

# November 22, 2011

7:00 p.m. Land Use Meeting Room

**MEMBERS PRESENT:** Mr. Bedini, Mr. Bohan, Mr. LaMuniere

**ALTERNATES PRESENT:** Ms. Cheney, Mr. Papsin

**MEMBERS ABSENT:** Mrs. Hill, Mr. Wadelton

**ALTERNATE ABSENT:** Mr. Martino

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

**ALSO PRESENT:** Ms. Scoldari, Mr. Aston, Atty. Andrews, Mr. Neff, Mr. Horrigan

Mr. Bedini called the Meeting to order at 7:07 p.m. and seated Members Bedini, Bohan, and LaMuniere and Alternates Papsin and Cheney for Mr. Wadelton and Mrs. Hill. It was noted that two applications had been submitted after the deadline so they would not be discussed tonight although they would be formally received.

**MOTION:**

To add the following subsequent business to the agenda:

New Applications:

C. Randall/74 West Morris Road/Site Improvements and

D. Schwartz/173 West Shore Road/Rebuild Stonewalls, Repave Driveway and Entrance.

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

## **Consideration of the Minutes**

The 11/9/11 Regular Meeting minutes were accepted as corrected. The correct spelling of Ms. Scoldari's name was noted.

**MOTION:**

To accept the 11/9/11 Regular Meeting minutes as corrected.

By Mr. Papsin, seconded by Mr. Bohan, and passed 4-0-1. Mr. LaMuniere abstained because he had not attended the meeting.

**MOTION:**

To accept the Rumsey Hall School site inspection minutes as written. By Mr. Bohan, seconded by Mr. Papsin, and passed 4-0-1. Mr. LaMuniere abstained because he had not attended the meeting.

## **Pending Applications**

Rumsey Hall School/201 Romford Road/#IW-11-34/Reconstruct Student Center and Dining Hall: Ms. Scoldari, business manager, and Mr. Aston, engineer, responded to several of the points raised in Milone and MacBroom's 11/22/11 letter to Mr. Bedini. These included:

C2: Mr. Aston said it had originally been proposed to move the monitoring well to the edge of the pavement so that no special cap would be required, but that Milone and MacBroom (MandM) had recommended that the final location be reviewed by the DEEP. He said if the proposed location was not approved by the DEEP the well could remain in its current location. Mr. Aston noted the DEEP had already reviewed the use and was allowing Rumsey Hall to use the existing septic system.

C9: Regarding debris along the streambank, Mr. Aston said only the above ground debris would be removed as MandM recommended and that this would be included in the construction contract. Ms. Scoldari noted that invasive species would also be removed.

C13: MandM had requested a map of the existing drainage areas. Mr. Aston said he had not had an opportunity to discuss this with Mr. Sanford, but would agree to a condition of approval requiring the submission of this map and new pipe capacity computations.

Mr. Aston noted there was a clerical error on Sheets D1 and D2 that he would have to correct, but said this would not require a redesign. He also noted the plans “did what they could” to protect the river and that conditions would improve over those that now exist once the drainage work has been completed. Maintenance was briefly discussed. Mr. Aston said the proposed pipes have a capacity to hold 10 yards of sand and stated the maintenance crew would carry out a yearly maintenance plan.

**MOTION:**

To approve Application #IW-11-24 submitted by Rumsey Hall School to reconstruct the student center and dining hall at 201 Romford Road per the plans, “Inland Wetlands Submission, Dining Hall/Student Center” by Buck and Buck, dated 9/1/11 and revised to 11/15/11; the permit shall be valid for 9 years and is subject to the following conditions:

1. the map of the existing drainage area is to be submitted next week,
2. a print out for the capacity of each pipe shall also be submitted,
3. elevation sheets D1 and D2 shall be revised for consistency (no material changes) and submitted to the Land Use Office by 11/28/11,
4. the Land Use Office shall be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
5. the property owner shall give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
6. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. Papsin, seconded by Mr. Bohan, and passed 4-0-1.

Mr. LaMunier abstained because he had not attended the site inspection.

**The Gunnery, Inc./22 South Street/#IW-11-40/Athletic Fields:**

Mrs. J. Hill reported that Mr. Allan of Land Tech had inspected the site and had some questions so he would soon reinspect it accompanied by Mr. Smith, surveyor, and the applicant’s soil scientist. She also noted she had received paperwork regarding two interveners, Ms. Zelenko and Mr. Stern. Mr. LaMunier stated that the interveners had not submitted any information that would justify their intervener status. Atty. Andrews explained the initial burden of proof was on the intervener to prove his general allegations. The Commission will consult with its attorney regarding the interveners. Mr. Bedini noted that at the upcoming site inspection scheduled for December 7th, he would hand out an instruction sheet to all attending about the proper procedures for conducting a site inspection.

**New Applications**

**Bol/44 Slaughterhouse Road/#IW-11-43/Install Underground Propane Tank:**

Mr. Neff, engineer, presented his plan, “Proposed Propane Tank Plan,” dated 11/4/11. He noted there were wetlands surrounding the house and the only area where the tank could be buried was in the front yard between the house and the road. He noted this was a small project, but technically within 100 feet of wetlands. He said the area was fairly level and had good access from the road and that any excess material would be taken off site. Both a construction sequence and an erosion control plan were submitted. There were no concerns raised and it was the consensus that a site inspection was not necessary.

**Randall/74 West Morris Road/#IW-11-45/Site Improvements:**

Mr. Neff, engineer, noted there was a watercourse flowing through the corner of the property and that the driveway was adjacent to this watercourse. He presented his plan, “Soil Erosion and Sediment

Control Plan,” dated 11/17/11. Mr. Neff advised the Commission that the work had already begun. Pillars had been erected at the end of the driveway, a split rail fence erected on the west side of the driveway and stonewall wall work begun on the east side, a trench had been dug for the conduit for lights on the pillars, and the porch had been demolished, all within 100 ft. of wetlands. It was noted the porch would be replaced in kind. Mr. Ajello said he had sent the owner a notice of violation. He thought there was an alternate shorter route for the conduit that would cause less disturbance on the other side of the driveway. Mr. Bedini noted the alternate route was further from the stream and so asked Mr. Neff why it could not be used. Mr. Neff said it would be possible, but said it would be longer. It was noted Mr. Randall would soon buy the property from the Hermans. Mrs. J. Hill asked if there was a letter of authorization for Mr. Randall in the file. Mr. Neff said there was. Mr. Ajello said the Selectmen would determine whether the pillars had been constructed in the Town right of way and whether they would have to be removed. Mr. Ajello circulated photos of the work already done and said he would send a citation to both the property owner and to Mr. Randall. Mr. LaMunier said that after the fact application should be required. Mr. Neff said he applied for a regulated activity even though it was after the fact. Mr. Ajello said he thought the Commission would have approved the application if it had been submitted prior to the start of work. The commissioners will drive by the site prior to the next meeting.

### **Other Business**

#### Griffin/199 West Shore Road/Request to Amend #IW-11-33/Boathouse Wall Repairs:

Mr. Horrigan, contractor, and Mr. Neff, engineer, were present. Mr. Neff explained that the original permit had been to repair the wall, which had since collapsed and so had to be completely rebuilt. He proposed to build a stonewall on the existing footing in place of the poured concrete wall. The plans, “Boathouse Wall Repair Plan,” by Mr. Neff, revised to 11/17/11 were reviewed. These included a cross section of the proposed wall. Mr. Neff said the proposed wall would be the same height as the old wall and the same width, 1 foot across the top, but would get wider towards the bottom. Mr. LaMunier said this would not comply with the new shoreline protection policy, which states the replacement wall must be similar in height and width to the old wall, but said he understood the new wall had to be wider at its base for stabilization.

#### **MOTION:**

To approve the request submitted by Mr. Griffin to amend Permit #IW-11-33 to rebuild the shoreline wall at 199 West Shore Road; this revision changes the construction of a concrete wall to a dry stone wall of similar height with a broader base per the plan, “Boathouse Wall Repair Plan,” by Mr. Neff, revised to 11/17/11; the permit shall be valid 9 years from the original date of approval and subject to the original conditions of approval.

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

### **New Application**

#### Schwartz/173 West Shore Road/#IW-11-46/Rebuild Stonewalls, Repave Driveway and Entrance:

Mr. Neff, engineer, submitted a project narrative, construction sequence, list of materials to be used, and a 1” = 20’ site plan, “Schwartz Residence,” by McCobb & Assoc. on which he had drawn the wetlands boundaries. He said the reconstruction of the stonewall along the edge of West Shore Road was proposed. Mr. Ajello noted the work would be in the state right of way and a DOT permit would be required. Mr. Neff said the wall would be 3 feet high and 18 inches wide at the top, widening to approximately 3 feet wide at the base. Mr. Ajello noted the wall exists and that part of it is directly in the watercourse. Mr. Neff said the existing rock would be used to rebuild the wall. Mr. Papsin asked if any work would be done to the existing catch basin. Mr. Neff replied that it is a DOT basin that is

maintained by the state. The commissioners will drive by the site prior to the next meeting.

Fuchs-Lancaster/18 Sabbaday Lane/Request to Amend Permit #IW-11-01 Relocate Retaining Wall, Expand Pool Deck, Install Fencing:

Mr. Neff, engineer, presented his plan, "Soil Erosion and Sediment Control Plan," dated 11/17/11. He noted the changes proposed were not major. Mr. LaMuniere noted the relocation of the retaining wall would slightly expand the construction envelope. Mr. Neff noted the existing driveway would be used to access the work site.

**MOTION:**

To approve the request to modify Permit

#IW-11-01 issued to Mr. Fuchs and Mr. Lancaster, 18 Sabbaday Lane, to relocate the retaining wall, install a fence, and expand the deck per the plans by Mr. Neff, revised to 11/10/11; the permit shall be valid for 9 years from the original date of approval and 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. Bohan, seconded by Mr. LaMuniere, and passed 5-0.

**New Application**

Averill/250 Calhoun Street/#IW-11-44E/Exemption for Solar Project:

A solar array was proposed off the corner of the large barn. Trenching was required at the south end of the barn for mechanicals. Mr. LaMuniere asked if this was part of the farm activity on the property. Mr. Ajello said it was. Mr. LaMuniere noted the location was 80 feet from an intermittent stream. Mr. Ajello noted the stream was slightly upgrade of the array and that the actual trenching would be outside the 100 ft. setback area.

**MOTION:**

To approve Application #IW-11-44E submitted by Mrs. Averill for an exemption for a solar project at 250 Calhoun Street per the site plan and drawings by Pure Point Energy revised to 11/12/10.

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

**Enforcement**

Bennett/27 West Shore Road:

A notice of violation was filed on the Land Records on 7/18/11.

Berger/292 Nettleton Hollow Road/Excessive Clearing:

Mr. Ajello said he did not consider the clearing done to be a violation because a substantial canopy remained. Mr. LaMuniere said that clearing along a streambank was a regulated activity, the Commission had been strict about this in the past, and he thought this should have been handled as a violation. Mr. Ajello responded that the work had been done by hand and there had been no significant impact to the watercourse. Mr. LaMuniere thought the Regulations should be enforced in a consistent manner.

Chatfield-Schellerer/19 Tinker Hill Road:

A second citation was sent on 7/29/11, but no response has been received.

Condon/31 Juniper Meadow Road:

Mr. Ajello reported that drainage work had been done without a permit. A trench had been dug from Mr. Condon's condo to the Chapel Brook corridor and drainage pipes had been installed. Mr. Ajello asked for an after the fact application and for treatment, possibly a rip rapped spreader, to prevent erosion on the streambank where the pipes outlet.

Seitz/104 Blackville Road:

It was confirmed that the unauthorized shed was larger in footprint and height than the one it was replacing. Also a bed of finely crushed stone had been deposited. The owner has been asked to remove it. Mr. Ajello expects an application to construct a shed that is the same size as the recorded dimensions.

18 Titus Road, LLC./18 Titus Road:

The work to stabilize the streambank and reconstruct the wall has begun. Mr. Ajello reported on the progress.

**Administrative Business**

Mrs. J. Hill informed the Commission that Mrs. Giampietro appealed the Commission's approval of the latest revision to Wykeham Rise, LLC's permit #IW-08-31 for Wykeham University.

The question was raised whether the new statute requiring 9 year permits had been challenged. Atty. Olson will be consulted.

Ms. Cheney asked if trees had fallen due to the storm, whether property owners had the right to remove them, even if they were near wetlands. Mr. Bedini said this was a dangerous condition, so they did have the right to clean up their property. Mr. LaMuniere stated that the clearing of vegetation in the upland review area is a delicate situation and advised the Commission that it must be careful and consistent. He asked, as he had earlier in the meeting, why it was OK to even moderately clear at the edge of a stream without a permit.

Mr. Bedini again reminded the commissioners of the proper conduct for site inspections. Regarding the Dec. 6, 2011 Gunnery site inspection, he asked the commissioners to keep together, to ask only questions for clarification, to leave the site immediately when the inspection has ended, and not to talk among themselves or with the public. He also noted that all questions would go through the chairman and that any questions other than for clarification should be asked at the public hearing.

**MOTION:**

To adjourn the Meeting.

By Mr. LaMuniere.

Mr. Bedini adjourned the Meeting at 9:26 p.m.

**FILED SUBJECT TO APPROVAL**

Respectfully submitted,

Janet M. Hill, Land Use Administrator