

November 9, 2005

MEMBERS PRESENT: Mrs. D. Hill, Mr. LaMuniere, Mr. Picton, Ms. Purnell

ALTERNATES PRESENT: Mr. Bedini, Ms. Coe

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

ALSO PRESENT: Mr. Worcester, Mr. Charles, Mr. Boling, Mr. Hayden, Mr. Fowlkes, Atty. Ebersol, Mr. Papsin, Ms. Mathews, Mr. Jontos, Mr. Sears, Mr. Ross, Mr. Sabin, Mr. Money, Mr. Woodward, Press

PUBLIC HEARING

Myfield, LLC./7 Mygatt Road/#IW-05-54/10 Dwelling Units/Con't.

Mr. Picton reconvened the public hearing at 6:06 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Bedini for the vacant seat. Mr. Picton noted the documents submitted since the 10/26/05 session of the hearing: 1) 11/9/05 letter to the Commission from Open Space Equity re: the proposed conservation easement, 2) page from **Graphic Standards**, 10th ed. re: turning radii, 3) 11/4/05 letter to Land Tech from Mr. Neff re: soil test results, 4) 10/27/05 letter to Ms. Mathews from the state DPH in response to questions she raised about the proposed septic system, 5) 10/1/05 letter to the state DPH from Ms. Mathews re: Proposed Myfield septic system, 6) 10/28/05 email to Mr. Ajello from Mr. Charles re: Myfield Infiltration Systems, and 7) 2 copies of the "Stormwater Management Plan," by Mr. Neff, revised to 11/2/05.

Atty. Ebersol reported the additional soil tests indicated there was no ledge or hard pan within 7 ft. of the surface in the area proposed for the infiltration systems and so said they would function properly. He said that revisions had been made to the proposed conservation easement language based on the Commission's input.

Mr. Jontos, consultant, referred to Land Tech's 10/26/05 letter to the Commission. He stated: 1) The soil test data confirmed the infiltration systems would operate properly as long as those areas were protected from over compaction during construction. 2) To ensure against erosion of the hillside, he recommended a permanently stabilized swale be extended from the detention basin outlet pipe to the existing stone wall. 3) He assumed the detention basin routing analysis was acceptable since Mr. Allan had not contacted him to say it wasn't. 4) Typical specifications like details of the grass lined emergency overflow and the depth of the process aggregate for the driveway should be added to the plans. 5) The construction sequence on 10/15/05 "Soil and Erosion Control Plan" should be amended to state a) wood chips would be saved for use for erosion control and b) the excavation of the stormwater detention pond should be done first so that it could serve as a silt trap during construction. 6) The applicant should be allowed leeway to use alternate erosion control measures such as straw rice wattles and silt soxx filled with compost. He thought it was good that no more than two buildings would be constructed at one time so the area of disturbance would be limited.

Mr. Picton asked Mr. Jontos to recommend a bond amount to cover the repair of the critical features of the erosion control measures and any emergency work required. Mr. Picton noted this might be too large a project for the WEO to inspect and asked Mr. Jontos if the applicant could be required to pay for a consultant to make timely inspections and submit written reports to the Commission.

Mr. Hayden of NWCD said that he agreed with Mr. Jontos's recommendations and that the proposed stormwater management system was adequate.

Mr. Tagley thanked the Commission for its diligent consideration of the application and said he thought

protecting the ecology of the area was the main issue.

Mr. Picton asked if the applicant had any objections to the Land Tech reports. Mr. Neff, engineer, stated many of the Land Tech comments had already been incorporated on page 2 of the Stormwater Management Plan. He said he was willing to revise this plan to include the installation of a stabilized channel from the outlet of the detention basin to the stonewall and to revise the construction sequence to require the detention basin be constructed first.

Mr. Picton noted there was now an undisturbed buffer within 82 feet of the wetlands, the walk out basements had been eliminated, and almost all the proposed disturbance was above the slope. He said the applicants had done a thorough job and thanked them for their efforts.

Ms. Purnell noted the project narrative called for inspections after every heavy rainfall and asked if "heavy" was a known quantity. Mr. Jontos said it was typically a half inch rainfall or greater.

Mr. Picton asked if the conservation easement area would be permanently marked. Mr. Boling said this would be done.

The amount of the bond was discussed. Ms. Purnell noted the Commission had required \$25,000 for other large scale permits, but said this project had a smaller envelope, only one detention basin, and a shorter driveway.

MOTION: To close the public hearing to consider Application #IW-05-54 submitted by Myfield, LLC. to construct 10 dwelling units at 7 Mygatt Road. By Mr. LaMuniere, seconded By Mrs. Hill, and passed 5-0.

Mr. Picton closed the public hearing at 6:35 p.m.

This public hearing was recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Picton called the meeting to order at 7:02 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Bedini.

MOTION: To add Henning/1 New Preston Hill Road/ #IW-05-67/Propane Tank, Deck, Stairs, and Fence to the agenda. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

The 10/26/05 Public Hearing - Regular Meeting minutes were accepted as corrected.

Page 1: Add to Also Present: Mr. Branson and Mr. Money

Page 2: 24th line: Change "emergent" to emergency.

29th line: Insert after "8 ft. wide:" 16 ft. long, by...

10th line from bottom: Insert after "figures:" including patios and other impervious surfaces.

Page 4: 11th line: Change "no" to limited

6th paragraph: 7th line: Insert after "maintenance:" /enforcement.

Page 6: 4th line: Insert after "system:" and the wetland crossing.

8th line: Insert after "herbaceous:" plants and.

10th line: Insert after "well:" near the house.

Page 7: 2nd line: Change "cycles" to cycling.

8th line: Add to the end of the sentence: ; Mr. Rosiello clarified the drawing and initialed the changes.

Page 8: The vote on Bennett/#IW-05-55 was 4-1 in favor, not 4-0. Under Herrmann/#IW-05-62 add: It was noted none of the Members had attended the site inspection.

Page 13: Under Creation of data base: 3rd line: Change "software" to hardware and "Access" to MS Access.

MOTION: To accept the 10/26/05 Public Hearing- Regular Meeting minutes as corrected. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 11/2/05 site inspection minutes for Murgio/#IW-05-63 as written. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 11/2/05 site inspection minutes for Greenfield/#IW-05-65 as written. By Ms. Purnell, seconded by Mr. LaMuniere, and passed 5-0.

Mr. Picton noted the minutes stated the wetlands were flagged, but he had not seen any flags when he had been on site. Mr. Ajello noted possibly there were in the brush or had been taken down.

Pending Applications

Myfield, LLC./7 Mygatt Road/#IW-05-54/10 Dwelling Units: Mr. Picton asked if the Commissioners were ready to act on the application or if they would like Mr. Ajello and Mrs. Hill to work on a draft motion and act at the next meeting. Ms. Purnell stated she was not prepared to vote at this time because she wanted to first analyze the application according to the criteria in Section 8.4 and then determine what conditions would be necessary. Mr. LaMuniere thought it was difficult to draft a comprehensive motion at a meeting and so thought staff should draft language for consideration at the next meeting. Mr. Bedini said Land Tech's recommendation that the discharge from the detention basin be conveyed to the stone wall should be included as a condition of approval. Mr. Picton noted the Commission could stipulate that Land Tech's reports be followed. Ms. Purnell noted it was important to make sure the correct document revision dates were referenced in the motion. Mr. Picton asked that conditions covering posting of a bond, enforcement, monitoring of the work site and erosion controls, reporting to the Commission, and marking the easement boundaries in the field be included and that the conservation easement be filed on the Town Land Records before the start of construction. Ms. Purnell suggested \$15,000 would be an adequate bond. Mr. Boling noted the applicant had hoped to submit a complete application, which included Inland Wetlands approval, to the Zoning Commission at its 11/28/05 meeting. Mr. Picton asked the Commissioners to submit recommendations for the motion to the Land Use Office by Monday, 11/14 so that a draft motion could be prepared for consideration at a Special Meeting on 11/16.

MOTION: To schedule a Special Meeting on Wednesday, November 16, 2005 at 7:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct. to consider Application #IW-05-54 submitted by Myfield, LLC. to construct 10 dwelling units at 7 Mygatt Road. By Ms. Purnell, seconded by Mr. Bedini, and passed 5-0.

Janowicz/51 Rabbit Hill Road/#IW-05-61/Driveway: It was noted none of the information the Commission had requested had been submitted to date and that the applicant would have to ask for an extension if he wanted the application to be considered at the next meeting. Mr. Ross, contractor, said he would submit a written request for an extension prior to 11/18.

Herrmann/92 East Street/#IW-05-62/Dredge Pond: Mr. Neff, engineer, was present. It was noted the application had been fully discussed at the last meeting and that Ms. Purnell had inspected the site. When considering a condition of approval that the sides of the pond not be excavated, Mr. Neff said this was not necessary because the plans indicated the bottom only would be excavated and the side

slopes would not.

MOTION: To approve Application #IW-05-62 submitted by Mr. Herrmann to dredge the pond at 92 East Street per the 9/15/05 "Pond Cleanout Plan," by Mr. Neff. By Ms. Purnell, seconded By Mr. LaMuniere, and passed 5-0.

Murgio/21 New Preston Hill Road/#IW-05-63/First Cut and Driveway:

It was noted that during the site inspection two alternate driveway routes were noted, but that the current proposal had the safest entrance. Mr. Charles, agent, presented a revised survey map, "Site Analysis Plan," by Mr. Alex, revised to 10/26/05 showing the proposed boundary lines. He noted there had been no revisions to the site development plan. Mr. Picton noted the driveway would hug the stonewall to stay away from the wetland area and asked if any more fill would be needed on the lower side. Mr. Neff, engineer, replied a limited amount of fill would be required for the installation of the culvert pipe, which would allow the natural flow in the area to continue. Mr. Picton noted the culvert outlet was only 10 to 15 feet from the wetlands. Mr. LaMuniere asked the applicant to consider mitigation. Mr. Picton asked that the lawn surrounding the wetlands be restored to native species as specified in the motion below. It was noted the application was for the creation of the lot and driveway feasibility only; a separate application would be required for the actual driveway construction, site clearing, and house construction.

MOTION: To approve Application #IW-05-63 submitted by Mrs. Murgio for a first cut and driveway location only at 21 New Preston Hill Road per the map, "Site Analysis Plan," by Mr. Alex, revised to 10/26/05, the map, "Proposed Site Development Plan," by Mr. Neff, dated 10/6/05 and the "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 10/8/05 subject to the following conditions:

1. there shall be no fill deposited within 10 feet of the northern most wetlands,
2. a 10 ft. wide buffer of native plant species shall be planted all the way around the northern most wetlands.

By Ms. Purnell, seconded by Mr. Picton, and
passed 5-0.

Greenfield/12 Ives Road/#IW-05-65/Reconstruct Garage, Remove Invasives, Enrich Buffer: Mr. Ross, contractor, and Mr. Sabin, landscape architect, were present. The map, "Barn Renovation and Wetland Buffer Management Plan," by Mr. Sabin dated 10/10/05 drawn on the "Site Analysis Plan," by Mr. Alex, dated December 2004 was reviewed and it was noted the wetlands flags shown on the map had not been seen on the site inspection. Mr. Sabin proposed to take out the multiflora rose and to plant an herbaceous buffer along the edge of the wetlands. It was noted the proposed installation of the septic tank for the barn renovation would be within 100 feet of the wetlands. Mr. Sabin was asked to amend the application form to include all proposed activities. He added the removal of invasives and enrichment of the buffer to the form. Mr. Picton noted a complete mapping of the site conditions was needed and asked that the location of the existing septic system and the 100 ft. setback line be added to the map. He asked if a stockpile location was shown and Mr. Sabin agreed to add one to the map. Mr. Ross explained the garage would be enlarged and converted to an accessory apartment. Mr. Picton asked Mr. Ajello to carefully review the application to make sure it is complete and consistent with the narrative submitted. Ms. Purnell asked that the limit of disturbance be indicated on the map and Mr. Ajello responded it was the line of silt fence. Mr. Picton asked why the silt fence was located in the wetlands. Mr. Sabin explained this was to allow room for the mitigation planting. Mr. Picton asked that the disturbance be kept outside of the wetlands and the silt fence be moved out of the wetlands. He noted the soggy ground extends further into the lawn area than is shown on the map. Mr. Ajello recommended a double row of silt fence; one row to be removed for the planting of the buffer. Mr.

Sabin noted he planned to move the existing compost pile out of the wetlands and agreed to move the silt fence out, also. Mr. Ross stated the work site would be accessed from the driveway side only. Mr. Picton noted the existing barn is only 44.6 ft. from the wetlands and questioned whether an extension of the barn should be permitted so close to the wetlands. It was noted limiting access to the work area by heavy machinery could be a condition of approval. Mr. Ross stated machinery would have to operate within 10 to 15 feet of the foundation for backfilling. Mr. Sabin stated he would include a temporary machine access limit line on the map.

Godwin/35 West Morris Road/#IW-05-65/Stone Wall: Mr. Money, contractor, was present and submitted a sequence of construction as requested at the last meeting. He stated there would be no stockpiling of material on site and that the work was planned for the first two weeks in December. Mr. Picton noted the line of silt fence was the limit of disturbance and of the work area.

MOTION: To approve Application #IW-05-66 submitted by Mr. Godwin to construct a stone wall at 35 West Morris Road per the undated site plan and the construction sequence received 11/9/05 and with the condition that no work be done on the wetlands side of the silt fence. By Ms. Purnell, seconded by Mr. LaMuniere, and passed 5-0.

New Application

Henning/1 New Preston Hill Road/#IW-05-67/Propane Tank, Deck, Stairs, Fence: Mr. Ajello noted there was no letter of authorization from the property owner for Mr. Woodward, contractor. The sketch map by Woodco, LLC. was reviewed. It was noted the proposed buried propane tank was 60 feet from the Aspetuck River and the rest of the proposed activities were at least 84 feet away. Mr. Picton observed there were no wetlands between the existing house and the river and that the grade was not steep. He asked if the proposed work would involve a risk to the watercourse. Mr. Ajello stated most of the digging would be done by hand and that he had asked that the silt fence be left up over the winter. Mr. Picton suggested the Commissioners consider the appropriateness of the proposed deck in the upland review area. Mr. Woodward stated the deck was located as far as possible from the river, the pier holes would be hand dug, the deck would have no roof, and there was no intent to convert it to living space. For the installation of the propane tank, Mr. Woodward noted a 24 inch deep trench would be dug between the tank and the dwelling. The Commissioners will inspect the site on their own prior to the next meeting.

Enforcement

9 Main Street, LLC. (Ingrassia)/9 Main Street/Stone Wall: Mr. Picton asked if Mr. Ajello had asked the property owner for a mitigation plan as was discussed at the last meeting. Mr. Ajello said he had not. Mr. Picton noted the Commission usually required that the wetlands be mapped and a mitigation/remediation plan be submitted for similar violations. Mr. Picton asked that a follow up letter be sent to the owner to request a planting plan to protect the nearby wetlands. It was noted that some of the disturbed area was probably in the state right of way and that over time the area had gradually been cleared and grass planted.

The Gunnery, Inc./22 South Street/#IW-00-63/Driveway: Mr. Ajello was asked to make sure The Gunnery had posted the \$10,000 bond for this project.

Gatto/155 Woodbury Road: The map, "Zoning Location Survey," by Stuart Somers Co., LLC., revised to 9/6/05 to show proposed buffer plantings was reviewed. Mr. Picton noted the Commission did not normally recommend non native plants for the remediation of the wetlands buffer. It was noted Mr. Hayden's 11/5/05 report had been received and Mr. Ajello said it concluded the proposed planting plan was adequate. Mr. Ajello stated the planting proposed was not extensive and Mr. Picton noted it was not a natural streambelt buffer that was proposed. Mr. LaMuniere questioned whether substituting

cinnamon fern for the proposed pachysandra would be adequate. Mr. Picton asked the Commission whether it would keep pressing for a naturalized area within so many feet of the stream or whether it would accept Mr. Hayden's recommendations. It was generally thought substitutions of cinnamon fern and gray dogwood should be made, but otherwise a planting plan according to Mr. Hayden's recommendations would be OK. Mr. Ajello will contact Atty. Zizka and forward a copy of the minutes to the Gattos.

Carter/292 Walker Brook Road/#IW-04-V8/Repair of Retaining Wall: It was the consensus that because there had been no response to the enforcement order, a second citation for double the amount of the first should be issued. Mr. Ajello said he would first send one last warning. It was suggested that if the property owner did not hire an engineer to certify the work done complies with the specifications approved by the Commission, the Commission could hire its own engineer.

Feola/Carmel Hill Road: Mr. Picton asked Mr. Ajello to reissue the citation if Mr. Feola does not comply with the requests made by the Commission by 11/30/05.

Taylor/11 Sunset Lane/Unauthorized Excavation in Wetlands: Mr. Ajello reported the citation had not yet been paid and none of the information requested by the Commission had been submitted.

Other Business

Washington Montessori School/240 Litchfield Turnpike/Request for Release of Bond: Ms. Purnell reported Mr. McNaughton had agreed to remove the cat tails from the detention basins. She recommended that once this work had been completed that one half to two thirds of the bond be released and the remainder retained to ensure compliance with the monitoring requirements. She noted another monitoring well had to be dug and monitored for three successive years. Also two sampling sites would be added to replicate pre development conditions.

Citation Procedure: Mr. LaMuniere asked Mr. Ajello to research the citation ordinance to determine under what conditions the Commission may issue a second citation. It was noted that in the future, citations will include a date by which the property owner must comply.

Commission Organization and Procedures: Mr. Ajello stated he had read the 10/5/05 minutes and Mr. Picton's resulting procedures document, but did not think it would be possible for him to complete all the written work specified within the hours currently allotted to him and still have time to get out into the field for inspections. It was recommended that he limit his hours spent on public contact in order to free up time for inspections. Mr. Picton asked Mr. Ajello to implement as many of the recommendations as possible and to write up what he could not accomplish. He then asked Mr. Ajello and Mrs. Hill to draft a list of recommendations for how to accomplish more of the work in the procedures document. Ms. Purnell asked if it would be beneficial for the Land Use Office to have a receptionist to deal with the public and do some of the paperwork. Mr. Ajello said there was no room to accommodate another staff member, but Mr. Bedini thought another staff person to check for incomplete applications, inform the public of requirements, etc. was needed. Also, Mr. Ajello did not think it was a good idea that he attend only one Commission meeting per month because doing so would disrupt communication. Ms. Purnell and Mr. Bedini reported they had begun work on the application checklist, which would be specific to the activity proposed and would be used by the EO, the applicant, and the Commission.

It was not necessary to go into Executive Session to discuss pending litigation.

Mr. LaMuniere noted the Queach ruling was not applicable unless the Inland Wetlands Regulations included specific language regarding the upland review area. Ms. Purnell said Washington's Regs already conform, using a definition from the state model regs.

MOTION: To adjourn the meeting. By Mrs. Hill.

Mr. Picton adjourned the meeting at 9:15 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator