

May 25, 2011

7:00 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. Bohan, Mrs. Hill, Mr. Wadelton

MEMBER ABSENT: Mr. LaMuniere

ALTERNATES PRESENT: Ms. Cheney, Mr. Papsin

ALTERNATE ABSENT: Mr. Martino

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

ALSO PRESENT: Mr. Szymanski, Mr. Quinn, Mr. Gambino, Mr. Neff

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

Consideration of the Minutes

The 5/11/11 Regular Meeting minutes were accepted as corrected.

On page 5 under Erhardt, the correct spelling of “repair” was noted.

MOTION:

To accept the 5/11/11 Regular Meeting minutes as corrected.

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

MOTION:

To accept the 5/17/11 18 Titus Road, LLC. site inspection minutes as written.

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

Pending Applications

Geurts/117 East Shore Road/#IW-11-10/Installation of Bulkhead and Planting:

Mr. Szymanski, engineer, presented his map, “Proposed Site Development Plan,” revised to 5/23/11, which showed only the work proposed on the applicant’s property and none on the state right of way. In response to a question from Mr. Bedini, Mr. Szymanski noted the DOT had given a verbal approval for the work proposed on the right of way. Mr. Wadelton clarified that an IW approval would not include work in the state right of way. Mr. Wadelton asked for the specifications of the bulkhead. Mr. Szymanski said it would be approximately 15 inches thick, 3 ft. wide, and 4 ft. deep depending on the size of the natural stone that is available. Mrs. Hill asked that the application form be amended to delete the work originally proposed in the right of way and Mr. Szymanski did so. Mr. Wadelton asked what the dock attachment would look like. Mr. Szymanski said he would supply this information. The commissioners determined a site inspection was not necessary. Mr. Szymanski will take photos of the site and submit these and the dock mounting and bulkhead details for the next meeting.

Erhardt/57 West Shore Road/#IW-11-11/Repair, Reconstruct Retaining Walls, Install Stone Patio and Stormwater Management Improvements:

Mr. Szymanski, engineer, advised the Commission to conduct a site inspection. The map, Site Development Plan,” by Arthur H. Howland and Assoc., revised to 5/24/11 was reviewed. He explained that significant erosion of the beach sand into the lake had occurred due to runoff and the wall along the state road was failing. The proposed work includes constructing a new field stone retaining wall where the wall is currently crumbling, and grading the shoulder to a new catch basin and drainage pipe. This would divert all of the runoff from West Shore Road to a water quality basin that would be located in the converted beach area. This basin would allow the runoff to infiltrate. All but approximately 5 ft. of the beach would be replaced with intermediate rip rap. Also proposed was a stone patio with 2 inch

wide gaps of pea stone gravel to promote infiltration of stormwater and an enlarged walkway. Between the patio and the rip rapped area would be a 4 ft. high stone retaining wall. Mr. Szymanski noted they were trying to find an area in which to plant a shade tree. Mr. Ajello asked if the proposed patio was flat. Mr. Szymanski said it was, but it could be installed with a slight grade. He noted the applicant was willing to make the drainage improvements and address the erosion problem in exchange for having a sitting area near the lake. A site inspection was scheduled for Tuesday, May 31, 2011 at 5:30 p.m.

18 Titus Road, LLC./18 Titus Road/#IW-11-12/Riverbank Stabilization:

Ms. Cheney recused herself and Mr. Papsin was seated.

Mr. Quinn, agent, addressed the two items of concern raised at the site inspection.

1) What kind of modifications would be done to the existing wall? He reported that Mr. Nardi of O and G recommended rebuilding the top 18 inches of the wall from the corner of the building east to about three quarters of the way to the property line. Some additional stones would be used to supplement those that have fallen. He submitted a sheet, "Stone Retaining Wall," undated, regarding how the dry wall would be constructed. Filter fabric and crushed stone would be placed behind the disturbed sections. The map, "Streambank Stabilization," by Studio 49, revised to 5/24/11 was reviewed. It was noted at the top of the bank a vegetated buffer would be planted.

2) How would the Japanese Knotweed be disposed of? Mr. Quinn submitted a paper, "Control of Japanese Knotweed (*Polygonum cuspidatum*)" that detailed the steps that would be taken to properly remove it. He noted that to control this weed the entire watercourse would have to be managed. The knotweed would be cut and taken to a compost site above the high water mark of the river. Then the cut areas and the cut piles will be sprayed with Rodeo or a similar chemical by a licensed professional. There will be follow-up treatments for the next two years, when the cut areas would be sprayed in late summer.

Construction of the wall was again discussed. It was noted that 65 tons of material, the majority of it rip rap, would be brought in and 20 tons of debris taken off site.

Mr. Bedini asked if the washout area would first be filled with earth and then rip rapped, and Mr. Quinn said it would and that filter fabric would be installed up beyond the top of the slope to help prevent it from washing out again. At the request of the Commission, Mr. Quinn revised the application to state that the wall would be rebuilt from where it is stable, which may not be 18 inches from the top. Mr. Bedini noted a site inspection had been conducted and the Commission's questions had been answered.

MOTION:

To approve Application #IW-11-12 submitted by 18 Titus Road, LLC. for riverbank stabilization at 18 Titus Road per the plan dated 5/6/11 and revised to 5/24/11 and the 8.5 X 11 drawing that was revised and updated to 5/25/11; the permit will 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. Wadeldon, seconded by Mr. Papsin, and passed 5-0.

Ms. Cheney was reseated.

Nauiakas/170 Church Hill Road/#IW-11-13/Dredge Pond:

Mr. Neff, engineer, discussed the plan submitted at the last meeting. He noted there was a construction sequence and notes on the plans detailing the work to be done. A silt basin would be installed for maintenance, the dredged material would be taken off site, and the work would be done mid summer during the dry season. He said the pond would not be enlarged. He noted there would be a temporary

settling basin for dewatering the excavated materials. The map, "Pond Cleanout Plan," by Mr. Neff, dated 4/8/11 was reviewed. There is a conservation easement on the property, but Steep Rock had not yet sent a written approval for the proposed dredging. Mr. Neff said he would submit the approval letter from Steep Rock as soon as it is received. Because the Commission must have either proof notification of the application was sent by certified mail to the holder of the conservation easement 65 days prior to the submission of the application or written approval from the holder of the conservation easement, action on the application was tabled to the next meeting.

Wallgren-Rook/136 Old Litchfield Road/#IW-11-15/Herbicide Application to Pond:

Mr. Gambino, contractor, was present. He presented a Google map and topo map showing the location of the property and pond and a portion of the DEP map of species of special concern, which showed there were no endangered species or species of special concern in the area. He noted the pond was half an acre in size and averaged 5 feet deep. Photos of the inlet, where there was no direct stream, and of the outlet pipe were circulated. For the Commission's general information, Mr. Gambino also submitted sheets entitled, "Streamside Buffer Plantings" compiled by the North Central Conservation District. Mr. Bedini asked what would happen if an herbicide were not applied to this pond. Mr. Gambino said it would be 100% covered with duckweed. Mr. Gambino stated he had looked into the cause of the weeds, which he assumed was high nutrient levels in the water. However, the septic system was not nearby and the owners use a minimum amount of fertilizer on the lawn. He thought perhaps a nearby field used by the Potter Farm was the cause. Chemical information sheets on Clipper were reviewed. He read the environmental hazards if not used correctly and noted no posting restricting swimming and fishing was required. Mr. Gambino noted the state had approved the application and he complained about the high town and state application fees.

MOTION:

To approve Application #IW-11-15 for herbicide application to the pond owned by Mr. Wallgren and Mr. Rook at 135 Old Litchfield Road; the permit is valid for 2 years.

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

Enforcement Report

Bennett/27 West Shore Road:

Mr. Bennett will retain Mr. Neff, but no letter of authorization has been received.

Chatfield-Schellerer/19 Tinker Hill Road:

Excessive cutting on this property caused an increase in the flow of runoff across the road and as a result, the catch basin is clogged with sediment.

Brose/213 Roxbury Road:

At the last meeting revisions to the approved planting plan had been discussed. Mr. Ajello said since then Mr. Allan of Land Tech had confirmed that the species and size changes were OK. The required planting is almost complete and the disturbed area is now thickly vegetated. The contractor has been asked to provide a list of all the material planted and copies of the invoices. It was the consensus that the planting should be complete before it is signed off. Mr. Ajello noted that once it has been completed a release would have to be filed on the Land Records, it would have to be determined how long the bond will be held, and monitoring for invasives will have to continue.

Erhardt/57 West Shore Road:

Mr. Ajello thought an excellent drainage plan was proposed in exchange for approval of the patio.

Geurts/117 East Shore Road:

Mr. Ajello did not understand why the DOT would waive a permit for work in the state right of way

since it always requires one for projects that will impact traffic flow. He said the purpose for the permit is to make sure the contractor has insurance. Mr. Wadelton noted again that the application lacked specific details for the bulkhead.

Hochberg/15 Couch Road:

The show cause hearing will take place at 6:30 p.m. on June 8. Mrs. Hill questioned why a notice of violation had been sent. She said a cease and desist order was all that had been needed and that it should have been sent sooner. Mr. Ajello noted that once sent, a show cause hearing must be held within 10 days, so he had timed it so the hearing could be held on the date of a regularly scheduled meeting. He also noted that the workers had stopped work when he verbally ordered them to do so.

Lodsini/78 Litchfield Turnpike:

Mr. Ajello reported that the ruts had been graded in since he had last been there.

Wang/110 Blackville Road:

It was noted that 10 trees must be planted to replace the canopy. Mr. Ajello said Mrs. Wang had responded quickly to the last letter he sent. If the trees aren't planted by mid summer, a second reminder letter will be sent.

Administrative Business

Shoreline Protection Policies:

Mr. Wadelton said the revisions had been sent out for the commissioners to review and that he had drafted a single document with a Section 11A as Atty. Zizka had recommended. This will be referred to the DEP.

Lake Waramaug Assoc. Annual Meeting:

Mr. Bedini said the Association would like IW commissioners to speak about shoreline protection policies at its annual meeting in June. Mr. Wadelton and Mr. Papsin will attend and Mr. LaMunier, the third member of the subcommittee, will, too, if he is available.

35 East Shore Road/Complaints re: Alleged IW Violations:

Mrs. J. Hill had circulated her 5/24/11 Memo prior to the meeting. She asked that the commissioners consider each of the alleged violations noted in it. She said she would report the Commission's opinions/actions to the neighbor who had complained when she had also discussed these matters with the Building Dept. and the Zoning Commission. She hoped a thorough review by each department would resolve the matter. During the discussion, Mr. Ajello presented various photos of the property.

- 1) Utility shed in the wetlands,
- 2) "Footbridge over the East Aspetuck River, and
- 3) Installation of underground electrical conduits:

Concerning these three complaints, the commissioners referred to Mrs. J. Hill's memo and noted permits had been issued for the shed, the conduits, and for pond work for which planks over the river were needed to reach the work area. They found no violations and considered these three matters resolved.

- 4) Garden ornaments:

Mr. Bedini said the Commission was not concerned with garden ornaments as they did not impact the wetlands, had been placed on rocks, and did not require that footings be poured. Mrs. D. Hill thought the ornaments were an as of right activity under Section 4.

- 5) Stone patio in or near wetlands:

It was noted that the patio had been constructed in the location where the Commission had approved the construction of a greenhouse. The commissioners were not concerned that the patio was larger than the greenhouse, noting it had less potential impact to the wetlands and watercourse because it was a pervious surface whereas the greenhouse was not.

6) Stone walkway:

It was noted this had been installed at the time of the wetlands restoration and had been noted on one plan, but not on Mr. Neff's plan. Mrs. D. Hill stated the walkway was pervious, had no impact on the wetlands, and was also permitted by right under Section 4. Mr. Wadelton agreed that gardening was an as of right activity and said this was reasonable gardening, not unreasonable landscaping.

7) Installation of concrete pad for LP gas tank:

It was the consensus that if the Commission had known about this at the time it had been installed, a permit would have been required. Mr. Wadelton asked if everyone thought it would have been approved if it had been applied for and it was thought it would have as there were not many suitable locations on site. Mrs. D. Hill thought removing and relocating the tank would result in more disturbance to the area than if it was left in place. None of the commissioners wanted to pursue the enforcement of this matter.

There were no communications to discuss.

Executive Session was not needed.

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

Mr. Bedini adjourned the Meeting at 9:10 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator