

January 13, 2011

7:00 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. LaMuniere, Mr. Wadelton

MEMBERS ABSENT: Mr. Bohan, Mrs. Hill

ALTERNATE PRESENT: Mr. Papsin

ALTERNATES ABSENT: Ms. Cheney, Mr. Martino

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

ALSO PRESENT: Mr. Sabin, Mr. Neff, Mr. DePecol, Mr. Distel, Mr. Corbo, Mrs. Gordon, Mrs. Coakley, Ms. Dupuis, Ms. Devlin

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

MOTION:

To add the following subsequent business to the agenda: V. New Applications: A. Fuchs and Lancaster/18 Sabbaday Lane/#IW-11-01/Construct Poolhouse, B. DePecol/269 Nettleton Hollow Road/#IW-11-02/Timber Harvest, VI. Other Business: B. Spring Hill Farm, LLC./69 Whittlesey Road/Revision of Plans for Exempted Activities/Addition of Covered Entry.
By Mr. Bedini, seconded by Mr. LaMuniere, and passed 4-0.

Consideration of the Minutes

The 12/8/10 Regular Meeting minutes were accepted as corrected.

Page 2: Point #2 in the first paragraph: Insert: "Commission's" before "membership."

Point #3 in the first paragraph: Insert: "adversely" before "impact."

Point #7 in the first paragraph: Change to: "... concern that possible increases in lot coverage could impact the wetlands and watercourses, Mr. LaMuniere stated that lot coverage was a zoning issue unless it had a demonstrated impact on wetlands and watercourses and that...."

Page 4: Line 25: Change: "managing the site" to: ... a good job, make monitoring the site a high priority, and...."

MOTION:

To accept the 12/8/10 Regular Meeting minutes as amended.

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

MOTION:

To accept the 1/5/11 site inspection minutes as written.

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

Pending Application

Gordon/180 West Shore Road/#IW-10-40/Renovation of Drainage and Walkway, Stonewall, Landscaping, Expansion of Parking Area, Etc.:

Mr. Sabin, landscape architect, submitted his revised plan, "Proposed Site Repairs and Improvements," revised to 1/12/11. He noted the length and square footage of the proposed dock had been reduced, the new dock layout was shown, and half of a small oak by the shore would be left in place rather than removed. In response to questions raised at the last meeting, Mr. Sabin said the property was farther than 500 feet from the Warren town line.

MOTION:

To approve Application #IW-10-40 submitted by Ms. Gordon for renovation of drainage and walkway, stonewall, landscaping, expansion of parking area, etc. at 180 West Shore Road per the plans, "Proposed Site Repairs and Improvements," by Mr. Sabin, revised to 1/12/11. By Mr. LaMuniere, seconded by Mr. Wadelton and passed 4-0.

Mr. LaMuniere noted the permit would be valid for two years. Mr. Bedini said the permit had conditions, which Mr. LaMuniere read from the motion template. These were 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) that any change to the plans as approved must be submitted immediately to the Commission for reapproval.

New Applications

Fuchs-Lancaster/18 Sabbaday Lane/#IW-11-01/Construct Poolhouse:

Mr. Neff, engineer, represented the applicants. He explained the proposed 10' X 13' poolhouse would be constructed close to the existing pool and at least 50 ft. from the edge of the nearby pond. It would be wood framed on four concrete piers. The poolhouse would be for seasonal use and would have no plumbing. The existing pool pump and filter would be relocated to the rear of the new building. Mr. Neff noted the area had a gentle slope toward the pond and so silt fencing would be installed. The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 1/6/11 was reviewed and building plans were noted. Mr. LaMuniere stated that soil types were not indicated on the map. Mr. Ajello said the area was lawn and Mr. Neff said it appeared to be all upland soils. Mr. LaMuniere asked Mr. Neff to find out whether the owners backwash the existing pool filter. Mr. Papsin asked if any trees would be cut. Mr. Neff said a few small caliper trees would be cut. Mr. Papsin asked if a trench would be dug for the installation of the pool equipment. Mr. Neff said, yes. Mr. LaMuniere asked that a limit of disturbance line be shown on the map.

DePecol/269 Nettleton Hollow Road/#IW-11-02/Timber Harvest:

Mr. DePecol proposed to take approximately 100 large hardwood trees from his ten acre property. He said he had consulted with a forester. The topo map and location of the property were noted. Mr. DePecol showed the location of a small intermittent stream that runs through the property and said it would be crossed with a skidder in five places. He said there were non wetlands soils on both sides of the stream. Mr. Ajello asked how deep the stream was at the proposed crossing points, noting a corduroy crossing would be appropriate if the work was to be done during the winter or in the dry summer. Mr. DePecol said no bridge would be built, the work would take two weeks, and he would like to complete it while the ground was still hard. Mr. Ajello asked for a written narrative to explain the measures that would be taken to restore the crossings such as regrading, seeding, mulching, and handling of the tree tops. Mr. LaMuniere said the Commission wanted to make sure there would be no damage to the streambed and that the canopy over the stream would remain. Mr. DePecol noted that nothing under 14" would be cut, so there would be canopy left. Mr. DePecol said he would have his forester respond to the questions raised.

Other Business

Lloyd/149 Whittlesey Road/Request for Extension of Permit #IW-06-29/Demolish and Reconstruct Dwelling:

Mr. Sabin represented the property owners. It was noted the Commission had received a letter requesting a three year extension. Mr. Ajello said the approved plans had not changed. The commissioners debated whether to grant a two year or a five year extension.

MOTION:

To approve the request by Mr. and Mrs. Lloyd for a 5 year extension of Permit #IW-06-29 for the demolition and reconstruction of the dwelling at 149 Whittlesey Road.

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

Spring Hill Farm, LLC./69 Whittlesey Road/Request for Exemption/Portico and Access Ramp:

Spring Hill Farm, LLC. had recently been granted an exemption for the installation of a wine room, shower, bathroom, and septic system. The owners then applied to add a 5' X 10' portico and an 8 ft. wide concrete access ramp on the north side of the building. A letter from Atty. Kelly was reviewed and it was noted these activities would require a variance from the ZBA, but that Inland Wetlands approval was needed first. It was noted the use of the property had not changed and all of the buildings were agricultural.

MOTION:

To approve an agricultural exemption for Spring Hill Farm, LLC./69 Whittlesey Road to construct a covered entry and access ramp.

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

Proposed Cell Tower at 17 Warren Road:

Several residents including Ms. Dupuis, chairman of the Conservation Commission cell tower subcommittee, Mrs. Coakley, and Ms. Devlin were present to discuss the cell tower plans. The map, "Wetland Sketch," Sheet LE-1, by CHA, dated 8/12/10 was presented. Mrs. Coakley raised several concerns including 1) the proposed driveway grade was 20%, 2) runoff could potentially impact the wood turtles' habitat, 3) 104 trees would be cut in the regulated area, and 4) the proposed driveway would cross wetlands. No one was sure whether AT&T was required to apply for an Inland Wetlands permit. Mr. Ajello said the Commission was waiting for an answer from the Siting Council. Mr. Ajello stated that most of the maps he had seen showed the crossing at the narrowest section of the wetlands. Ms. Dupuis presented a second map that showed an alternate driveway location. Ms. Devlin noted the proposed driveway grade was over the maximum permitted by the Zoning Regulations and said she did not know if it could be accessed by emergency vehicles. It was the consensus that if the Commission has jurisdiction in this matter, it would require a complete application from AT&T. Ms. Dupuis explained that the Siting Council must consider local regulations and she asked the Inland Wetlands Commission to comment at the informational meeting to be held later in the month. Mr. Bedini said the Commission does not comment on sketch maps, but waits until an application with detailed plans such as type and specific construction plans for the crossing, drainage details, location of underground utilities, etc. is submitted. Mr. LaMunier asked if AT&T and the Siting Council can ignore state mandated Inland Wetlands regulations. He said he was concerned about drainage. Ms. Dupuis said the report referred to driveway grades of 15% to 35%. Mr. LaMunier asked who was responsible for responding to questions concerning habitat. Ms. Dupuis stated that the presence of a threatened species had been acknowledged. Mr. Wadelton said it would have to be determined whether the project would impact the wetlands in a way that would adversely impact the species. Mr. Bedini thought that Dr. Klemmens could comment on this issue. It was the consensus that an application is required and that the Commission could not comment unless it had a complete application before it or a legal opinion that AT&T is not required to submit one. Mr. Bedini stated the Commission would consult with its attorney on how to proceed if advised that an application from AT&T is not required.

Enforcement

Rosen/304 Nettleton Hollow Road/Unauthorized Stream Work, Clearing /#IW-08-V02 and #IW-10-V03:

Mr. Sabin, landscape architect, submitted a letter of authorization from Mr. Rosen and said he wanted

to discuss enforcement issues before working on a restoration plan. He noted he had inspected the site prior to snow cover and had reviewed the file for both violations; upper stream armoring and installation of stone veneer on bridge wing walls and construction of the guard house. Mr. Bedini asked if Mr. Rosen had agreed to pay both fines. Mr. Sabin said he had. Regarding the first violation, Mr. Sabin proposed to restore the pipe under the driveway to its original design size, thus eliminating the need for an engineering analysis of the stream. Mr. Sabin had a positive view of the stream armoring because he thought it was an effective means of erosion control. He asked the Commission to compare the armored section to the unarmored section upstream where there is erosion. Mr. LaMuniere objected, noting that the armoring was not permitted, pointing out that the stream section above meanders through a flat area, and saying the two areas could not be compared. Mr. Sabin said the botanic component along the stream had been destroyed with the installation of the lawn and so said that riparian plants would be restored and some invasives removed upstream. He noted the buffer to Sprain Brook below the driveway had been taken out and said the present lawn should be removed and the wet meadow habitat restored there. Mr. LaMuniere stated that Mr. Rosen had filled along each side of the stream channel. Mr. Sabin thought some of the fill could be removed and check dams installed. He said he would rather leave the stone channel as it is, but said he would listen to the Commission. Mr. Bedini asked if what was being proposed would restore the area to "what it was or better." Mr. Sabin said it would. Landscaping and buffering improvements were discussed. Mr. Ajello asked if a "curve character" could be created in the lower section of the stream "chute." Mr. Sabin stated that at a minimum, the stream could be opened up, check dams put in, and a level spreader installed at the bottom. He said if a curve was manageable without causing erosion, he would agree. Mr. LaMuniere recommended that the commissioners read the original notice of violation and all pertinent correspondence. Mr. Sabin said there were also good photos in the file that show where the top soil and fill were deposited along the channel. Mr. LaMuniere stated the stonework in the streambed had been significant construction, which completely changed the nature of the stream and that section of land, and noted the strong position the Commission had taken against it. The second violation, stone veneering and guard house, was discussed. Mr. Rosen had not yet decided whether he would apply for a variance for the 8' X 8' stone guard house. Mr. LaMuniere noted an important issue was the unauthorized installation of the stone veneer on the four wing walls because this had narrowed the stream channel. Mr. Bedini asked how thick the veneer was. Mr. Sabin thought 8" – 10", but Mr. Ajello thought 4" – 6". Mr. Bedini asked how wide the stream was at that point and whether the narrowing would impact the stream flow. Mr. Sabin was concerned that removing it now would cause even more impact. Mr. Ajello said an engineering analysis may be needed. Mr. Bedini agreed. Mr. LaMuniere said the flow data for a 25 year storm should be reviewed. Mr. Ajello asked if the footings upon which the guard house was built had the capacity to support the structure. Mr. Bedini asked if there would be remediation plans for the veneered walls. The commissioners considered what to do at the end of the canal. Mr. LaMuniere noted this area had been filled and grassed and wanted to be sure it would be restored. He asked what Mr. Sabin proposed to do with the embankments above the plunge pool. Mr. Sabin said that riparian plants should be planted and the armoring left in place. He said since the stones are stable, he would rather restore than rebuild. Mr. Ajello noted other areas on the property where erosion had been a problem, and Mr. Sabin said these were now stable. Mr. LaMuniere stated the main damage to the environment had been below the driveway and so said restoration plans should focus on this area. He asked Mr. Sabin for more details. Mr. Sabin said he would have a schematic preliminary concept for the first meeting in February. Mr. Wadelton asked for proof that Mr. Rosen had paid his fines.

Enforcement Report

Chatfield/19 Tinker Hill Road:

Mr. Ajello reported that the fine had been paid. Perc tests were recently done, but to date no site development plan has been submitted. The Health Dept. was concerned that a driveway could not be installed without impacting the septic system and so Mr. Ajello advised the Commission an engineered plan would be required. Mr. Ajello also noted that a letter from the Lake Waramaug Assoc. complaining about icing and the sheet flow of water over Tinker Hill Road and West Shore Road had been received. The property owner submitted three photos showing there was a runoff problem before the clearing of the property took place, but it was not known whether the clearcutting had made the problem worse.

Seymour/Whittlesey Road:

Mr. Ajello reported that clearing was underway and that he thought more than 50 cords would be cut and so a timber harvest permit would be required. The location of wetlands on the property and stabilization measures were briefly discussed.

Moore/25 Litchfield Turnpike/Unauthorized Filling, Clearcutting:

Mr. Bedini asked why this was still on the agenda. Mr. Ajello said a final inspection was needed.

West Shore Farm, LLC./West Shore Road:

The property owners have not yet paid their fine.

Wang/110 Blackville Road/#IW-09-V07/Unauthorized Clearing and Installation of Driveway:

It was noted that the required planting will not be done until spring.

Communications

Mrs. J. Hill reported that Ms. Giampietro had appealed the Commission's decision to approve the revisions to Wykeham Rise, LLC's Permit #IW-08-31 and she circulated copies of the appeal. Mr. Waderton thought the claims did not have merit and had been disproved by a qualified expert. A copy of the appeal has been sent to Atty. Olson.

It was noted the state DOT will replace the bridge over the Shepaug River near Hidden Valley. Mr. Ajello noted the work would be done on state land without local permits.

Two upcoming seminars were noted. 1) 2/23/11 – a conference sponsored by the Ct. Wetland Scientists in New Haven. 2) 3/12/11 – a land use seminar by the Ct. Bar Assoc.

MOTION: To adjourn the meeting. By Mr. LaMuniere.

Mr. Bedini adjourned the Meeting at 8:58 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator