

# August 14, 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./Mrs. Slaymaker, Mr. Neff, Mr. Randall

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

## MOTION:

To add the following subsequent business to the Agenda:

V. New Applications:

D. Randall/74

West Morris Road/#IW-13-28/Application to Correct a Violation,

E. 175 Calhoun Street, LLC. and

Heyman/175 Calhoun Street/#IW-13-29/Pool, Patio, Fence, and Garden:

VI. Other Business:

B. Distel/ 246 New Milford Turnpike/Preliminary Discussion re: Building Repairs:

VIII. Administrative Business:

B. CACIWC Membership.

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

## Consideration of the Minutes

The 7/10/13 Regular Meeting minutes were accepted as corrected.

On page 2 under HORSE of CT; 9th line: Mr. LaMuniere asked that "road" be inserted after "access." Also, although the minutes were correct, Mrs. Hill clarified that the map revision date that should have been referenced in the Ficalora motion of approval was 6/12/13.

## MOTION:

To accept the 7/10/13 Regular Meeting minutes as corrected.

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

## MOTION:

To accept the Nauiokas 7/16/13 site inspection minutes as written.

By Mr. Papsin, seconded by Mr. Wadelton, and passed 5-0. The Beck 7/16/13 site inspection minutes will be reviewed at the next meeting.

## New Applications

Slaymaker/17 Sunset Lane/#IW-13-25/Build Garage and Patio, Demolish Shed, Retaining Wall.

#### Concrete Slab:

Mr. Slaymaker reviewed plans from his 2008 application to rebuild his house to show why it had been located in wetlands. The map for the current application, "Site Plan," by Berkshire Engineering & Surveying, LLC., revised to 7/15/13 was reviewed and the wetlands boundaries were noted. Mr. Slaymaker proposed to remove a shed, retaining wall, and concrete slab from a non wetland area of the property in exchange for being permitted to build a garage and patio in the wetlands. The proposed lawn area, undisturbed area, and restored wetlands area were pointed out and photos of the structures to be removed were circulated. The patio construction was discussed. Mr. Slaymaker said the patio would be pervious and composed of paving stones set in a base of concrete sand. When it was pointed out that this would be semi pervious, Mr. Slaymaker offered to decrease the size of the stones or follow recommendations by the Commission to make it easier for water to infiltrate. Mr. Ajello read the proposed construction sequence. It was noted that the excavator would work either from the driveway or from within the limit of disturbance line. Mr. LaMunier did not think the proposed activities would impact the wetlands. Mr. Wadellton stated that although the site was very constricted due to the wetlands on the property, a garage and patio were reasonable requests.

#### Nichols Hill Partners, LLC./35 Nichols Hill Road/#W-13-26/Pond Modifications:

Mr. Neff, engineer, explained the application was to reshape an existing man-made pond that had been constructed in non wetland soil. Two plans, "Proposed Pond Alterations," and "Existing Pond," both by Reed Hilderbrand, LLC., dated 8/9/13 were compared. He said that water is supplied to the pond by roof runoff and a well and that there were no wetlands associated with the pond. It was noted the surface area and depth of the pond would not change. Mr. Neff reviewed the construction sequence, noting that the clay lining from the existing pond would be excavated, stockpiled, and then reused for the new pond configuration. Mr. LaMunier noted the proposed modifications would have no impact on wetlands or drainage. There were no concerns raised by the commissioners.

#### Broderick/219 Church Hill Road/#W-12-27/Watercourse Crossing for Farm Field Access:

Mr. Neff, engineer, stated an intermittent stream crossing was proposed between two farm fields. He said the crossing was proposed at the narrowest point and in a cleared area where it looked like a crossing had previously existed. It was noted there would be no change in the stream, no fill placed on the access road, and a 3 ft. culvert would be installed. The culvert had been sized to accommodate runoff from the 2 ft. culvert under the road, drainage from the fields, and runoff from large storms. Mr. Neff said that the property had a conservation easement held by Steep Rock, Steep Rock had been notified, but had not yet sent an approval letter. The map, "Farm Access Watercourse Crossing Plan," by Mr. Neff, dated 8/7/13 was reviewed and the crossing cross section studied. Mr. Neff said that the boulders to be used at both ends of the crossing were available on site. It was noted the construction sequence had been submitted. The commissioners had no concerns.

#### Randall/74 West Morris Road/#W-13-28/Application to Correct a Violation:

Mr. Ajello reported that unauthorized clear cutting had been done within the regulated area approximately 50 feet from the stream. He also noted there had been logs, brush, and construction debris buried in the regulated area. As there had been a previous permit issued for this property, the following map was on file and was reviewed by the Commission; "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 11/17/11. Mr. Randall apologized, said he had not been aware this was a regulated area, and said he had installed silt fencing as Mr. Ajello had directed. He said

that even with the recent heavy rains there had been no sign of erosion. He proposed to leave the buried material in place and to seed the area, plant vegetation as required by the Commission, and leave the silt fencing in "forever." Mr. Ajello said the Health Department had concerns about burying any wood material and so would inspect the site next week. Photos of the area with buried debris were circulated. Mr. Randall said he could remove it if he had to. Mr. Ajello said this would require the use of an excavator. The 100 ft. setback line from the wetlands was noted. Mr. Bedini reviewed the application form and noted the work proposed by Mr. Randall had not been specified. He asked that the proposal be written to include all the specific work to be done. The commissioners decided to wait until the Health Dept. has inspected the property and has issued any orders and until Mr. Randall has submitted a written statement describing all of the work to be done before conducting a site inspection. Mr. Ajello advised Mr. Randall that the silt fence must be toed in and Mr. Randall agreed to do so.

175 Calhoun Street, LLC. and Heyman/175 Calhoun Street/#W-13-29/ Pool, Patio, Fence, and Garden:

Mrs. Hill reported that the applicant's agent was working to complete the application and had asked that discussion be tabled to the next meeting.

**Other Business**

Distel/246 New Milford Turnpike/Preliminary Discussion re: Building Repairs:

The roof across the front of the building will be demolished because it is in disrepair and posts will be installed to support the second floor overhang. Although the building is on the East Aspetuck River, the proposed work would be on the side of the building away from the river. Mr. Ajello noted that technically this is a regulated activity, but asked since it would be on the opposite side of the building, would a permit be needed. It was the consensus of the Commission that the proposed construction was a regulated activity within feet of the river and could be viewed from Rt. 202 and so required a permit.

There was a brief discussion regarding the difficulty in issuing agent approvals now that the Waterbury Republican has changed its billing policies for legal notices.

State Spraying of Herbicides Near Wetlands and Watercourses:

Mr. Papsin reported that the state had sprayed on both sides of the road, near all catch basins, and 4 to 6 feet into the roadside around Lake Waramaug. He noted this had caused severe damage and that it was contrary to the efforts of the Commission to protect water quality by establishing a vegetated buffer around the lake. He submitted an email from Mr. McGowan of the Lake Waramaug Task Force to Mr. Berner, dated 8/9/13, which discussed this issue, and which recommended that Town agencies and selectmen contact the state. Mr. Wadelton suggested that Mr. Papsin write to CACICW to ask it to look into this matter. The commissioners raised questions such as who are the applicators, are they trained, are they licensed, who mixes the chemicals, what did they spray, etc. Mr. Bedini will talk to the First Selectman about this and Mr. Bedini and Mr. Papsin will compose a letter to the DEEP and send copies to Kent and Warren, the First Selectman, and the Conservation Commission.

**Enforcement**

In addition to the information listed in Mr. Ajello's 8/14/13 Enforcement Report, the following matters were discussed.

Ingrassia/143 East Shore Road/Violation of Permit #IW-12-01:

Although erosion controls failed due to the severe downpour on 8/9, the property owners had not made the necessary repairs as of 8/14. It was noted that the approved erosion control plan called for inspections by the contractor after storm events and immediate repairs when needed. Mr. Ajello did not know at this time whether additional siltation into the lake had occurred due to the rainfall on 8/13. Mr. Neff, engineer, recommended that additional hay bales be installed at the top of the stonewall to catch and hold sediment before it goes over the wall to the control measures below and that the erosion control measures be inspected and repaired after each rainfall. He said he would inspect the site. It was the consensus of the Commission that a Notice of Violation should be sent to the property owners.

Berg/22 Foulis Road/Activity Exceeding Permit:

The map, "Site Analysis Plan," by Mr. Alex, revised to 1/17/07 was reviewed and the location of the wetlands noted. Photos of the site taken prior to the unauthorized work were circulated. It was noted that although this was a first time violation, it took place directly in wetlands and so the fine would be relatively high. It was also noted that the property owner is ultimately responsible.

Keating/67 West Shore Road/Planting Plan:

Mr. Ajello notified the property owner's agent that the planting had not been completed per the approved plan. The Commission is waiting for a response.

**Administrative Business**

CACWC Membership:

It was agreed the Commission would renew its membership as a sustaining member.

Revision of the Regulations:

Mrs. Hill reported the DEEP had received the proposed revisions, had written back that it would not review them, and had sent a packet of state statutes from 2007 to the present for the Commission's information. Mr. Wadelton will review them. The public hearing will be held on Sept. 11.

**MOTION:**

To adjourn the meeting. By Mr. Wadelton.

Mr. Bedini adjourned the Meeting at 8:39 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill  
Land Use Administrator