

May 12, 2010

7:00 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mrs. Hill, Mr. LaMuniere, Mr. Wadelton

MEMBER ABSENT: Mr. Bohan

ALTERNATES PRESENT: Ms. Cheney, Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill

ALSO PRESENT: Mr. Papsin, Mr. Neff, Mr. Cheney, Mr. Ross, Mr. Gambino, Mrs. Corrigan, Mr. Gabrenas

Mr. Bedini called the Meeting to order at 7:00 p.m. and seated Members Bedini, Hill, LaMuniere, and Wadelton and Alternate Cheney for Mr. Bohan.

MOTION:

To add the following subsequent business to the agenda:

V. New Applications:

A. Lake Waramaug Country Club/314 West Shore Road/ #IW-10-15/Deposit Beach Sand, Improve Drainage,

B. Mnuchin/218 Nettleton Hollow Road/#IW-10-16/Application of Aquatic Herbicide,

C. Griffin/199 West Shore Road/ #IW-10-17/Install Curtain Drain, Repair Retaining Wall;

VI. Other Business:

A. Klein/ 236 Tinker Hill Road/Request to Amend Permit #IW-10-09/Dock,

B. Tangeman/84 Carmel Hill Road/File Release on Land Records,

C. Madoff/ 285 West Shore Road/Cut Trees,

D. Afco Enterprises/1 Green Hill Road/Excavation;

VII. Enforcement:

Q. Devereux Glenholme School/81 Sabbaday Lane/#IW-09-V05/Unauthorized Excavation.

By Mr. Wadelton, seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

The 4/28/10 Regular Meeting minutes were accepted as corrected.

Page 2: 7th line from bottom: Change to: "...smaller 6' X 10' anchor block would be used in place of the existing 8' X 16' anchor block."

Page 3: 3rd line: Insert: "be" before "bolted."

5th line from bottom of Angell: Change: "base" to "anchor block."

Page 5: 5th line: Change: "were" to "are" and delete the first "the."

Page 6: Under Brose: Change: "Mrs." to "Ms."

MOTION:

To accept the 4/28/10 Regular Meeting minutes as corrected.

By Mrs. Hill, seconded by Mr. Wadelton, and passed 4-0-1.

Mr. LaMuniere recused himself because he had not attended the meeting.

Pending Applications

Angell/47 West Shore Road/#IW-10-12/Install Buffer Vegetation, Construct Stairs, Relocate Dock, Install Bulkhead:

Mr. Ross, contractor, represented the applicant. Mrs. Hill reviewed the 4/28/10 minutes and read the list of information the Commission had requested at the last meeting. Mr. Ajello said he had met with Mr. Angell and had taken care of all of the items in the list except for approval by the Lake Waramaug Assoc. (LWA) Mr. Bedini read from the 5/11/10 letter from Mr. Frank of the LWA, in which he stated that the LWA joined with the Lake Waramaug Task Force in asking that the anchor for the dock be as unobtrusive as possible. Mr. Ross explained that 1) the size of the anchor had been downsized since first discussed with the Commission and 2) a concrete anchor was needed because the former dock had been anchored with pipe, but it had shifted a lot. Mr. LaMuniere asked if the DOT had submitted written approval for the plantings. Mr. Ajello said he had spoken with a DOT representative who told him he had OK'd the plan. Mr. Ross noted the DOT would not issue an approval until the contractor had posted both a bond and proof of insurance, which he had not yet done. Mr. LaMuniere stressed that written evidence was required for the file. Mrs. Hill asked that Mr. Ajello place a signed written statement in the file regarding his conversation with the DOT. Mr. LaMuniere noted the anchor block would be set in a section of rip rap so it would not cause additional impact to the shoreline, but thought 6' X 4' X 4' would be sufficient mass to anchor the dock, 8' X 4' was not needed, and the smaller size would address the LWA's concerns. Mr. Ajello said an 8' wide anchor was needed for a 6' wide dock. Regarding the proposed stairs on the other side of the road, Mr. LaMuniere asked for specific construction details such as how the stone abutments that would support the large stone at the bottom would be constructed, how high the abutment would be, whether crushed stone would be sufficient to support the weight of the stairs and he also asked whether the ground in this area was spongy. Mr. Ross said he did not know if the soil was spongy, but said there was no natural soil in that area and that the swale was man made. He also explained there would be field stone covering the sides of each step in addition to the crushed stone to support the stairs, that the crushed stone would allow the water to drain underneath, and that the stone at the bottom would be on hard ground so it "won't go anyplace." Mr. Ajello stated that he is never in favor of pouring a concrete anchor at the shoreline if it is not necessary, noted the existing dock was in a dangerous location, and noted that at the last meeting he had questioned what would be done with the existing concrete pad and the Commission had said it was OK to keep it. Mr. Bedini read notes on the site plan re: planting, installing boulders, and pitching the lawn. Mr. Ross noted these were from the original plan by Mr. Sabin, this work had been completed as part of a previous application, and he crossed the notes off the plan. Mrs. Hill and Mr. LaMuniere stated they agreed with the LWA and Lake Waramaug Task Force that the anchor block should be as small as possible and that it did not need to be 8' wide. It was noted that the dock was heavy and that the concrete would also serve as the base for stairs. Mr. Wadelton said the larger size was necessary so the block would not be damaged by ice.

MOTION:

To approve Application #IW-10-12 submitted by Mr. Angell to install buffer vegetation, construct stairs, relocate the dock, and install a bulkhead at 47 West Shore Road.

By Mr. Bedini, seconded by Ms. Cheney, passed 5-0

It was noted the permit was valid for two years.

New Applications

Lake Waramaug Country Club/314 West Shore Road/#IW-10-15/Deposit Beach Sand, Improve Drainage:

Mr. Gabrenas, Superintendent, represented the applicant. The application review form by Mrs. J. Hill, dated 5/12/10 was reviewed. Mr. Wadelton asked if the beach sand would be spread or new sand deposited. Mr. Gabrenas said 20 tons of new sand would be deposited on the beach, not in the lake. In response to the question of which was proposed, a berm or a swale, Mr. Ajello stated both were

proposed and he circulated a photo of the state park beach to illustrate the proposal. He said the existing sod would be removed, dirt dug out to make the swale and mounded up to create the berm, and then the sod would be replaced over both. He thought this would divert the sheet flow runoff from the beach area and prevent the sand from washing into the lake. He agreed the measurements for the beach area should be placed on the map and said they were approximately 80' X 36'. Mr. Bedini asked Mr. Gabrenas to submit a written narrative by the next meeting to respond to all the questions raised on the review form. Mr. Gabrenas stated that he and Mr. Ajello had determined that the Club beach property was not within 500 ft. of the Town line. He also stated that no additional material would be brought on site to construct the berm, there would be no erosion issues, the work would be done during good weather, and no alternatives to divert the runoff had been considered. Mrs. Hill and Mr. Papsin asked if there could be erosion problems at both ends of the swale/berm. Mr. Gabrenas said, no, because there were large rocks in these areas so the sheet flow would not cause erosion. Mr. LaMuniere thought the loss of sand was due to the undertow as well as sheetflow. Mr. Gabrenas agreed, but said he hoped the proposed work would help to keep the required beach maintenance to a minimum.

Mnuchin/218 Nettleton Hollow Road/#IW-10-16/Application of Aquatic Herbicide:

Mr. Gambino, agent, noted the Commission had denied the same application in 2008. After a brief discussion, Mr. Gambino stated he would submit a letter from Steep Rock, holder of the conservation easement on the property, regarding whether or not the proposed work could be done under the terms of the easement. Mr. LaMuniere stated that the two problems with the previous application had been 1) egress from the pond and 2) the existence of two species of special concern, the Jefferson salamander and the wood turtle. Mr. Gambino stated the current application differed from the first one because this time he had an expert on the species of concern to address any questions raised by the Commission. Mrs. Corrigan, biologist, said that although she had documented the wood turtle in the Nettleton Hollow corridor, it was not a pond turtle, it tended not to go into the uplands, and it preferred the features located in the valley. Regarding the Jefferson salamander, she stated that it existed in the vernal pool network in the upland area, but she did not think it likely that they would be found in the pond because the pond was located in a fairly managed landscaped area and it had bass, which would eat the salamanders. Mr. Ajello asked Mr. Gambino if he had worked with the property caretaker to limit the nutrients from over fertilization that flow into the pond. Mr. Gambino responded that the orchard is not fertilized and the pond is surrounded by a buffer area, which does not look like it is fertilized. Mr. Gambino explained the problem weed, watershield, is rooted in the mud, the roots must be killed to get rid of it, and Rodeo, when applied to the leaves, will kill the roots. Mr. LaMuniere asked if the flow of Rodeo downstream could be controlled. Mr. Gambino said it would be applied when the water level was low and that the standpipe could be covered with both a hay bale and a board. Mr. LaMuniere suggested that in addition, a sleeve could be installed on the standpipe to raise the height of the outlet. Mr. LaMuniere asked, what the best time of year was to apply Rodeo. Mr. Gambino said for watershield it should be applied early in the season, but that was when the overflow of the pond could be a problem as it drains to Sprain Brook. He said Rodeo was required because digging and raking out the watershield was not effective. Mr. Bedini also asked for a sleeve to raise the outlet of the pipe. Mr. LaMuniere said this would address his concern because there would be no outflow from the pond until the chemical ceased to be active. Mr. Gambino stated he would not apply Rodeo if the weed infestation did not get too bad or if Steep Rock did not grant permission, but said he wanted to get the permit now, so that if an application was necessary he could do it as soon as it was needed. Mr. Ajello asked if after the Rodeo was applied, the dead plants could be raked out of the pond so their nutrients would not settle at the bottom. Mr. Gambino thought this would be a difficult job, but that it was an interesting idea. Mrs. Hill noted that the application form lists three different chemicals and four applications, while the discussion tonight was about one chemical, Rodeo, and its application. Mr. Gambino said he had filled out the application before knowing what weeds would be found in the pond and that was the

reason several chemicals were listed. He said he would use only what was necessary at the time for whatever weed was present. Several commissioners objected to this “menu” approach, especially since two of the chemicals listed were Diquat and copper sulphate, which remains active for a long time. Mr. Gambino disagreed. Mr. Gambino stated that since there were no species of special concern downstream, the Commission had no jurisdiction to deny the application. The commissioners disagreed. Mr. Wadelton asked to see the product labels for all of the chemicals listed on the application. Mrs. Hill noted that the DEP had approved the use of Diquat, although it had not known whether it would be needed. Mr. Gambino said he would not need the Diquat because there were no weeds in the pond against which Diquat would be effective. Mrs. Hill requested a written report from Mrs. Corrigan regarding the location of the species of special concern.

Griffin/199 West Shore Road/#IW-10-17/Install Curtain Drain, Repair Retaining Wall:

Mr. Cheney, contractor, presented the plan, “Drainage Remediation Plan,” by Ronald Wolff Assoc., revised to 5/11/10. It was noted the property is located above Lake Waramaug. Mr. Cheney said the amount of water flowing down the hill has increased over the years and the existing retaining wall does not sufficiently pick it up. This results in an ice sheet on the state road where the water collects. The plan calls for the retaining wall to be rebuilt and two pipes to be installed from the new wall to the pipe, which flows into the intermittent stream. Mr. Martino asked if the ties used for the wall would be pressure treated. Mr. Cheney did not know. Contours were noted. Mr. Cheney described the proposed erosion control measures and noted the hay filter detail was included in the plan. He noted 27 c. yards of material would be excavated and an extra berm created on the lower side of the drain to slow the runoff from larger storm events that could not be handled by the curtain drain alone. Mr. Cheney stated that no alternatives had been considered because the property owners were under orders from the Ct. DOT to correct the hazardous conditions resulting from the existing drainage flows. Mr. Bedini asked that the limit of disturbance line and edge of the upland review area be indicated on the plan. Mr. Cheney noted that the entire .91 acre lot was in the review area. Mr. Ajello said he would inspect the property prior to the next meeting.

Other Business

Klein/236 Tinker Hill Road/Request to Revise Permit #IW-10-09/ Dock:

Mr. Neff, engineer, explained the dimensions of the proposed dock had changed. The walkway would be increased to 5 ft. wide and the size of the float decreased accordingly so the total area would not exceed the maximum set by the Zoning Regulations. He noted this was not a major change and it was due to safety concerns. The plan, “Proposed Dock Plan,” by Mr. Neff, revised to 5/3/10, was reviewed. It was noted the \$25 fee had been received.

MOTION:

To approve the request by Mrs. Klein to amend Permit #IW-10-09 to change the dimensions of the dock approved at 236 Tinker Hill Road.

By Mrs. Hill, seconded by Mr. Wadelton, and passed 5-0.

Tangeman/84 Carmel Hill Road: Mr. Ajello noted the enforcement order for the Feolas, previous property owners, had been filed on the Town Land Records. He recently inspected the site and found the restoration work had been satisfactorily completed except for spreading leaf matter to naturalize the area. The area now holds water as it did prior to the unauthorized disturbance and the required vegetation was planted.

MOTION:

To file a release of the enforcement order placed on the Town Land Records for Tangeman (formerly Feola)/84 Carmel Hill Road.

By Mr. Bedini, seconded by Ms. Cheney, passed 5-0.

Madoff/285 West Shore Road (Larsen Farm):

Mr. Wilson, engineer, called Mr. Ajello regarding cutting down four dead trees on the Lake Waramaug shoreline. Mr. Ajello presented some photos and said only one of the trees provided a canopy over the water. He said it would not be necessary to replace the trees because there are many saplings growing in this area and that the stumps would not be removed so there would be no soil disturbance. The commissioners had no objections.

Afco Enterprises/1 Green Hill Road:

Mr. Ajello advised the Commission that a new company was taking over the soil testing that has been going on for several years. New areas of contamination were found and so more material will have to be excavated.

Enforcement

Devereux Glenholme School/81 Sabbaday Lane/#IW-09-V5/Unauthorized Excavation:

Mr. Ajello reported that exploratory excavation had been done to find out why the existing pipe was not diverting water away from the well. Photos of the disturbance were circulated. An application is expected for the next meeting.

Pending Application

Town of Washington/11 School Street/#IW-10-14/Install Stormwater Management System:

Mr. Bedini recused himself and Alternate Martino was seated. The map, "Proposed Drainage Improvement Sketch," by Arthur H. Howland and Assoc., dated 10/16/2008 was reviewed. Mr. LaMuniere noted the new drainage system was needed because the existing system is failing. Mr. Ajello reviewed the information presented at the last meeting regarding the proposed installation of culverts and pipes and the cleaning out of the swale. The 4/28/10 minutes were also reviewed. Mrs. Hill noted that all of the proposed work was in the floodplain. Mr. Ajello read the project narrative. It was noted that the existing pipes would be left in place and the new system installed along side them. Mr. Ajello asked if there would be sink holes along the route of the existing pipe. This was briefly discussed. Mr. Waderton concluded that the plans had been designed by an engineer and that this was a safety issue not under the jurisdiction of the Inland Wetlands Commission. Mr. LaMuniere stated that rip rapped pads were proposed at the outlets so there would be no impact to the Shepaug River.

MOTION:

To approve Application #IW-10-14 submitted by the Town of Washington to install a stormwater management system at 11 School Street per the plans, "Proposed Drainage Improvement Sketch," by Arthur H. Howland and Assoc., dated 10/16/2008.

By Mr. Waderton, seconded by Mr. LaMuniere, and passed 5-0.

Alternate Martino was seated for Mr. Bedini, who had recused himself.

It was noted the permit was valid for two years. Mr. Bedini was reseated.

Enforcement

Charvillat/96 Roxbury Road:

Mrs. Charvillat has not responded to letters from Mr. Ajello. The commissioners agreed a citation should be sent.

Chatfield/Tinker Hill Road:

This is a very steep and narrow lot. The owner was advised to apply for permits before disturbing any soil.

King/153 Lower Church Hill Road:

Mr. Ajello reported the removal of the invasives was going well and the burn area would be where the dredged material had been stockpiled.

Lodsin/78 Litchfield Turnpike/#IW-07-V12:

There was a brief discussion of the history of the violation, which had been for unauthorized excavation in the wetlands. It was noted the disturbed wetlands are gradually “absorbing” the damage, but there is also the potential of pollution from all of the equipment left on site.

Tomczyk/39 River Road:

Mr. Tomczyk paid his citation.

Town of Washington/16 Titus Road/#IW-09-V03:

Mr. Ajello reported that the stockpiles were being processed and some of the bulky debris had been taken off site. The area within 125 feet of the river has been rough graded.

Town of Washington/East Shore Road/Town Beach:

The silt fencing will not be taken down until grass is established in the disturbed areas.

Moore/25 Litchfield Turnpike:

Mr. Ajello said he had not inspected this site recently.

Town of Washington/corner of Christian Street and Slaughterhouse Road:

Mr. Ajello circulated a photo of the plants a resident put in where the wood chips had been dumped. This item will be taken off the agenda.

Communications

Copies of The Habitat were circulated.

Administrative Business

The Inland Wetlands commissioners training, Session II at Sessions Woods was discussed. Several members had already registered and Mr. Papsin and Mr. Martino said they would if there were still spaces available. Mrs. J. Hill will check.

Mr. Wadelton noted a recent newspaper article regarding pesticide applications. He noted local municipalities have authority in this matter and suggested a joint meeting with other towns and/or getting some legal advice on this issue would be helpful. Mr. LaMunier agreed the Commission should know what authority it has and doesn't have with these applications. The commissioners thought it would be a good idea if Mr. Wadelton contacted Mr. McGuinness at the NWCTCOG and other inland wetlands commissions in the area.

Mr. Wadelton explained the difference between abstaining from a vote and recusing oneself from the consideration of the matter at hand. He reminded the commissioners that a recusal allows an alternate to be seated in your place so there will be a full complement voting.

MOTION:

To adjourn the meeting. By Mrs. Hill

Mr. Bedini adjourned the meeting at 9:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill, Land Use Administrator