green outline shows the area proposed for clearing, to remove dead material and undergrowth in order to see the tree trunks. 12. The driveway exists as a right of way for

Montessori parking and another house. Propose to enlarge the area by removing six trees, to create space for overflow parking.

Mr. Cherniske submitted photos.

The Commission requested the following: 1. The type of wetlands soils, which exist along the river, where there is an irregular gorge. 2. Depict on the plan what now exists on the site. 3. A key for the color coding on the plan. 4. More details about the planting. 5. A construction sequence and a time frame. 6. Ask Mr. Canavero, Town Foreman, about putting hay bales up top along the road.

Mr. Ajello pointed out that the road drainage goes around the property and dumps the water off the bridge. He said these proposed plans will provide a substantial improvement in buffering the area.

The Commission will make a **Site Visit** on Wednesday, October 16, 2002 at 4:00 p.m.

III. PENDING APPLICATIONS

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

Mrs. Hill noted the 65 day time period for an application ended on 9-27-02 and the Commission does not have sufficient information to render a decision.

MOTION: To DENY without prejudice the application Hochberg, 15 Couch Road, #IW-02-46, Clean Silt from Pond and Spread in Non-wetlands Area due to the lack of information. By Ms. Purnell, seconded by Mrs. Hill and passed 5-0.

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

Mrs. Hill noted that Maureen Morrill had withdrawn this application in writing, dated 9-9-02.

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

Mrs. Hill noted there were no new submissions from Dr. Brown and engineered plans for a permanently stable dam were expected to be submitted by the next meeting on October 23, 2002.

Ms. Purnell submitted aerial photos of this property, taken in the year 2000, during a previous ownership and aerial photos, taken in the year 2001, during Dr. Brown's ownership. She obtained these photos from the U.S.D.A. Agricultural Agency in Torrington, CT. and said aerial photos, taken this year, 2002, will be coming out soon and that it is possible to obtain 8x10 enlargements.

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

Mrs. Gray visited the site and viewed the pasture from her car.

The Commission does not have enough information to vote.

The Commission will make a **Site Visit** on Wednesday, October 16, 2002 at 4:45 p.m.

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

Mr. Picton pointed out that this proposal: 1. Eliminated the slightly pervious area of the deck and replaced it with the impervious area of the porch. 2. Increased the distance to the lake, except for the steps, which will be one foot closer to the lake than the existing deck. 3. The site grade is flat.

Ms. Purnell said there were no long term impacts to the lake with this project, only short term impacts during construction.

Mrs. Gray requested the sona tube holes be dug by hand.

MOTION: To APPROVE the application Eaton, 284 West Shore Road, #IW-02-63, Demolish Deck, Extend Porch as submitted and with one condition: The sona tubes are to be dug by hand. By Mrs. Hill,

seconded by Mrs. Korzenko and passed 5-0.

IV. NEW APPLICATIONS

Rizzo-James, 129 Bee Brook Road, #IW-02-69, Construct Shed, Build Retaining Wall.

Mrs. Hill read a letter from Mrs. James, dated 9-9-02, stating the reasons she and her husband could not attend this meeting.

Mr. Picton read the construction sequence.

The Commission requested the plan be shown on a survey map.

The Commission will make a **Site Visit** on Wednesday, October 16, 2002 at 3:15 p.m.

V. ENFORCEMENT

a. Enforcement Officer's Report / Actions Taken:

Mitchell, 77 Old Litchfield Road, #IW-02-58 D, In-ground Pool.

This application was approved as a De Minimus by Janet Hill, Authorized Agent, on 9-17-02.

Madoff, 241 West Shore Road, #IW-02-42, Rebuild Stone Wall, Steps.

Mr. Ajello said there is no activity and he doesn't know the reason. The site is stable.

McGorty, South Street / Nichols Hill Road, Subdivision.

Mr. Ajello said directions are being followed.

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

A letter was submitted from Mr. Beck, dated 10-9-02, in response to a letter from the Commission, dated 9-30-02. Mr. Beck explained he was unable, thus far, to find a surveyor and Ms. Rabinowitz will make a final evaluation on 9-14-02.

The Commission will send a letter to Mr. Beck extending more time but reminding him that this violation remains on the Land Records.

Mr. Ajello reported on his site inspection today: 1. He recommended the road bed be filled with processed gravel. 2. The wetlands crossing pipe is well placed, but is 20 feet long, when an approval condition called for an 18 foot pipe. 3. The headwalls of the crossing do not blend into the grade at this point. Large boulders were added. 4. Two large trees had **not** been removed and the stones were placed around the trees. 5. Large stones were placed at the entry of the culvert, which worked well to direct the water. 6. Filter fabric had **not** been used. Filter fabric prevents gravel from being pressed below and lost in unstable areas.

Mr. Picton said he would not fuss about fabric filter in the driveway because the inland wetlands issue is keeping the organic layer intact and the 20 foot wetlands crossing pipe is a standard size, allowing access to large trucks and is not a problem in his opinion. He said it is necessary to deal with the real world, in order to get work done.

Mrs. Korzenko said the 20 foot pipe is okay but the approval requirements were not followed. She said sometimes property owners were at the mercy of contractors.

Ms. Purnell made the following points: 1. An 18 foot pipe would minimize the impact to the stream. 2. The Commission wastes time spelling out protective requirements, if the applicant ignores this guidance. 3. Communities needed to think about the accumulative impacts to water quality.

Mr. Ajello will call Mr. Beck to tell him the deviations observed and direct him to follow the approval

conditions.

Fairbairn, 206 Wykeham Road, #IW-02-54, Construct Wetlands Crossing.

Mr. Ajello made a site inspection today and observed two silt fences set 40-50 feet apart with a mud bed between showing tire ruts and signs that logs skidded across.

He expected the first activity to be pipe installed, a crossing built and a road bed built and then the trees to be cut and brought across.

Mr. Picton noted the easement needs to be drawn up first, per the approval condition.

Mr. Ajello will call Ronald Fairbairn to discuss this situation.

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

Plans were expected to be submitted by the next meeting.

VI. ADMINISTRATION

a. Montessori School, 240 Litchfield Tnpk., #IW-02-08, Extension.

Mr. Ajello said the two detention basins were in place and excellent, stabilizing the lower slope and the grass was seeded. He said the extension was necessary for this very big project.

Ms. Purnell said the Commission should make a site visit, per due diligence, to check on the two vernal pools further up the slope and to see if anything needed to be addressed a.s.a.p.

The Commission will make a Site Visit on Tuesday, October 22, 2002 at 9:00 a.m.

b. Pullaro, 23 Calhoun Street, #IW-02-48, Addition, Expansion 3rd Floor.

Mr. Picton made a site inspection on 9-26-02. He pointed out the Commission did not ask for a survey, more measurements or more alternatives and he regretted voting for this structure to be built so close to Canoe Brook.

Mrs. Korzenko said the Commission should write to Mr. Lasar, L.L.S., to tell him the Commission depends on accurate maps.

c. Santoleri, 240 West Shore Road, #IW-02-29, Extension.

Mrs. Hill said she called Mrs. Santoleri to tell her okay.

MOTION: To ADD the application Washington Primary School, Shepaug Greenway, #IW-02-70 E, Planting to the Agenda under VI.Administration. By Mrs. Hill, seconded by Mrs. Korzenko and passed 4-0-1. Ms. Purnell abstained as she opposed a procedural issue.

d. Washington Primary School, Shepaug Greenway, #IW-02-70 E, Planting.

Mrs. Hill said Bob Williams proposed planting twelve bushes along the drive and adjacent to the play area. She thought this qualified as an exemption based on IW Regulations, Sec. 226, permitted as of right uses.

The Commission agrees there will not be any impact to wetlands or watercourses.

MOTION: To APPROVE the application Washington Primary School, Shepaug Greenway, #IW-02-70 E, Planting as an Exemption. BY Mrs. Hill, Seconded by Mrs. Korzenko and passed 4-1-0. Ms. Purnell voted nay Because she opposed a procedural issue.

MOTION: To ADJOURN the meeting by Mr. La Muniere. All agreed at 10:55 p.m.

Katherine Moquin

Land Use Secretary
October 18, 2002
