

July 10, 2013

7:00 p.m., Upper Level Meeting Room

MEMBERS PRESENT: Mr. Bedini, Ms. Cheney, Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

ALTERNATE PRESENT: Mr. Davis

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Dieterle, Mrs. Wright, Mr. Dobson, Mr. Neff, Mr. Lautier, Atty. Fisher, Mr. Charles, Mr. Kleinberg, Mr. Talbot, Residents

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

MOTION:

To include the following subsequent business not already posted on the agenda:

V. New Application, D. Beck/3 Perkins Road (West Shore Road)/#W-13-24/Rebuild and Raise Lake House.

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

Consideration of the Minutes

The 6/12/13 Regular Meeting minutes were accepted as corrected.

On page 3 under HORSE of CT it was clarified that although it had been referred to as "filter" fabric, the correct term is "geo textile" fabric.

On page 4 at the end of the paragraph immediately above Other Business, Mr. Wadelton asked that it be added that he recused himself and then left the table.

MOTION:

To accept the 6/12/13 Regular Meeting minutes as corrected.

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

MOTION:

To accept the 6/25/13 Silverman site inspection minutes as written.

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

MOTION:

To accept the 6/19/13 Harris site inspection minutes as written. By Mr. LaMuniere, seconded by Mr. Papsin, and passed 4-0.

Ms. Cheney did not vote because she had not attended the site inspection.

MOTION:

To accept the 6/25/13 and the 7/9/13 Strawman, LLC. site inspection minutes as written.

By Mr. Papsin, seconded by Ms. Cheney, and passed 4-0.

Mr. Wadelton did not vote because he had recused himself from the consideration of this matter.

Pending Applications

HORSE of CT/43 Wilbur Road/#IW-13-14/Construct Indoor Arena:

Mr. Dieterle, agent, presented the site plan by Stuart Somers Co., LLC., revised to 7/8/13, which showed the location of the access road with a line of silt fencing below it. He said that after the completion of work all disturbed areas would be seeded and returned to field and that staked hay bales could be added if the Commission was concerned that the proposed silt fence would not be adequate. After a brief discussion, it was clarified that should ruts start to form along the access, wood chips could be spread to stabilize the problem areas. Mr. Dieterle said this note had been added to the plan. Mr. Bedini asked if a limit of disturbance line had been indicated. Mr. Dieterle noted it was the same as had been shown on the original plan; the line of silt fence. Mr. Ajello asked if the Rt. 202 entrance would be used for access by the mixers. Mr. Dieterle said he hoped to access the site from Rt. 202 so he could avoid having the construction equipment use the culverted stream crossing at the main entrance. He added that if he could not use the Rt. 202 entrance, he would place a steel plate over the culvert. Mr. LaMunier asked that a second copy of the site plan be submitted.

MOTION:

To approve Application #IW-13-14 submitted by HORSE of CT to construct an indoor riding arena at 43 Wilbur Road per the plan, "Site Plan Depicting Proposed Barn," by Stuart Somers Co., LLC., revised to 7/8/13; the permit shall be valid for 2 years and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

Stiles/15-16 Tinker Hill Road/#IW-13-16/Application to Correct a Violation:

It was noted the Commission had not acted on the application at the last meeting. Mr. Papsin had been asked to inspect the site to make sure that all the required work had been completed. Mr. Papsin did check the site and found the work done was satisfactory.

MOTION:

To approve Application #IW-13-16 submitted by Mr. Stiles to correct a violation at 15-16 Tinker Hill Road per the final distribution of species and bushes OK'd

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

Ficalora/10 Sunrise Lane/#IW-13-17/Construct Dwelling with Appurtenances:

It was noted that 1) the site plan submitted was identical to the one approved ten years ago, 2) there had been no changes since the last meeting, and 3) there would be no direct wetland impact.

MOTION:

To approve Application #IW-13-17 submitted by Mr. Ficalora to construct a dwelling with appurtenances at 10 Sunrise Lane per the maps entitled, "Proposed Sanitary Disposal System Plan Prepared for Church Hill Corp. Lot 56A," revised to 11/17/03; the permit shall be valid for 5 years and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

(The actual final revision date of the approved plan is 6/12/13.)

Bennett/80 East Shore Road/#IW-13-18/Shoreline Repairs:

It was noted that no concerns had been raised at the last meeting. Mr. Papsin asked if the length of the wall had been added to the plans. Mr. Ajello said he had reviewed the application with the contractor who had supplied all of the missing information.

MOTION:

To approve Application #IW-13-18 submitted by Ms. Bennett for shoreline repairs at 80 East Shore Road in accordance with the map, "Property/Boundary Survey," by Mr. Alex, filed with the Town Clerk on 6/19/2009 with handwritten notations; the permit shall be valid for two years and is subject to the following conditions:

1. That the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

Silverman/341 Nettleton Hollow Road/#IW-13-19/Dredge Pond:

Mr. Neff, engineer, submitted plans, which were revised per the discussion at the site inspection. Mr. Papsin had recommended that silt fence be installed on the west side of the channel where debris would be removed from the stream. Mr. Neff said this was the only change to the plans. He estimated that 500 cubic yards of material would be removed from the site after it had been dewatered. He said the excavated material would be sandy and so should drain quickly. There were no concerns raised by the commissioners.

MOTION:

To approve Application #IW-13-19 submitted by Mr. Silverman to dredge the pond at 341 Nettleton Hollow Road according to the "Pond Cleanout Plan," by Mr. Neff, revised to 6/27/13; the permit shall be valid for two years and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

Harris/193 West Shore Road/#IW-13-20/Boathouse and Landscaping: Mr. Harris noted that he had submitted answers to the questions asked at the site inspection, had revised the site plan to

include the data, which had been missing at the last meeting, and had written a construction sequence. He stated that 1) the boathouse would not have electricity, 2) the dimensions of the proposed retaining wall were 2 ft. high X 28 ft. long, 3) some pressure treated wood would be used, but it would not contain arsenic, and 4) the Japanese maple would be moved across the street, if possible. The plan, "Planting Plan," by Studer Design Assoc., Inc., revised to 7/1/13 was reviewed. Mr. LaMuniere noted the site was level and the proposed work would not impact the lake.

MOTION:

To approve Application #IW-13-20 submitted by Mr. Harris for a boathouse and landscaping at 193 West Shore Road per the map, "Planting Plan," Sheet LA-2, by Studer Design Associates, Inc., revised to 7/1/13; the permit shall be valid for two years and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

New Applications

Lautier/56 June Road/#IW-13-21/Stonewalls, Walking, Patio, Retaining Wall, Etc.:

The commissioners reviewed Mr. Lautier's color coded site plan dated 7/8/13. Mr. Lautier pointed out the proposed locations for the patio, several stonewalls, paving stones and mechanical unit by the garage, stairs, and retaining wall. It was noted the patio and walls would be constructed from stones on site. Both the patio and the paving stones in front of the garage would allow water to filter into the ground. Mr. LaMuniere stated the impact on the drainage system would not be significant as long as the surfaces were permeable. He asked if the existing drainage system worked well. Mr. Ajello noted it was effective. It was noted that the temporary stockpile is located within the silt fenced area. Mr. Wadeldon did not think any of the proposed activities would increase the impact on wetlands or watercourses. The proposed change in design for the retaining wall was considered. Mr. Lautier submitted information about Redi-Rock, the brand of interlocking blocks that would be used at the corner of the driveway instead of native stone. He explained that the company engineers the size of the footings so that the weight of the retaining wall is evenly distributed.

Wright/59 Scofield Hill Road/#IW-13-22/Inground Pool, Patio, Fence:

Mrs. Wright and Mr. Dobson, contractor, were present. The map, "Parcel Map," by Arthur H. Howland and Assoc., dated 5/21/13 with handwritten information by the owners, was reviewed. Mrs. Wright pointed out the location of the pool, which was within 100 feet of an intermittent watercourse and of another stream along the front of the property. It was noted the stream was uphill of the pool. Mr. Bedini reviewed the construction sequence and informed the applicant that the person responsible for monitoring the erosion controls should be added to the narrative. Mrs. Wright noted that erosion controls were shown on the site plan. Mr. Dobson said there would be no backwash because a filter cartridge would be installed. He also said some of the excavated

material would be used for regrading, but most would be taken off site and the disturbed areas would be raked and seeded. There were no other points raised by the commissioners.

Nauiakas/170 Church Hill Road/#IW-13-23/Equestrian Site Improvements:

Mr. Neff, engineer, said a 2 acre open area to the north of the house would be fenced in, two paddocks and a run-in shed would be built, sand would be tilled into the soil to improve the drainage in the pasture, and field drains would be installed. He noted that rip rapped splash pads would be installed at the end of the drainage pipes. The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 6/29/13 was reviewed. Mr. Ajello noted the construction access would be over an existing culvert crossing the wetlands and asked if the access driveway would be maintained. Mr. Neff stated the pasture and structures would be for seasonal use. He pointed out the limit of disturbance line on the map. A site inspection was scheduled for Tuesday, July 16, 2013 at 6:30 p.m.

Beck/3 Perkins Road/#IW-13-24/Reconstruct, Raise Lake House:

Mr. Talbot, architect, and Mr. Neff, engineer, were present. Mr. Talbot circulated photos of the existing building located on Assessor's lot #17A, which is attached to 3 Perkins Road. He explained the proposal to take down the lake house and to rebuild it 6 ft. higher within the existing footprint because it now floods when the lake has high water. He noted it has existing living space and electricity. He also proposed to remove the stairs. New piers would be installed in place of the existing piers. He added that raising the building would create a storage area below for canoes and other equipment. The existing and proposed roof lines were compared. Mr. Neff reviewed the sequence of construction and the proposed erosion control measures. Both silt fencing and a floating boom would be installed. His plan, "Erosion and Sediment Control Plan," dated 7/8/13 was reviewed. He said the removal of the existing concrete platform and its replacement with a floating dock with a concrete anchor was also proposed. He noted the stockpile area and location of the dumpster on the map. Because the construction site is so small, he said workers would be asked to park at the owners' residence at 3 Perkins Road. Mr. Neff described the construction process for the drill-in piers that were proposed, saying they would result in less disturbance. Mr. Talbot said the condition of the existing seawall would be investigated and perhaps the dock could be anchored to the wall. He will provide more details at the next meeting. He said the foundation work for the building might require pumping, although it was hoped the work would be done during the dry season. He also said the owners were considering the use of a precast foundation, which could be set even if the hole was wet. He said they would try to keep any impact to the lake at a minimum. Mr. Ajello asked for specific construction details. A site inspection was scheduled for Tuesday, July 17, 2013 at 7:15 p.m.

Other Business

Straw Man, LLC./135 Bee Brook Road/Request to Amend Permit #IW-09-44/Temporary Bridge:

Mr. Wadelton recused himself and left the table. Alternate Davis was seated.

Mr. Charles, agent, noted that at the previous day's site inspection, the commissioners had asked him to respond to several technical questions. He said although he had consulted with his contractor and engineer, there had not been adequate notice for them to attend the meeting. He said he could, however, relay their answers. Mr. Bedini explained he had asked Mr. Charles to explain how the temporary bridge would be installed because any failure could impact the stream. Mr. Charles noted he had requested a revision of the original permit, but thought the Commission

was trying to add elements that were not included in the original approval. Mr. Bedini explained the reason for this was because originally the Commission had thought the temporary bridge would be used only during construction of the permanent bridge, but the current proposal was to use it for an indefinite period of time. And because it was for a longer time, he said the Commission was now trying to better understand its construction. Mr. Charles responded that in the original permit the time the temporary bridge would be in use had not been specified.

Mr. LaMuniere said the key issue was the definition of "temporary." He said he was also concerned that

- 1) at this time the driveway would not be brought to the base of the bridge,
- 2) if the bridge was more than temporary, meaning to be used only during construction, then the proposed three telephone poles with steel plates across them would not be adequate, and
- 3) the corduroy crossing over the wetlands would probably not be adequate for use of a longer term temporary bridge.

He said what Straw Man now proposed differed from what had been approved, and so the Commission must make sure it would have no impact on the stream.

Mr. Charles stated that in addition to consideration of the time frame, "temporary" could refer to what was constructed, which in this case would have no permanent foundations. He said that the temporary bridge could not serve any future development because it was not permanent. He also noted that in the past the Commission had approved a temporary bridge at another site for a one year period.

In response to the questions previously raised, Mr. Charles stated:

- 1) Mr. Towne, contractor, and Mr. Trinkas, engineer, considered the bridge to be temporary.
- 2) The proposed poles would support a mid sized excavator and up to 10,000 lbs. He offered to put in additional poles to satisfy the Commission and noted the bridge would have four or five steel plates.
- 3) The equipment to be used to install the bridge would be the same equipment already approved by the Commission.
- 4) To install the 40 ft. long poles a telescoping lol would be used. The poles would be dug into each bank so they would sit flush with the grade. If this was not stable, and Mr. Charles said it might not be because the area was composed of man made material, they would dig down by hand and then set each end on a concrete block.

Mr. Bedini said he was concerned that the edge of the bank could erode into the stream. Mr. Charles noted this was why the erosion controls/straw wattles to be installed below the work site had been included in the approved plan and said if needed, additional measures could be added under the direction of the engineer or the WEO.

Mr. Laird asked why the owner did not want to carry out the original permit as approved. Mr. Charles said that when the permit had been approved, the property could be accessed from Calhoun Street for maintenance purposes, but that this was no longer possible. The work proposed at this time was cleaning out storm damaged trees, reclaiming a pasture, and further deep hole testing. Regarding the time line, Mr. Papsin noted the minutes stated the temporary bridge would be in place for six weeks to six months. He asked if the permanent bridge was still planned for the future. Mr. Charles said it was, but it was not needed at this time for the ongoing, low impact maintenance work. Mr. Bedini asked when the permit would expire and Mrs. Hill said 1215. Mr. Charles added that a five year extension could be requested.

Mr. Charles resumed his responses to the Commission's questions.

- 5) The width of the bridge could be 8 feet, but the contractor had asked that it be 10 feet wide.
- 6) Regarding the proposed change in construction materials, Mr. Charles reported that Mr. Towne had recommended that native lumber be used instead of the steel plates because it would not be as slick.

Mr. LaMuniere said this would make it a different kind of bridge without a permanent driveway and without the approved seepage envelope. Mr. Charles responded that he had suggested the corduroy crossing at the recommendation of his forester, but said that since the Commission was concerned, he would install the seepage envelope as originally approved.

7) Mr. Charles was not sure how many times a week the temporary bridge would be crossed. He noted the clean up work would take two weeks, the restoration work could take another two months, and then deep hole and perc tests would be done. He said that no chippers or logging equipment would be used. He also noted that the property owner wanted to be able to access her property.

Mr. LaMuniere asked for the construction details in writing. Mr. LaMuniere noted the \$20,000 bond must be posted before work may begin. Mr. Charles said the property owner understood and had a check ready. Mr. Bedini asked Mr. Charles to define the time period in which the temporary bridge would be used. Ms. Cheney stated a scour analysis had been a condition of approval. Mr. Charles said this had been requested by the Commission's engineer, but that Mr. Trinkas did not think it relevant to either the temporary or permanent bridge as there would be no foundation work at the streambanks. Mr. Papsin asked if at the end of the specified time period the temporary bridge would be taken out and then a second temporary bridge installed for the construction of the permanent bridge.

Mr. Charles stated that a single family house would be a use permitted by right on the property and that he hoped the bridge could remain in place so potential buyers could access the site.

8) The slope of the bridge would be 5% to 7%.

9) The lol would install the plates over the poles.

Mr. Charles again stated he preferred wood to steel plates. Mr. Bedini asked Mr. Charles to respond in writing to all the questions asked and to submit a written construction sequence and time line. Mr. Charles explained he had taken the language from the approved construction sequence and had used it in his revision request. Mr. LaMuniere objected to sentences being taken out of order from the long and complex approved construction sequence. Mr. Bedini said that once the written information is received the Commission will determine whether a new application will be required. Mr. Charles again stated that both his contractor and engineer believe it is a revision of the permit. He also noted that he could decide to withdraw the request and work according to the existing permit. Mr. LaMuniere again stated the Commission wanted to ensure there would be no impact to the stream. Mr. Charles pointed out that the Commission had originally approved the installation of a box culvert, which would have impacted the stream, to access the property, but he had proposed the bridge because it would have far less damaging impacts. Atty. Fisher asked if the Commission would schedule a public hearing for the purpose of receiving responses to all of the unanswered questions. Mr. Bedini answered that if a petition was received, the Commission would be required to schedule a hearing, but at this time it was not known whether a hearing was needed. Atty. Fisher thought it was a major change in the permit to allow an "open ended" temporary bridge with no engineering plan. Mr. Charles responded that the approved plans were in the original file. Mr. Bedini asked for a "picture" of the temporary bridge as if it had been applied for on its own.

Mr. Wadelton was reseated.

Removal of Invasives Along the Shepaug River:

There has been no follow up report from the Selectmen's Office.

Enforcement Report

Mr. Ajello's 7/10/13 Enforcement Report was discussed.

Collins/321 West Shore Road/Unauthorized Wood Chip Path Through Wetlands:

In addition to what was written in the Enforcement Report, Mr. LaMuniere noted this was the third violation on this property and said Mr. Collins should be ordered to immediately remove the unauthorized work. Mr. Ajello said he would do so.

Keating/67 West Shore Road:

Mr. Ajello reported that he had closed out the file without the completion of the approved planting along the road. He explained why it would be difficult to plant the vegetation as approved. Mr. Bedini asked him to advise the property owner that if she decides not to put in the plants as approved, she will have to request a revision of her permit.

Administrative Business

Special Meeting:

The commissioners decided to hold a special meeting on Wednesday, July 31, 2013 at 7:00 p.m. to consider the four pending applications; Lautier, Wright, Nauiokas, and Beck.

Revision of the Inland Wetlands and Watercourses Regulations:

A public hearing to consider minor revisions recommended by the DEEP was scheduled for September 11, 2013.

There was no need for an Executive Session.

Privilege of the Floor:

Regarding Straw Man, LLC. Mr. Charles again noted that since he had just been asked to respond to technical questions at the site inspection the night before, he had not had time to get written responses from his contractor and engineer. He asked if Straw Man could be added to the Special Meeting agenda and the commissioners agreed to do so. He also complained that he has had difficulty communicating with the EO and asked the commissioners how he could get questions answered as he tries to prepare plans.

MOTION:

To adjourn the Meeting. By Mr. Wadelton.

Mr. Bedini adjourned the meeting at 10:10 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator