

August 11, 2010

Show Cause Hearing – Regular Meeting

6:30 p.m. Land Use Meeting Room

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

ALTERNATES PRESENT: Ms. Cheney, Mr. Martino, Mr. Papsin

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

ALSO PRESENT: Mrs. Wang, Ms. Holiman, Atty. Sconyers, Mr. Lyon, Mr. Palella, Mr. Szymanski, Mr. McMorrow, Mrs. Keating

SHOW CAUSE HEARING

Wang/110 Blackville Road/#IW-09-V07/Unauthorized Clearing, Driveway Con't.

Mr. Bedini reconvened the Show Cause Hearing at 6:40 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton.

Mrs. Wang apologized and said her landscape designer who had her planting plan had not yet arrived. She asked if the hearing could be held later in the evening.

MOTION:

To recess the show cause hearing for Wang/110 Blackville Road/#IW-09-V07 to the end of the Meeting.

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

The hearing was recessed at 6:43 p.m.

REGULAR MEETING

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

MOTION:

To add the following subsequent business to the Agenda:

V. New Applications:

B. Town of Washington/112 Walker Brook Road South/ #IW-10-31/Roadway Drainage Improvements,

VI. Other Business:

C. Town of Washington/108 New Milford Turnpike/Request to Transfer Permit #IW-08-57/Remediation, and

D. Nominating Committee for Election of Officers.

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

Consideration of the Minutes

The 7/14/10 Regular Meeting minutes were accepted as corrected.

Page 5:

Line 30: Add to end of sentence: "...entire wall on the property under discussion."

Line 35: Add to end of sentence: "...smaller ones, perhaps farther from the lake edge."

Page 13: Sheinfeld's address should be 110 Lower Church Hill Road.

MOTION:

To accept the 7/14/10 Show Cause Hearing – Regular Meeting minutes as amended.

By Mr. Bedini, seconded by Mr. Wadelton, passed 5-0.

The 8/4/10 Special Meeting minutes were accepted as amended.

Page 2: #2 under Length of Commission Meetings: Should be: Mrs. J. Hill.”

MOTION:

To accept the 8/4/10 Special Meeting minutes as amended.

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

MOTION:

To accept the 8/4/10 Horan site inspection minutes as written.

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

MOTION:

To accept the 8/4/10 Schoellkopf site inspection minutes as written.

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

Pending Applications

Devereux Glenholme School/81 Sabbaday Lane/#IW-10-25/Replace Drainage Pipe:

Although there had been no questions or concerns raised at the last meeting, Mr. Bohan had since brought up his concern about sink holes eventually occurring as the old pipe deteriorates. Mrs. Hill had written Mr. Allan, engineer, who responded in an email dated 8/10/10 that the existing pipe would be crushed in place and then backfilled so there would be no potential for sink holes.

MOTION:

To approve Application #IW-10-25 submitted by the Devereux Glenholme School to replace the drainage pipe at 81 Sabbaday Lane subject to the following conditions:

1. the existing pipe is to be crushed and the trench then backfilled,
2. the contractor is to be given both the motion of approval and the approved plan prior to the start of work, and
3. the land use office must be notified at least 48 hours prior to the commencement of work so that the WEO can inspect and approve the erosion control measures.

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

Schneider/97 Lower Church Hill Road/#IW-10-26/Dredge Pond:

Mr. Palella, owner's representative, submitted a larger map on which he highlighted the small area at the corner of the pond where any disturbance would occur. He pointed out the dewatering area and the access to the site and noted the pond is now dry so he had not added any downstream erosion controls to the plan. Mrs. Hill noted then that the work could be done only when the pond was completely dry. Mr. Palella stated that approximately 20 yards of material would be excavated from the pond and taken off site.

MOTION:

To approve Application #IW-10-26 submitted by Mr. Schneider to dredge his pond at 97 Lower Church Hill Road per the documents submitted and the latest enlarged map, which details where the work will be carried out.

By Mr. LaMuniere, seconded by Mr. Bedini, passed 5-0.

Town of Washington/10 Blackville Road/#IW-10-27/Driveway, Storage Area, Stormwater

Management: Mr. Lyon, First Selectmen, noted there had been no revisions to the plans since the last meeting. He also said that the application had to go to the Zoning Board of Appeals for approval before work could begin. It was noted the application had been discussed at the last meeting and no questions had been raised at that time.

MOTION:

To approve Application #IW-10-27 submitted by the Town of Washington for stormwater management, driveway, and storage area at 10 Blackville Road per the plans, "Site Development Plan," "Proposed Sedimentation and Erosion Control Plan," and "Lot Coverage Map," all revised to 7/14/10 by Arthur H. Howland and Assoc.

By Mr. Bedini, seconded by Mr. Bohan, and passed 5-0.

Ernhout/289 West Shore Road/#IW-10-28/Drainage Improvements:

Mr. Neff, engineer, stated there had been no changes since the last meeting. The proposed drains would tie into the existing drainage system and the new pipe would be only a few inches below the surface. He said only a small area would be disturbed and the project would take just one day. Mr. Ajello stated that the ponding of stormwater was not necessarily a bad thing, but in this case it was happening too close to the septic system.

MOTION:

To approve Application #IW-10-28 submitted by Mr. and Mrs. Ernhout for drainage repairs at 289 West Shore Road as submitted.

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

Schoellkopf/300 Nettleton Hollow Road/#IW-10-29/Repair Dam:

Mr. Neff, engineer, noted the Commission had recently inspected the site and said that it was a good time to do repair work because it was so dry. He explained the repair work on the existing stone and mortar dam would be done by hand, that no heavy equipment would be needed, cement would not be poured, and that the dam base was in good shape. Mr. Neff said he had called the DEP regarding the proposed work, and although he was told the DEP had no concerns, he had sent a copy of the plans anyway. He noted it was a relatively low dam and the work was patching and maintenance work.

MOTION:

To approve Application #IW-10-29 submitted by Mr. Schoellkopf to repair the dam at 300 Nettleton Hollow Road.

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

New Applications

Holiman/125 West Shore Road/#IW-10-30/Plantings:

Mrs. Holiman circulated a sketch map dated July 2010 and photos of the areas on both sides of West Shore Road where she proposed to plant trees and shrubs. Along the lake shore, which has a steep bank, she proposed to remove the existing grass and to plant various flowering shrubs. Rugosa roses were one of the shrubs selected because they are salt resistant and their runners spread and will hold the hillside. She noted that the Lake Waramaug Task Force advises property owners on the lake that it is not good to have grass lawns on the lake side. A narrow strip of grass will be left along the road. She asked the Commission what it recommended for erosion control and what type of mulch did it recommend for the steep bank. Mr. Ajello suggest that an erosion blanket be placed on the bank to hold the disturbed soils and that holes be poked through it to plant the proposed shrubs or that a silt fence be toed in at the bottom of the bank. The Commission scheduled a site inspection at 4:30 p.m. on August 25 and urged Ms. Holiman to have her contractor attend. Mrs. Holiman submitted the mandatory conservation easement form and a proposed work sequence.

Town of Washington/112 Walker Brook Road South/#IW-10-31/Roadway Drainage Improvements:

Mr. Szymanski, engineer, stated the Town proposed to continue drainage improvements to the south of those completed last year. He noted Mr. Coleman, adjoining property owner, would do the work in the Town right of way at his own expense during the driest time of the year. Mr. Szymanski said the plan

was to get the runoff to infiltrate into the ground to help to correct the icing problem on Walker Brook Road. He noted Mr. Smith of the Town Highway Dept. had signed off on the plan. Both Mr. Szymanski and Mr. Lyon advised the Commission that the work done last year had been a big improvement on Walker Brook Road. Mr. Ajello asked if adding more cross culverts had been considered. Mr. Szymanski responded that the proposed plan affords more opportunity for infiltration. The plans, "Site Development Plan," by Arthur H. Howland and Assoc., dated 7/12/10 were reviewed.

Other Business

Town of Washington/108 New Milford Turnpike/Request to Transfer Permit #IW-08-57/Complete Remediation Work:

Mr. Lyon explained the Town had purchased 108 New Milford Turnpike and the previous property owner had not completed the required remediation work. He proposed to spread top soil, regrade, and seed the disturbed area and noted it would be a good time to regrade while it was so dry. It was noted there was a letter requesting the transfer of the permit from Mr. Solley dated 8/5/10.

MOTION:

To approve the request by the Town of Washington to transfer Permit #IW-08-57 to complete remediation work at 108 New Milford Turnpike to the Town of Washington.

By Mr. Bedini, seconded by Mr. Waderton, passed 5-0.

Pending Application

Horan/54 East Street and 49 Tompkins Hill Road/#IW-10-24/Lot Line Revision and Construct Single Family Dwelling:

Atty. Sconyers and Mr. McMorrow, engineer, represented the applicant. Mr. McMorrow noted the Commission's concern regarding the proposed house location only 50 feet from the wetlands and he read his memo dated 8/11/10, which listed the reasons other locations farther from the wetlands had not been selected. These included setback requirements both from wetlands and boundary lines, the fact that the proposed house site was already cleared, and steep slopes elsewhere on the property. He noted that to address the Commission's concerns about seeps flowing down the hill and driveway resulting in icy conditions on the town road, he had added a 15 inch cross culvert and a 12 inch bermed area for the water to collect and infiltrate. He offered to add a second cross culvert closer to the road if the Commission thought it was necessary. Mr. Ajello asked if the recharge area would be large enough to prevent overflow onto both Tompkins Hill and Nettleton Hollow Roads. Mrs. Hill noted her concern about an eroded gully, which takes runoff towards the proposed septic area. Mr. McMorrow explained the proposed 20 X 15 X 1 foot deep recharge area would be planted with grass and would be large enough to handle the runoff, but offered to size it for a rain garden. Noting there was only 50 feet between the wetlands and the proposed house, Mrs. J. Hill asked how clearing and lawns would be prevented in this area. Mr. Martino noted there was a steep bank down to the wetlands in this area so it would not be a lawn. Mr. Ajello recommended a document to define a limit of clearing, both in the area behind the house and elsewhere on the property where if the steep slopes were cleared, it would increase runoff. Mr. McMorrow offered a conservation easement area. Atty. Sconyers noted this could be enforceable by anyone in Town and would be in the deed so that future owners would know about it. A line 25 feet from the wetlands was sketched as the conservation easement line. Ms. Cheney and Mrs. Hill asked again why the house could not be moved to the north. Mr. LaMunier noted the question to consider was whether locating the house close to the wetlands or in a location requiring more clearing and excavation would have the greatest long term impact. Mr. McMorrow said the area to the north was steeper and would require more excavation work and added that he did not think the proposed house site would adversely impact the wetlands. Mr. Ajello, Mr. Bedini, and Mr. Martino thought cutting on

the steep slopes would increase the runoff. Mrs. Hill asked why the reserve area was on the other side of the wetlands. Mr. McMorrow explained that due to location of wetlands, drainage, and ledge there were not many suitable areas on site for the septic reserve system. He said he thought if septic repairs were needed in the future that the primary system would be replaced rather than pumping to the new reserve site. The commissioners asked for the following information for the next meeting: 1) size of the basin for the rain garden, 2) construction specifications and size of the rip rapped swale by the road, 3) runoff calculations for how much water will be carried in the proposed cross culvert, 4) planting plan for the rain garden, 5) written details regarding how the water flowing to Tompkins Hill Road will be handled, 6) conservation easement area extending at least 25 ft. from the wetlands, 7) no clearcutting provisions for the entire property.

Wang/110 Blackville Road/#IW-09-V07/Unauthorized Clearing, Driveway:

Mrs. Wang informed the Commission that her contractor and landscaper had never arrived. It was decided to continue this hearing to the 9/1/10 agenda. Mrs. Wang was asked to notify the Commission in advance if the required restoration plan would not be ready for the next meeting. MOTION: To reconvene the Show Cause Hearing for Wang/ 110 Blackville Road/#IW-09-V07/Unauthorized Clearing, Driveway.

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

MOTION:

To continue the Show Cause Hearing for Wang/ 110 Blackville Road/#IW-09-V07/Unauthorized Clearing, Driveway to 6:30 p.m. on 9/1/10 in the Land Use Meeting Room.

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

Other Business

Rumsey Hall School/Romford Road/Release of Bond:

Mr. Ajello reported that the work was completed, the site well stabilized, and the consultants' fees paid. There is approx. \$15,000 to return.

MOTION:

To release the remainder of the bond posted for the Rumsey Hall School ice hockey rink on Romford Road.

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

Slaymaker/17 Sunset Lane/#IW-07-V14/Restoration:

MOTION:

To release the remaining \$1000 of the bond posted by Mr. Slaymaker for restoration work at 17 Sunset Lane.

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

Enforcement

The following matters addressed in the WEO's 8/11/20 report were briefly noted.

Andersson/35-45 Gunn Hill Road:

Mr. Andersson must pay the final consultant's bill before his bond can be returned.

Angell/47 West Shore Road:

Mr. Ajello discussed with Mr. Angell the use of pressure treated wood on his shoreline stair treads and Mr. Angell has already changed them. Discussion of storage boxes along the lake will be a matter to be taken up by the Zoning Comm.

Auth/329 West Shore Road:

Mr. Ajello circulated photos of the completed work. It was the consensus that the work was acceptable, although not exactly according to the approved plan.

Brose/213 Roxbury Road:

Work to remove the structures is in progress.

Charvillat/96 Roxbury Road:

The citation was paid and the planting has been completed. Mr. Ajello circulated photos of the site.

Frog Hill, LLC./91 Nettleton Hollow Road:

The driveway is under construction.

Gorman/62 Frisbee Road:

This project will soon be completed.

Hochberg/15 Couch Road:

A complaint from Mr. Hochberg about his pond filling with sand from the town and state roads has been referred to the Selectmen's Office.

King/153 Lower Church Hill Road:

The invasives have been cut and stockpiled and the pond dredging will begin in a week or so.

Kott/14 Wheaton Road:

Citations were sent to both the property owners and to the contractor. Both have been paid.

Schein/245 West Shore Road:

The required planting of ferns to stabilize the bank still has not been completed.

Town of Washington/108 New Milford Turnpike:

Mr. Ajello reported that the silt fence had held up well and that material from Titus Road would be used for regrading.

Weaver/176 East Shore Road:

Mr. Weaver was sent a citation.

Shepaug Middle-High School/South Street: Mr. Bedini reported that due to an emergency the pool had recently been emptied into the pond.

Keating/68 West Shore Road/Installation of Dock:

Mr. Ajello sent a notice of violation for the build out of the dock into the lake. Mrs. Keating was present to discuss the alleged violation and the approved plan. She stated the new dock did not extend further than the rocks that had been there previously and that the work had been done according to what she understood had been approved. She referred to the plan that had been presented to the Commission. Mr. Ajello stated the Commission had not approved that plan, that when Mrs. Keating had presented it to the Commission, it had questioned why it had to go out so far into the lake, and that he had pointed to a spot on a photo past which the deck should not extend. Mr. Bedini noted the Commission had talked about a concrete step at the bottom of the stairs, but said Mrs. Keating had built more of a pier in that it was much wider than the normal width of a "step." A lengthy discussion ensued. Mrs. Keating said she had her contractor installed the concrete block as it was shown on the approved plan. Mr. Wadeldon agreed that she had constructed the 4 ft. wide concrete pier per the plan in the file and noted that the Commission had not specified the width of the "step" it had approved. Mr. LaMuniere said the Commission had not been specific when it based its approval on photos. It was the consensus that in order to prevent this type of misunderstanding from occurring, in the future the Commission will require engineered plans for all projects along the lake shore. Mr. Ajello said the dock as constructed

probably would not have a measurable impact to the lake, but that build outs into the lake were not permitted.

Other Business

Subcommittee Report Re: Policies for the Lake Waramaug Shoreline:

Mr. LaMunier had sent a first draft document to Mrs. Hill and Mr. Ajello. The subcommittee of Mr. LaMunier, Mr. Waderton, and Mr. Martino will meet before the next Commission meeting to discuss procedures for working on this policy statement. Any commissioner who has an idea he would like considered should submit it in writing to the staff, who will forward it to the subcommittee.

All the commissioners received a copy of an email from Mr. Burke on a code of ethics.

Mrs. Hill recommended that the Commission hold another special meeting on organization and procedures. Mr. Bedini asked the commissioners to send him their suggestions for topics that should be discussed at such a meeting. It was thought, too, that the Wetlands Commission could meet with each of the other Commissions to learn more about each other in order to work better together. When the final draft of the Shoreline Policies Statement is ready, the IWC will hopefully meet with the Zoning Commission to discuss it and other matters of mutual interest.

Election of Officers:

Mr. Bedini and Mr. Waderton said they would be willing to serve another term as Chairman and Vice Chairman. The election will be held at the next meeting.

MOTION: To adjourn the Meeting. By Mr. LaMunier.

Mr. Bedini adjourned the Meeting at 9:40 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By Janet M. Hill, Land Use Administrator