

## February 4, 2009

**Regular Meeting** 7:30 p.m., Land Use Meeting Room

**MEMBERS PRESENT:** Mr. Bedini, Mrs. D. Hill, Mr. LaMuniere, Mr. Wadelton

**ALTERNATE PRESENT:** Mr. Bohan

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

**ALSO PRESENT:** Mr. Sabin, Mr. Kehoe, Mr. Harris, Ms. Cheney, Mr. Charles, Mr. Talbot

Mr. Bedini called the Meeting to order at 7:05 p.m. and seated Members Bedini, Hill, LaMuniere, and Wadelton and Alternate Bohan.

MOTION: To add the following subsequent business not already posted on the Agenda: Administrative Business: B. Discussion of Bonds, C. Review of Web Page. By Mrs. Hill, seconded by Mr. Wadelton, and passed 5-0.

### **Consideration of the Minutes**

The 1/14/09 Public Hearing-Regular Meeting minutes were accepted as corrected.

Page 6: Under Revision of Regulations: Correct time of close of hearing is 6:40 p.m.

Page 7: The spelling of intervenor was corrected.

Page 8: Mrs. D. Hill asked to add that Harris/258 New Milford Turnpike was formerly the Marbledale Pub.

Page 9: In the Kessler motion: The commissioners noted they should have stated in #3 that after April 1st inspections would resume every two weeks and after rain events of over half an inch within 24 hours.

Page 9: Under First Washington Capital: 13th line from bottom: Change: "would" to "could" and 12th line from bottom:

Change "fauna" to "flora."

Page 10: Rosen: 12th line: Change: "advice" to "advise."

MOTION: To accept the 1/14/09 Public Hearing-Regular Meeting minutes as corrected. By Mr. Bedini, seconded by Mr. LaMuniere, and passed 5-0.

### **Pending Applications**

Washington Partners, LLC./108 New Milford Turnpike/#IW-08-57/9 Lot Affordable Housing Subdivision:

Mrs. Hill noted that the CCA response to the issues raised by Milone and MacBroom had been received earlier in the day and had been immediately mailed and faxed to Mr. Sanford for his review.

223 Litchfield Turnpike, LLC./223 Litchfield Turnpike/#IW-08-61/ Septic Repair, Site Improvements:

Mr. Talbot, architect, presented a revised map, "Septic System Repair Plan," by Mr. Neff, revised to 1/21/09, which showed the route of the forced main piping relocated through the narrowest part of the wetlands and he said the landscaping plan had also been modified accordingly. He said there were no revisions to the erosion and sedimentation control plan. In contrast to the notes on the revised map, Mrs. D. Hill noted the minutes state that the trench for the pipe would be dug by hand. Mr. Talbot said it would not be practical to dig the ditch by hand and Mr. Sabin said the duration of the disturbance would be shorter if the mini excavator was used.

MOTION: To approve Application #IW-08-61 submitted by 223 Litchfield Turnpike, LLC. for septic repair and site improvements at 223 Litchfield Turnpike per the map, "Septic System Repair Plan," by Mr. Neff, dated 11/25/09, revised to 1/21/09 and the landscaping plan by Mr. Sabin revised to 1/15/09.

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

MOTION: To amend approval of Application #IW-08-61 submitted by 223 Litchfield Turnpike, LLC. for septic repair and site improvements at 223 Litchfield Turnpike to include the duration of the permit shall be 2 years. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

Harris/258 N. Milford Turnpike/#IW-09-01/Remodeling, Improvements:

Mr. Ajello said there had been no changes since the last meeting. Mr. Bedini noted all digging was supposed to be done by hand. Mr. LaMuniere said the Commission had asked for revisions to the plan to show the specific location of all trenching, screening, and light posts and the depth and width of the electrical trenches. Mrs. D. Hill noted the new plan being reviewed had no date. Mr. Bedini asked Mr. Harris to revise the plans accordingly and said the discussion would resume later in the meeting.

**New Applications**

Bennett/80 East Shore Road/#IW-09-02/Addition to Dwelling:

Mr. Kehoe, contractor, said Mr. Neff had asked him to attend the meeting although he had no letter of authorization from the owner. The map, "Property/Boundary Survey," by Mr. Alex, dated April 2008 and the "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 1/24/09 were reviewed. Mr. Kehoe said that a second story addition was proposed and there would be no change in the building's footprint. "House Floor Plans," by Mr. Quigley, dated June 20, 2008 were also reviewed. Mr. LaMuniere noted the work would be approximately 60 feet from Lake Waramaug and on a steep site. Mr. Ajello pointed out the location of a catch basin near the parking area that could catch debris. Mr. Kehoe said he would not store any materials near the road. Mr. Ajello advised daily cleaning and job management to protect the basin. Mr. Bedini asked that Mr. Neff, engineer, provide plans for the protection of the catch basin and that a second set of the map and plans be submitted for the file. Mr. LaMuniere thought a larger construction envelope would be needed, but Mr. Bohan pointed out there would be no soil disturbance. Mr. LaMuniere asked if the stonewall would be removed. Mr. Kehoe said it would not.

**Pending Application**

Harris/258 N. Milford Turnpike/#IW-09-01/Remodeling, Improvements:

Mr. Harris presented the amended site plan with revisions in red. The commissioners were satisfied with the plan.

MOTION: To approve Application #IW-09-01 submitted by Mr. Harris for remodeling and improvements at 258 New Milford Turnpike per the plans, "Proposed Site Plan," by MacMillan Architects, revised to 1/14/09 with handwritten revisions by Mr. Harris dated 2/4/09; duration of the permit: 2 years. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0/

**Other Business**

Condon-Fornaiser/57 Findley Rd/Request to Revise Permit #IW-07-33:

Mrs. Turoczi, landscaper, represented the property owners. She explained her plans for landscaping in wetlands as detailed in her 1/3/09 memo and 12/11/08 "Planting Plan." Photos of the existing conditions were circulated. Invasive plants such as barberry and multi flora rose would be removed in the winter, in the spring the intermittent stream channel would be enhanced with native species, native plant material and shrubs would be planted throughout, debris would be removed along the boundary line, boulders placed there, and plant material for screening added there. The rocks would be taken from an upland area on site. The only machinery to be used was in the upland area just beyond the garage to pick up and move the boulders. Mr. Ajello said he had no concerns about the proposed work. Mrs. Turoczi read the project description. Mr. LaMuniere stated there would be no damage to the stream and thought the plans were detailed.

MOTION: To approve the request to revise Permit #IW-07-33 granted to Mr. Condon and Ms. Fornasier to construct an addition at 57 Findley Road to include landscaping per the 1/3/09 Description of Project and 12/11/08 planting plan by Earth Tones, LLC. subject to the condition that only one machine shall be used to move the rocks. By Mr. Bedini, seconded by Mr. LaMuniere, and passed 5-0.

First Capital, LLC./89 Lower Church Hill Road:

Mr. Bedini reported that he had consulted with Atty. Zizka who had advised him that 1) the Commission has no jurisdiction over seeps and 2) a complete site development plan should be submitted so the Commission can make sure there will be no wetlands encroachments. He noted that this was the same advice given to the Commission by Milone and MacBroom. Mr. LaMuniere noted the property owner was going to move the proposed pool farther from the edge of the cliff and said he wanted to see a revised site plan to make sure this was true. He asked for a detailed site plan showing distances. He noted his concern, too, that drainage from the seeps could form intermittent streams, which would be under the Commission's jurisdiction. Mr. Ajello thought this would be unlikely because the solid rock in the area would prevent a channel from forming.

**Enforcement**

DiBenedetto/212-214 Calhoun Street:

Mr. Ajello circulated an undated letter from Mr. DiBenedetto, which noted he planned begin the Phase II tree removal on January 29 while the ground is frozen so there will be minimum or no impact on the wetlands and watercourses. He will submit a spring planting plan for review by Land Tech. Mr. Ajello noted a report from Mr. Allan of Land Tech that stated he had inspected the site to check the trees that were marked for removal and had asked that 1) care be taken to leave the understory to develop and 2) woody material be left on the forest floor. Mr. Bedini noted that the Commission had previously ordered all cutting to stop until it could be shown that the planting already done had been successful. Mr. LaMuniere stated the remedial planting had been done per plan and the multi species forest was regrowing nicely. Mr. Ajello said that he had removed markers so that trees would not be cut on the steep slopes and that more planting was required in areas that had previously been cleared. It was noted that Land Tech is still monitoring the work and that the Town still holds a bond. It was the consensus that the cutting of the trees could continue.

Andersson/35-45 Gunn Hill Road:

The Commission is still waiting for the final map. This will be discussed at the next meeting.

Howard/99 West Shore Road:

This violation is in court.

Lodsin/78 Litchfield Turnpike:

Mr. LaMuniere urged the Commission to write a letter directing Mr. Lodsin to remove all operative vehicles from the property and to do no further work on site until the property has regenerated to the Commission's satisfaction. He said the vehicles on site were a threat to Meeker Swamp. Mr. Ajello said that all of the equipment was in the upland area, the Army Corps would not order the equipment to be removed from the upland area, and the land would eventually repair itself. Mr. Bedini asked Mr. Ajello to write to Atty. Zizka to outline what has happened to date, inform him the Commission has placed a note concerning the violation on the Town Land Records, and ask if he thinks the best course of action would be for the Commission to wait until Mr. Lodsin tries to sell the property for compliance with the enforcement order. It was noted that although this matter has been referred to the Army Corps of Engineers, there has not been much progress because that agency does not have adequate staff.

Rumsey Hall School/Romford Road:

Mr. Ajello will inspect this site in the spring to make sure the disturbed areas have been stabilized.

Rosen/304 Nettleton Hollow Road:

The Army Corps of Engineers will continue its investigation in the spring and possibly call in Marla Butts of the EPA.

**Administrative Business**

2009-2010 Budget:

The proposed budget was briefly discussed. It was the consensus to eliminate printing of the Regulations because they are available on line and to keep Education at \$1200 for ongoing training for the WEO and for basic training for the commissioners who will fill the three vacant seats. Mr. Bedini and Mrs. J. Hill will complete the budget and submit it to the Selectmen's Office.

Education:

Notices for the CACIWC annual meeting and an invasive plant workshop were circulated.

Web Page:

The commissioners reviewed the web page with Mr. Wadelton. Several changes in organization were recommended. Mr. Bedini suggested the commissioners review "The Applicant's Guide to Completing and Processing an Application for an Inland Wetlands Permit" before deciding whether to eliminate it from the page. He thought it might be outdated. Also, he thought the Land Use Brochure might be outdated. Mr. Wadelton noted the revised Regulations would be on line on 2/5/09.

Bonds:

Mr. Ajello prepared a list of outstanding consultant and performance bonds through 2/3/09 with attached summaries for DiBenedetto, Myfield, LLC., and Wykeham Rise, LLC. He noted he still had to check with the Treasurer due to discrepancies between her figures and Commission records. A lengthy discussion followed regarding those discrepancies and about how a more accurate bond tracking system must be established. Mr. Bedini asked Mr. Ajello to meet with the Treasurer before the next meeting to make sure the figures in his list were accurate and to write a narrative for the Commission explaining why it would be OK to return each bond that he had recommended the Commission return. He also recommended that the Commission and/or staff write up a proposed procedure for the future handling of bonds.

**Executive Session:**

There was no need to go into Executive Session to discuss pending litigation.

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

Mr. Bedini adjourned the Meeting at 9:47 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill  
Land Use Administrator