

November 30, 2005

MEMBERS PRESENT: Mr. Bedini, Mrs. D. Hill, Mr. LaMuniere, Mr. Picton

MEMBER ABSENT: Ms. Purnell

ALTERNATES PRESENT: Ms. Coe, Mr. Thomson

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

ALSO PRESENT: Mr. Sabin, Mr. Ross, Mr. Neff, Mr. Owens,
Mr. Woodward, Mr. Brighenti, Mr. Nicholas

REGULAR MEETING

Mr. Picton called the meeting to order at 7:05 p.m. and seated

Members Bedini, Hill, LaMuniere, and Picton and Alternate Coe for Ms. Purnell. He welcomed new Alternate, David Thomson.

MOTION: To add the following items to the agenda:

New Applications: B. Lewinter/84-86

Roxbury Road/#IW-05-69/Barn, C. Kessler/

103-105 West Mountain Road/#IW-05-70/New

Dwelling and Driveway, D. Brighenti/49

Calhoun Street/#IW-05-71/Tennis Court,

E. Carron/58 Gunn Hill Road/#IW-05-72/

Generator, Fence, F. Upper Church Hill, LLC/

72 Upper Church Hill Road/#IW-05-73/ 3 Lot

Subdivision, G. Spring Hill Farms, LLC/

79 Whittlesey Road/#IW-05-74/Reconstruct,

Enlarge Dwelling; Other Business: D.

Administrative, Enforcement Officer Guide-

lines, and Caucus for Election of Vice

Chairman. By Mrs. Hill, seconded by Mr.

Bedini, and passed 5-0.

Consideration of the Minutes

The 11/9/05 Public Hearing - Regular Meeting minutes were accepted as corrected.

Page 2: 2nd line: Change Mr. Allan to Mr. Oley.

3rd paragraph from bottom: 2nd line: After "eliminated" insert: for several of the buildings.

Page 3: Under Correction of the Minutes, Page 2, 29th line: Change "after to before.

Page 4: 1st Paragraph below motions: Change "there" to they.

2nd line under Myfield: Should state Mrs. J. Hill.

Page 6: 2nd line in 2nd condition of motion: Insert after "around:" and throughout.

4th line from bottom: Should state Mr. Sabin.

Page 9: Under Feola: 2nd line: Change "reissue the citation" to issue a second citation.

Under Citation Procedure: 4th line: Change "citations" to enforcement orders.

Under Commission Organization: 3rd line from bottom: It should state Mrs. J. Hill.

MOTION: To accept the 11/9/05 Public Hearing -

Regular Meeting minutes as corrected. By

Mr. LaMuniere, seconded by Mrs. Hill, and

passed 5-0.

The 11/16/05 Special Meeting minutes were briefly discussed and corrected. Mr. LaMuniere did not think the approved plans were defined clearly enough in the Myfield motion, but Mr. Ajello said the final documents as listed and the conditions in the motion were the approved plan. It was the consensus the approval letters should be revised to refer to the plans as approved, not approved plans.

Page 4: #8 in the motion: Correct spelling is Mehrhoff.

6th line below motion: Insert after "stormwater:" from outside the development area.

MOTION: To accept the 11/16/05 Special Meeting

minutes as corrected. By Mrs. Hill,

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

Pending Applications

Janowicz/51 Rabbit Hill Road/#IW-05-61/Driveway: Mr. Ross, contractor, said he had contacted Mr. Howland, engineer, who is working on the complete plans requested by the Commission.

Greenfield/12 Ives Road/#IW-05-65/Reconstruct Garage, Remove Invasives, Plant Buffer: Mr. Sabin, landscape architect, presented the site analysis plan on which he had drawn the "Barn Renovation and Wetland Buffer Management Plan," by Mr. Sabin, dated 10/10/05 and revised to 11/29/05. The revised map included the existing location of the septic system, removal of the silt fence from the wetlands, a line to depict the edge of the existing lawn, three temporary stockpile locations, and a limit of disturbance line for the foundation construction. Mr. Sabin stated a 10+/- ft. wide border of wetlands plants and native shrubs would be planted along the wetlands border. Plans to renovate the barn to include a dwelling unit were reviewed. Mr. Picton noted new construction within 44.6 ft. of the wetlands was proposed and said a variance would be required. Mr. Ross said if the ZBA did not grant the variance, the renovation work would be at least 50 ft. from the wetlands. Mr. Picton noted again how close the new construction would be to the wetlands and said the Commission could either act according to the zoning setbacks or deal with each proposal on an individual basis. In this case, he said the area between the building and the wetlands was already lawn and was fairly level. Mr. LaMuniere did not think the new construction would impact the wetlands as long as the work area of the construction equipment was controlled. He noted the applicant had addressed the Commission's concerns by adding the limit of disturbance line to the map, but stressed this line must also be marked on site. Mr. Sabin added, initialed, and dated a note on the plan that a temporary orange fence would be erected on the limit of disturbance line. Mr. Picton noted the Commission usually would not permit a new building within 100 ft. of wetlands, but Mr. Ajello explained in this case there was a parking

courtyard on the other side of the barn and moving the barn into this area would affect the maneuvering of the vehicles using it. Ms. Coe noted the use of the building was increasing from barn to barn and dwelling unit so the impact to the wetlands would increase, also. Other points raised in the discussion included; 1) the management plan called for the wet meadow to be mowed once every two years, 2) the plans included sufficient language to ensure the wetland would remain in its natural condition, and 3) a larger scale drawing to show the details should have been submitted.

MOTION: To approve Application #IW-05-65 submitted

by Mr. Greenfield to reconstruct the barn,
remove invasives, and plant a buffer at
12 Ives Road per the "Barn Renovation and
Wetland Buffer Management Plan," by Mr.
Sabin, dated 10/10/05 and revised by Mr.
Sabin to 11/29/05 and further revised at
the meeting to 11/30/05. By Mr. LaMuniere,
seconded by Mrs. Hill, and passed 5-0.

Henning/1 New Preston Hill Road/#IW-05-67/Propane Tank, Deck, Stairs, Fence: Mr. Woodward, contractor, noted he had submitted a letter of authorization from the owner. Mr. Picton noted the proposed buried propane tank would be 60 ft. and the deck 84 ft. from the Aspetuck River and the land in this area was fairly level. Considering the appropriateness of a new structure (deck) within 100 ft. of the river, Mr. LaMuniere noted it would not be covered, would not be living area, and would be constructed on sono tubes. Mr. Picton thought there would be no impact to the river as long as the silt fence was maintained and there was no machinery below the silt fence. Mr. Woodward agreed to leave the silt fence up until the disturbed areas had revegetated.

MOTION: To approve Application #IW-05-67 submitted

by Ms. Henning to install an underground
propane tank, and construct a deck, stairs,
and fence at 1 New Preston Hill Road per the
drawing revised to 11/30/05 by Mr. Woodward
subject to the following conditions:

1. that the silt fence be maintained until
the disturbed areas are revegetated and
2. that there be no machine work on the river
side of the silt fence.

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

New Applications

Pasatieri/57 Findley Road/#IW-05-68ATF/Repair Septic System: Mr. Picton noted the application was incomplete. Mr. Ajello said he had called the contractor to remind him to get the missing

information in.

Kessler/103-105 West Mountain Road/#IW-05-70/New Single Family Dwelling and Driveway: Mr. Owens, architect, submitted the following maps and plans: 1) "Road Abandonment Plan," by Mr. Alex, dated August 2004, 2) "Soil Erosion and Sediment Control Plan," 2 sheets, by Mr. Neff, dated 11/22/05, 3) "Lot Line Revision," by Mr. Alex, dated August 2004, 4) "Wetland Mitigation Plan," 2 sheets, by Land Tech Consultants, Inc., dated 11/21/05, 5) "Site Plan, A-001" "Partial Site Plan, A-002," and "Building Plans, A-003," by Halper Owens Architects, dated 11/30/05, and two quad maps. Mr. Owens proposed to 1) construct a new single family dwelling, 2) convert the existing dwelling to a guest house, and 3) construct a new driveway, and submitted a letter dated 11/30/05 with details. He noted the plans submitted contained contours, erosion control measures, locations of proposed structures, limit of disturbance line, mitigation plan, and construction sequence. In addition he noted there were no plans for activities near Sprain Brook, and bridgework was proposed. Mr. LaMunier asked if the new house could be moved farther from the wetlands. Mr. Owens stated the applicant did not want to because he wanted room for a pool and tennis court and a view of the pond from the house. A site inspection was scheduled for Tuesday, December 6, 2005 at 3:30 p.m.

Lewinter/84-86 Roxbury Road/#IW-05-69/Construct Barn: Mr. Nicholas, contractor, represented the applicant. It was noted the application did not include a quad map. Mr. Picton said quad maps were required for complete applications as they provide information on soils and the general location of properties. An untitled, undated sketch map and the map, "Map Prepared for Helen Hunt," by Mr. Burnham, dated January 1982 with the location of the proposed barn drawn in by hand were reviewed. Mr. Nicholas noted the A-2 survey map was outdated. Mrs. J. Hill advised him to get a copy of the revised map if it had been filed on the Land Records. Mr. Nicholas pointed out the proposed barn location was only 30 feet from an intermittent watercourse and said the application included a proposal to manage roof drainage. Mr. Picton asked if there was an erosion control plan. Mr. Ajello stated the construction would have no direct impact on the watercourse because there was no downhill grade to the stream. Mr. Picton requested a more accurate map with exact distances noted. Mr. Bedini asked that it include the exact location and width of the stream. Mr. Nicholas noted the proposed pole barn had no foundation or frost walls. A site inspection was scheduled for Tuesday, December 6, 2005 at 4:00 p.m.

Brighenti/49 Calhoun Street/#IW-05-71/Tennis Court: The maps, "Subsurface Sewage Disposal System," Sheet 1 of 2, by Mr. Neff, dated 5/17/99, revised to 3/27/00 with tennis court details drawn in by hand and "Lot Line Revision," by Mr. Alex, dated October 1988 were reviewed. Mr. Picton noted the tennis court was proposed next to the septic fields above a steep slope above Canoe Brook and said the application was required due to the steep slope and to address erosion concerns. Mr. Brighenti stated at its closest point the court would be 138 ft. away from the stream bank and it would require 8 feet of fill. He said he had pushed it as close as possible to the septic area and the stone wall to minimize any impact on the watercourse. He noted the proposed drain would empty 200 ft. from the stream. Details of the drainage system were reviewed. Mr. LaMunier recommended a level spreader with rip rap at the drainage outlet because the slope was so steep at the outlet. Mr. Picton asked if the Commission should require the wetlands be mapped, but Mr. Ajello said this would not be necessary because all the wetlands were associated with the stream and were quite a distance from the court. Mr. Picton asked for a topo map and a soils map to provide general information. A site inspection was scheduled for Tuesday, December 6, 2005 at 2:45 p.m.

Carron/58 Gunn Hill Road/#IW-05-72/Generator and Fence: Mr. Picton recused himself and Mrs. D. Hill chaired this portion of the meeting. Mr. Ajello explained the original permit had been approved a year ago and the generator had been deleted from the plan at that time. The current proposal called for the generator to be installed 50 ft. from wetlands on a 5' X 7' concrete pad near an existing shed. Underground lines to the house were also proposed. The sketch plan by Mr. Picton dated 11/05 was

reviewed. Mr. Ajello suggested the application could instead be handled as a revision to the original application and the Commission agreed. It was noted it was level near the shed where the work would take place, but that the terrain dropped off past the shed. It was the consensus a silt fence should be erected and the \$25 revision fee be submitted. Mr. Picton submitted the \$25.

MOTION: To approve a revision of Permit #IW-04-55

for a generator and fence on the Carron
property at 58 Gunn Hill Road subject to
the following conditions:

1. a silt fence be installed between the
generator location and the wetlands
during construction
2. the \$25 revision fee be submitted.

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

Mr. Picton resumed the chair.

Upper Church Hill, LLC./72 Upper Church Hill Road/#IW-05-73/3 Lot Subdivision: Mr. Szymanski, engineer, represented the applicant. He noted the 30 acre parcel was located at the intersection of Popple Swamp and Upper Church Hill Roads. The set of survey maps, 4 sheets, by Mr. Howland, dated 10/28/05 was reviewed. Mr. Szymanski noted there were wetlands on the east side of the property and in the southwest corner. He said he had met with Mr. Cannavaro, road foreman, who required culverts under the driveways and cleaning of the swale along Popple Swamp Road to help direct runoff and said minor regrading to direct the runoff toward the catch basins would be needed. Hay bales were proposed along the entire downhill side of the proposed activities and wells on both proposed lots. Proposed driveway grades were approximately 3/4%. He noted a soil scientist had flagged the wetlands and Mrs. D. Hill requested his sketch map. Mr. Ajello asked if there was a long term maintenance plan for the wetlands. Mr. Szymanski stated they would most likely be hayed. Mr. Picton asked the reason for the configuration of the conservation easement area and if the applicant would consider including all of the wetlands in it. Mr. Szymanski said its purpose was to provide privacy for the proposed lots. Mr. Picton said he would like to see more restrictive easement language and more of the wetlands included. Mr. LaMuniere expressed his concern that if the wet meadows did not continue to be used for agriculture, they would revegetate. Mr. Szymanski said this would most likely be up to the future property owner. A site inspection was scheduled for Wednesday, December 7, 2005 at 2:30 p.m.

Spring Hill Farm, LLC./79 Whittlesey Road/#IW-05-74/Reconstruct Dwelling: Mr. Owen submitted the map, "Ingrassia Pond House," by Halper Owens Assoc, LLC. dated 11/29/05 and pointed out the location of the property and the wetlands and watercourses on site. He proposed to rebuild and move the existing cabin slightly farther from the pond, noting there was a limit to how far away it could be moved due to the conservation easement on the property. The building would be increased in size to include a porch, larger "big" room, an additional bedroom, and storage area and would be considered the primary structure on the property. All activity would be within 100 feet of wetlands. Mr. Owens noted a soil scientist had flagged the wetlands, pointed out the location of a drainage ditch that runs through the property, and noted the septic system would have to be pumped around the pond to an area with good soils. Another copy of the map was requested. A site inspection was scheduled for

Wednesday, December 7, 2005 at 3:15 p.m.

Berry/72 New Milford Turnpike/#IW-05-75/Installation of Dry Hydrant: Mr. Ajello explained a standard dry hydrant was proposed at the corner of Flirtation Avenue and New Milford Turnpike. Mr. Ajello will inspect the site to determine whether there are any wetlands between the pond and the proposed hydrant site, will check the application for completeness, and will make sure the work description contains sufficient detail.

Enforcement

Carter/292 Walker Brook Road/#IW-04-V8/Repair Retaining Wall: Mr. Neff reported he called Carter's property manager to ask for authorization to inspect the retaining wall. Mr. Picton stated a second citation would be issued if there was no progress by the next meeting.

Feola/Carmel Hill Road/Excavation in Wetlands: Mr. Ajello said he had sent a letter to Mr. Feola on 10/18/05 with clear instructions, but had not yet received a response. He was asked to send a second letter and if there is no response, a second citation will be issued.

Fowler/138 Nichols Hill Road/#IW-04-V5/Excavation in Wetlands: The enforcement order has been filed on the Town Land Records.

The Gunnery, Inc./22 South Street/Construction of Driveway: Mr. Picton asked if the construction was proceeding according to the approved plan. Mr. Ajello will inspect the site to ensure it is.

Marcucio/Dark Entry Road/Installation of Swale: The swale has been installed and Mr. Bedini reported it is working well.

9 Main Street Assoc., LLC./East Shore Road/Construction of Stone Wall and Clearing: Mr. Picton noted the letter sent to the Ingrassias had not mentioned the 50 ft. buffer requirement and so asked Mr. Ajello to inspect the site to assess how wide a buffer the Commission should require. Mr. Ajello noted the property owner could not be required to plant in the state right of way. Mr. Picton said this matter would be discussed again when maps are submitted.

Ingrassia/Bee Brook Road: Mrs. D. Hill asked if the property owner had a Timber Harvest permit. Mr. Ajello responded two sections of the property are being cleared for vineyards, which is an agricultural use. He also noted there were no wetlands in the vicinity of the clearing.

Beck/132 Calhoun Street/#IW-02-V1/Clearing in Wetlands: There was nothing new to report on this matter.

Private Mortgage Fund, LLC./59 South Fenn Hill Road/Single Family Dwelling and Driveway: Mrs. J. Hill noted a complaint about the driveway work had recently been received and asked if it were found that this work differed from the approved plan, even if it was not within 100 feet of a wetlands or watercourse, would the Commission require a request for a revision. It was the consensus it would especially because there was a steep slope down to the wetlands on this property.

Reinhardt-Cremona/10 and 8 Perkins Road/Unauthorized Clear Cutting: Mr. Picton briefly reviewed the violation and the status of the appeal. Mr. Ajello offered to walk the site with Mr. Thomson to familiarize him with the violation.

Schoellkopf/300 Nettleton Hollow Road/Deer Fence: Mr. Ajello expected an application will be submitted soon.

Other Business

Washington Montessori School/240 Litchfield Turnpike/Project Completion-Release of Bond: Ms. Purnell had reported to Mr. Picton that efforts by the school to comply with all conditions of approval

were progressing.

Myfield, LLC/7 Mygatt Road/#IW-05-54/Revision of Conservation Easement: Mr. Boling submitted minor revisions to the conservation easement, 11/20/05 draft, which included reserving rights for staging during construction on the areas north of the proposed driveway. He said disturbed areas would be restored to their original condition upon completion of the work. Mr. Ajello recommended the applicant have the Health Department approve the staging areas as Health does not like compacted soils in the septic areas. Mr. Picton hoped Ms. Purnell would be able to review the proposed language prior to the next meeting.

2006 Calendar:

MOTION: To approve the 2006 Calendar as amended.

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

Commission Organization/Administrative Procedures:

- Checklist: Mr. Bedini said he and Ms. Purnell had begun work on the checklist, but from an applicant's viewpoint he questioned its necessity. He thought if the application form was complete, it would be less confusing if the applicants had only one document to deal with instead of two. Ms. Coe noted from her experience as a teacher, checklists were very helpful. Mr. Picton suggested a checklist on the last page of the application form and Mrs. J. Hill suggested a check off box in front of each number on the application form. Mr. LaMuniere noted the checklist would vary depending on the activity proposed and its complexity. Mrs. D. Hill suggested at the top of the application form the applicant be asked to check off and submit any and all of the following that apply to the proposed activity. Mr. Picton hoped the checklist process would not become too complicated.
- Administrative Organization: Mr. Picton noted the Administrative Guidelines were an attempt to organize the EO's duties and time so that he would spend more time out in the field. He said the priorities for the EO were 1) enforcement - both violations and ensuring permitted work was completed according to the approved plans and 2) helping the Commission to make good decisions. Mr. Ajello asked if the Commission thought the enforcement report was important. Mr. Picton asked if it could be prepared earlier so that it could be sent out in advance of each meeting. Mr. Ajello said this would be difficult for weeks when the Zoning Commission also met. In general, Mr. Ajello said he had no objection to any one item in the Guidelines, but thought the record keeping requirements were too burdensome. It was the consensus of the Commission that additional clerical help was needed to enable Mr. Ajello to spend more time out on site for the enforcement and monitoring that he currently has no time for. It was thought the EO should limit his office availability, hand out more printed material for general information, and advise the public to hire consultants to handle more complicated matters. Mr. Picton said he would send a copy of the Guidelines to Mr. Sears and explain the Commission's objectives to him.
- Commission organization: With the resignation of Mrs. Korzenko, a vice chairman was needed. Mr. Picton recommended Mrs. D. Hill because she had experience and was willing to serve in this capacity.

MOTION: To elect Mrs. D. Hill Vice Chairman. By

Mr. Picton, seconded by Mr. LaMuniere, and

passed 5-0.

MOTION: To go into Executive Session at 10:07 p.m.

to discuss pending litigation. By Mrs.

Hill, seconded by Mr. Picton, and passed 5-0.

MOTION: To come out of Executive Session at 10:30 p.m.

By Mrs. Hill, seconded by Mr. Picton, and

passed 5-0.

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

Mr. Picton adjourned the meeting at 10:30 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator