



# TOWN OF ROXBURY CONNECTICUT

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Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLAND COMMISSION REGULAR MEETING JANUARY 28, 2014

### CANCELLATION NOTICE

Due to a lack of business to come before the Roxbury Inland Wetlands and Watercourses Commission, the Regular Meeting scheduled for Tuesday, January 28, 2014 has been cancelled.

Respectfully submitted,  
*Karen Fddy*  
Land Use Administrator

Dated: January 23, 2014

Cc: Town Clerk  
Wetlands Enforcement Officer



# TOWN OF ROXBURY CONNECTICUT

Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING FEBRUARY 25, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 P.M.

Members Present: Mr. Dirienzo, Mr. Horrigan, Mr. Smoliga, Ms. Fitch, Mr. Engel, Ms. Steers and Ms. O'Conner

Others Present: Gary Coburn, Jim Dobson and a representative from Shepaug Valley Bible Church.

#### SEATING OF MEMBERS

Chairman Dirienzo seated members O'Conner, Horrigan, Smoliga, Fitch and Dirienzo.

#### APPROVAL OF MINUTES

##### Regular Meeting - November 26, 2013

MOTION: To approve the minutes of the 11/26/13 meeting. By Dirienzo, seconded by Smoliga and passed 4-0-1. Fitch abstained.

##### Regular Meeting - December 18, 2013

Ms. Steers was seated as a regular member for this approval. Horrigan stepped down.

MOTION: To approve the minutes of the 12/18/13 meeting. By Mr. Dirienzo, seconded by Ms. O'Conner

Discussion: It was clarified that the Anderson subdivision was approved; however, the house site is not. The applicant must return to the IWC for the approval of the house site. A letter should go to the applicant from the Land Use Office advising of this.

Passed 3-0-2. Fitch and Smoliga abstained.

Horrigan was reseated and Steers stepped down.

#### COMMUNICATION WITH THE PUBLIC

N/A

#### WEO REPORT

Gary Coburn reviewed the WEO Report with the Commission and reported that listed are all nonregulated activities. He will follow up regarding the salt being stored too close to a wetland on Southbury Rd, which was agreed to be removed.

#### COMMUNICATION

- The Habitat Newsletter
- CT Federation of Lakes letter

#### OLD BUSINESS

None

#### NEW BUSINESS

##### Demole - 61 Moosehorn Rd - Pool & Pool House

Jim Dobson came forward and reviewed a map entitled Proposed Swimming Pool dated 2/17/14. He noted that the proposed pool will be 30 feet from an intermittent stream. The existing garage, which is to be used as the pool

house is 15 feet from the watercourse. Brian Neff found that any alternate locations would be closer to the watercourse. It was confirmed that the plan includes a drywell for pool backwash.

Ms. O'Conner and Mr. Horrigan agreed to view the site. Mr. Dobson will confirm the area is staked.

Preliminary – Shepaug Valley Bible Church – Preliminary evaluation of Baker Road St

A representative from the Shepaug Valley Bible Church came forward and reviewed a map dated 1/15/14 created by Brian Neff for a prospective church and parsonage. The use of a footbridge to cross the wetland to connect the church and parsonage was discussed. The members agreed to view the site individually before the next meeting.

**MOTION:** To adjourn the meeting at 7:55 PM by Ms. O'Conner, seconded by Ms. Fitch and passed 5-0.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman



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## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING MARCH 25, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 PM.

Members Present: Mr. Dirienzo, Mr. Horrigan, Ms. Fitch, Mr. Engel, and Ms. O'Conner

Others Present: Brian Neff

#### SEATING OF MEMBERS

Chairman Dirienzo seated members O'Conner, Horrigan, Fitch and Dirienzo. Mr. Engel was seated for Mr. Smoliga.

#### APPROVAL OF MINUTES:

Regular Meeting - February 25, 2014

MOTION: To approve the minutes of the 2/25/14 meeting. By O'Conner, seconded by Fitch and passed 5-0.

#### COMMUNICATION WITH THE PUBLIC

N/A

#### WEO REPORT

The WEO Report was reviewed.

#### COMMUNICATION

N/A

#### OLD BUSINESS

Demole – 61 Moosehorn Rd – Pool & Pool House

Ms. O'Conner and Mr. Horrigan reported on their site walk. It was noted that the pool house will be within the footprint of the old garage, the retaining wall is to be extended and an underground propane tank is to be installed. Mr. Horrigan explained that his only concern is that the contractor does not encroach on the intermittent stream. The limit of disturbance should be delineated.

Mr. Neff submitted the soil scientist report, which confirms that the area surrounding the watercourse is not a wetland. He noted that the dry well is to be used for draining the pool. A portion of the soil removed for the pool will be used behind the retaining wall. The balance will be trucked off site.

Mr. Horrigan explained that he found no issues with this application; however, the stream should not be disturbed. He requested that a copy of an as-built be submitted for the file. Ms. O'Conner asked that the owners be reminded that no herbicides, pesticides or fertilizers are to be used within 50 feet of the pond without a permit.

MOTION: To approve the application of Demole – 61 Moosehorn Rd – for a pool, pool house, retaining wall and propane tank as a regulated activity with the conditions that the integrity of the stream be maintained, adequate erosion control is used, and an as-built signed by a professional engineer is to be submitted within 90 days of completion. The owners are to be informed that herbicides, pesticides and fertilizers shall not be applied within 50 feet of the stream without a permit. By O'Conner, seconded by Horrigan and passed 5-0.

Preliminary – Shepaug Valley Bible Church – Preliminary evaluation of Baker Road St

Ms. O'Conner and Mr. Horrigan reported that they viewed the site. Mr. Horrigan inquired regarding the foundation type. He noted that there is a well defined area for a foot bridge across the stream, which was noted as a possibility by the applicant.

Mr. Neff explained that he drew these preliminary plans; however, there is a lot of work to be done prior to submitting an application. The wetlands are to be flagged, property will be surveyed and perc tests are scheduled to be done next week. An application will be submitted once this information is available.

**NEW BUSINESS**

Yelding - 167 Tophet Road - Pesticide treatment of pond

Mr. Dirienzo noted that he has viewed this property and this application is done yearly. The Commission requested that the Land Use Office forward a letter to the applicants informing them of alternatives.

Davis - 3 Tamarack Lane - Barn addition & house addition

Mr. Horrigan recused himself.

Mr. Neff described the proposed small addition to the house of approximately 4' X 30'. Additionally, an addition to the barn is proposed 48 feet from the wetland. He explained that the area is flat and an existing driveway is between the wetlands and the barn.

The Commission noted that they are familiar with the property and found no concerns with the proposal.

MOTION: To approve the application of Davis - 3 Tamarack Lane - Barn addition & house addition as a nonregulated activity. By Dirienzo, seconded by O'Conner and passed 4-0.

Mr. Horrigan was reseated.

**ADJOURNED**

MOTION: To adjourn the meeting at 7:50 PM by Dirienzo, seconded by Horrigan and passed 5-0.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

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cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman



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## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING APRIL 22, 2014

### MINUTES

#### CALL TO ORDER

Vice Chair O'Conner called the meeting to order at 7:30 PM.

Members Present: Mr. Horrigan, Ms. Fitch, Mr. Engel, Mr. Smoliga, and Ms. O'Conner

Others Present: WEO Gary Coburn and Jeremy Oskandy

#### SEATING OF MEMBERS

Vice Chair O'Conner seated members Smoliga, Horrigan, Fitch and O'Conner. Mr. Engel was seated for Mr. Dirienzo.

#### APPROVAL OF MINUTES

Regular Meeting - March 25, 2014

Correction: Page 2, 1st paragraph- after the word "stream" the words "or pond" should be added.

MOTION: To approve the minutes of the 3/25/14 meeting. By Engel, seconded by Horrigan and passed 4-0-1. Smoliga abstained.

#### COMMUNICATION WITH THE PUBLIC

N/A

#### WEO REPORT

The WEO, Gary Coburn, came forward and gave his report:

Rocky Mountain Rd. - Mr. Coburn investigated clearing on the Freedman property and found that the cutting is finished and the timber is to be removed. He advised that erosion control was needed. The contractor also added traprock to access the area. Photos of the site were reviewed.

Southbury Rd. - Mr. Coburn reported that a small amount of sand is remaining on the Plourde property and the structure is being removed.

River Rd / South St - Mr. Coburn investigated the placement of a pallet with chairs by the river. A complaint was made by the neighbor noting that this was within 200 feet of the flood plain. It was determined that this is not a structure and no action was needed.

Bacon Rd - A complaint was filed regarding water running down the property line of the Napier property, which continues to increase in volume. Mr. Coburn noted that this is possibly coming from Good Hill Rd. and he will continue to investigate.

Old Roxbury Rd. - The plantings on the Booth property were inspected and no issues were found.

Moosehorn Rd. - The leader drain pipe was destroyed during excavation for the pool and a trench was dug to where the erosion control begins. The Commission suggested that Mr. Coburn consult with the engineer, Brian Neff, regarding this matter.

53 Southbury Rd. - Mr. Coburn will investigate reports of clear cutting on this property.

Squire Rd. - The feeder stream to Jacks Brook is eroding the corner of the Hamilton property. He would like to build a long wall on the embankment to contain the stream. The Commission advised that he should submit an application to the IWC and prepare an engineered plan for this activity.

#### **COMMUNICATION**

N/A

#### **NEW BUSINESS**

##### Carlson - 156 Baker Road - Convert residence to Veterinary Office

Jeremy Oskandy of Arthur H. Howland & Assoc. came forward and reviewed the Site Development Plan dated 3/18/14. He explained that this building has existing nonconformities and the property is entirely within the flood zone. The proposal is to convert the residence into a veterinary office with a modest addition. The addition will be on piers as to not fill in any of the flood plain. The existing garage and lean-to will be removed. A rain garden will be used for storm water management and roof drains will run to it. The design is for a 25 year storm. There will be no increase in runoff off the property.

Andy Engel and John Smoliga will view the site. Pat O'Conner will also view the site separately.

##### Roxbury Recreation Pond - NDDB Species Review

##### Roxbury Recreation Pond - Aquatic Pesticide Application

The species report and the application for aquatic pesticide was reviewed. The Commission noted concerns with using pesticide in the town's swimming pond. The Commission agreed that they would like to discuss with the Land Trust their long term plan regarding this matter.

#### **ADJOURNMENT**

MOTION: To adjourn the meeting at 8:29 PM by Engel, seconded by Fitch and passed 5-0.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

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cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman.



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## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING MAY 27, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:32 PM.

Members Present: Mr. Horrigan, Ms. Fitch, Ms. O'Conner and Mr. Dirienzo

Alternates Present: Mr. Engel and Ms. Steers

Others Present: First Selectman Barbara Henry, WEO Gary Coburn, Jeremy Oskandy, Brian Neff, Mr. Nogid, Dr. Carlson, Ian Branson, members of the public and press.

#### SEATING OF MEMBERS

Chairman Dirienzo seated members O'Conner, Horrigan and Dirienzo.

#### APPROVAL OF MINUTES:

Regular Meeting - April 22, 2014

MOTION: To table the approval of the minutes of the 4/22/14 meeting. By O'Conner, seconded by Horrigan and passed 3-0.

#### COMMUNICATION WITH THE PUBLIC

N/A

#### COMMUNICATION

DEEP Training Courses: It was noted that WEO Gary Coburn will be taking these classes.

#### OLD BUSINESS

Carlson - 156 Baker Road - Convert residence to Veterinary Office

Jeremy Oskandy of Arthur H. Howland & Assoc. came forward and submitted a revised plan dated 3/18/14 noting that changes were made to square off and enclose the porch. It was confirmed that an as-built will be filed with the town.

Pat O'Conner reported that she viewed the site and found no issues.

MOTION: To approved the application of Carlson - 156 Baker Road - Convert residence to Veterinary Office as a regulated activity. By Horrigan, seconded by O'Conner and passed 3-0.

Alternate Andy Engel was seated at 7:36 for John Smoliga.

#### NEW BUSINESS

Booth - 54 Old Roxbury Road - 500' boardwalk thru marsh

Ian Branson, Certified Forester, came forward and viewed photos and an aerial view of the property with the Commission. He explained that this is a flooded field surrounded by stone walls. He described the plan to place 2 planks with cross pieces to be used as a boardwalk through the marsh. The wood used will be locust, white oak or red cedar.

Regular Member Sue Fitch was seated at 7:40 PM.

Russell Dirienzo noted that he found no issues with this plan and that this activity is exempt as a recreational activity.

MOTION: To approve the application of Booth – 54 Old Roxbury Road – 500' boardwalk thru marsh as a nonregulation activity. By Horrigan, seconded by O'Conner and passed 5-0.

Alternate Julie Steers arrived at 7:42 PM.

Booth – 75 Old Roxbury Road – Construct stone wall

Brian Neff came forward and distributed a drawing of the proposal for a 3 foot high dry stacked stone wall within 100 feet of Jacks Brook. He advised that the wall will begin approximately 20 feet from the brook.

Rob Horrigan and Pat O'Conner agreed to view the site.

Shepaug Valley Bible Church – Baker Road – Construct Church and Single-family Dwelling

Brian Neff came forward with a Proposed Site Development Plan dated 5/21/14 to construct a church in the open field and the parsonage in the back wooded area. He described the site as gently sloping with well drained soils.

The intermittent stream will be crossed for the driveway to the parsonage. A round pipe is proposed for a culvert crossing. Mr. Neff explained that Old Lane is a private road and this property does not have deeded access as an alternate driveway access.

The wetlands have been flagged on the site and the proposed crossing will be flagged this week. Russ Dirienzo, Julie Steers and Andy Engel will view the site separately.

MOTION: To add to the agenda the application of Carter - 5 Chalybes Rd - extension of fence. By O'Conner, seconded by Engel and passed 5-0.

Carter - 5 Chalybes Rd - extension of fence

The plan to add 4 sections at 32 feet of cedar fencing to existing fence to shield the view to the pool was described. It was explained that the proposal is to cross 6 feet above the stream. The application was submitted for the record.

Chairman Dirienzo advised that permission from the abutting neighbor will need to be submitted in writing. The applicant will have to sign the application and submit the fee.

It was agreed that a string will be placed to mark out the proposed fence site. Sue Fitch will view the site.

Nogid – 53 Southbury Road – Notice of Violation

WEO Gary Coburn reported that he received complaints of clear cutting on Wrights Pond, which were investigated and a stop work order was issued. Upon instruction Mr. Nogrid then pulled the trees from the water. Silt fence was installed and at this time the slope needs to be stabilized. It is a rocky area. Stumps were left to aid in stabilization. Photos of the site were viewed.

It was explained that Mr. Nogid contacted the Town; however, there was a misunderstanding about permitted tree cutting. Mr. Nogid agreed to plant the disturbed area for stabilization and explained he would like to line up some of the boulders from the area and create a terrace outside of the setback.

Russell Dirienzo suggested that a landscape architect be consulted to bring forward a plan for plantings and proposed terrace. Tomorrow hay bales should be staked with silt fence behind them for erosion control. Once completed Gary Coburn should be notified.

Chairman Dirienzo noted that the neighboring property owners were present and explained why clear cutting near a wetland area can be an issue. Mr. Nogid confirmed that the \$350 after-the-fact application fee has been

submitted and agreed to try to provide a landscape plan by the next meeting.

Pat O'Conner reported that substrate has not yet been added to the culvert at the cell tower property. Gary Coburn agreed to follow up and confirm this is done.

Russell Dirienzo discussed the Commission's concerns regarding herbicide in the town pond. He reported that the herbicides have already been added. The Land Trust owns this property; however, the Town runs the pond. The DEEP has jurisdiction over these applications. The Town's options to manage the invasives were either to close the pond or to excavate at the cost of \$180,000.

Next year the Commission will be notified prior to the application of herbicides. Any future herbicide / pesticide applications will be brought to the attention of Gary Coburn and the Commission as soon as they are received.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 8:45 PM by Fitch, seconded by Horrigan and passed 5-0.

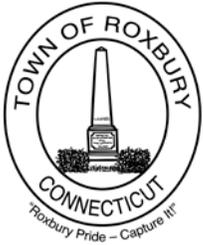
Respectfully submitted,

*Tai Kern*

Tai Kern, Secretary

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman



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Inland Wetlands Commission

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## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING JUNE 24, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 PM.

Members Present: Mr. Horrigan, Ms. Fitch, Ms. O'Conner and Mr. Dirienzo

Others Present: WEO Gary Coburn, Jay Keillor, Brian Neff, Ms. Gorglione, Mr. Boyd, Julie Martinelli, Mr. & Mrs. Sturges, and Mr. Koerner

#### SEATING OF MEMBERS

Chairman Dirienzo seated members O'Conner, Horrigan and Dirienzo.

#### APPROVAL OF MINUTES

Regular Meeting - May 27, 2014

MOTION: To approve of the minutes of the 5/27/14 meeting. By O'Conner, seconded by Horrigan and passed 3-0.

Regular Meeting - April 22, 2014

MOTION: To approve of the minutes of the 4/22/14 meeting. By O'Conner, seconded by Horrigan and passed 3-0.

Ms. Fitch was seated at 7:32 p.m.

Chairman Dirienzo asked for a moment of silence to remember Joey Awlasewicz, a great kid that has been lost by this small community. This town grieves for him and his family's loss.

#### WEO REPORT

- Grassy Hill- Gary Coburn reported that he is still researching the water complaint on Grassy Hill. It may be naturally occurring.
- Rocky Mountain- Regrading has not yet been completed with regard to the clear cutting complaint.
- 229 South St. - A complaint was received regarding 2 willow trees planted on the river bank
- 200 Painter Hill Rd. - Clear cutting reported. Gary Coburn advised to stop work and will discuss this matter further with the property manager on Thursday.
- Cell town culvert - Gary Coburn viewed and spoke with Jay Kiellor who remedied the issue. Gary Coburn will view again after a hard rain.

#### COMMUNICATION WITH THE PUBLIC

UCONN Symposium – Invasive Plants 2014

#### OLD BUSINESS

Booth – 75 Old Roxbury Road – Construct stone wall

Brian Neff came forward regarding the proposed wall that will run down by Jacks Brook. Mr. Horrigan and Ms. O'Conner reported that they viewed the site and found no issues. Mr. Horrigan noted that this should be a nonregulated activity as this is a rebuild of an existing wall.

MOTION: To approve the application of Booth – 75 Old Roxbury Road – Construct stone wall as a nonregulated activity. By Horrigan, seconded by O'Conner and passed 4-0.

Shepaug Valley Bible Church – Baker Road – Construct Church and Single-family Dwelling

Brian Neff came forward noting that the proposed driveway crossing was marked. Mr. Horrigan and Ms. O'Conner viewed the site; however, found it difficult to see the markers due to the density of the area. Mr. Neff explained that the only area to be disturbed is at the proposed crossing, which is at the smallest point of the wetland area.

It was confirmed that the parking areas is to be gravel and will be down-lit only during functions at the church building. Grass-line swales are proposed for both sides of the driveway. Roof drains will go to the ground and parking drainage will go to detention basins.

**MOTION:** To approve the application of Shepaug Valley Bible Church – Baker Road – Construct Church and Single-family Dwelling as a regulated activity. By O'Conner, seconded by Horrigan and passed 4-0.

Carter – 5 Chalybes Road – Extension of Fence

Dirienzo, Fitch, Horrigan, and O'Conner viewed the site individually and found no issues. Mr. Dirienzo reported that the First Selectman advised that there would be issues with snow removal if the fence was to be on the bridge. It was confirmed that the proposed fence will be 3 feet from the bridge.

**MOTION:** To approve the application of Carter – 5 Chalybes Road – Extension of Fence as a regulated activity. By Horrigan, seconded by Fitch and passed 4-0.

Nogid – 53 Southbury Road – Notice of Violation

Chairman Dirienzo determined that no one was present to represent this NOV. The Commission was reminded that Mr. Nogid had agreed to return with a planting plan at the last meeting. It was agreed that a Cease and Desist Order should be issued 10 days prior to the next IWC meeting with the hearing scheduled for that date. Mr. Dirienzo advised that those who are interested can speak at that hearing and can file as interveners. All property owners on the lake will be notified by the LUO of this hearing. Gary Coburn will view site and confirm erosion control is in place.

**NEW BUSINESS**

Gorglione – Garnet Road – Single-family dwelling

Russ Dirienzo recused himself for this application and Pat O'Conner came forward as Chair.

Brian Neff reviewed the plan dated 6/16/14 entitled Proposed Site Development Plan. He reported that this is an upland location with no indication of wetlands. His main concern was runoff and has engineered the plan with a zero increase in runoff.

Limits of tree cutting were discussed. Ms. Gorglione confirmed that there are no plans for clear cutting this site.

**MOTION:** To approve the application of Gorglione – Garnet Road – Single-family dwelling as a nonregulated activity. By Horrigan, seconded by Fitch and passed 3-0.

Russell Dirienzo was reseated as Chair

Boyd – 7 Gold Mine – Dredge edge of pond

Mr. Boyd came forward and explained that he would like to have the grass that has taken over his manmade pond dug out. The material removed will be taken off site.

The Commission agreed that this is a maintenance activity and that Mr. Boyd should call the LUO once work begins.

**MOTION:** To approve the application of Boyd – 7 Gold Mine – Dredge edge of pond as a maintenance activity. By O'Conner, seconded by Fitch and passed 4-0.

Koerner – 197 North Street – Barn renovation

Mr. Koerner came forward and described the plan to renovate this existing barn that is in various stages of disrepair. The barn will remain on the same footprint. The slab is broken and will be repoured. The westerly side will be protected with silt fence and the work is to be done from other side.

MOTION: To approve the application of Koerner – 197 North Street – Barn renovation as a maintenance activity. By Dirienzo, seconded by O'Conner and passed 4-0.

MOTION: To add to the agenda the application of Dumais – 317 North St. – Construction of a single family dwelling, well, septic & driveway. By O'Conner, seconded by Horrigan and passed 4-0.

Dumais – 317 North St. – Construction of a single family dwelling, well, septic & driveway

Brian Neff came forward and reviewed the Proposed Site Development Plan dated 6/13/14 for this nonregulated area. He confirmed for the Commission that there is no clearing to be done.

MOTION: To approve the application of Dumais – 317 North St. – Construction of a single family dwelling, well, septic & driveway as a nonregulated activity. By O'Conner, seconded by Horrigan and passed 4-0.

Sturges – 32 Apple Lane – Notice of Violation

Gary Coburn reported that while investigating a complaint of silting into the pond he found clear cutting and filling within a buffer area. He shared photos of the site with the Commission.

Mr. Sturges came forward and confirmed that this is a man-made pond that existed prior to the house. He agreed to remove the brush pile within 60 days and will patch the hole in the pipe. Mr. Sturges agreed to fill out an after-the-fact permit and pay the applicable fee.

The Commission asked that the WEO inspect once the work is complete.

Martinelli – 31 Weller's Bridge Road – Notice of Violation

Julie Martinelli came forward and explained that this work was being done to flatten the backyard and remove overgrown brush. No trees were cleared. Gary Coburn explained that the work was not in the wetland area; however, seeped into a wetland area because the silt fence was not correctly installed. He showed photos of the site noting erosion 200 feet along the stone wall and 40 feet into the wetland area.

The Commission agreed that no mitigation should be done as it would do more damage to go into the wetlands. It was agreed that silt fence should be installed along the entire boarder as soon as possible with a solid row of hay bales behind it. Gary Coburn should be notified once this is completed. An after-the-fact application should be filed and the applicable fee submitted.

McCourt – 262 Painter Hill Road – Dam maintenance

Russell Dirienzo stepped down and Pat O'Conner came forward as Chair.

Russell Dirienzo came forward as authorized agent for Ms. McCourt. He reviewed the DEEP Dam Inspection Report with the Commission. He explained that there is not a structure problem with the dam; however, the facade requires repair. Metal mesh with gunite on the sidewalls is proposed. The pond will be drained once water levels are low. The pilings are to be repaired with concrete forms. The berm will be smoothed with an ATV. The pipe that drains the pond is leaking. A camera will be sent up the pipe once the pond is drained to determine and fix problem.

The DEEP requests that any tree within 25 feet of the berm be cleared. Mr. Dirienzo requests that trees within 2 feet of the berm or what is found to be necessary be cut. A copy of the DEEP report and the proposed plan was given to the members for review. Ms. O'Conner and Ms. Fitch agreed to view the site.

Mr. Dirienzo noted that while the water is drained, they would like to add a silt pond in the area the stream comes

in from the roadway to resolve an ongoing problem with runoff and silting from the road. The area will be cleaned out and divots in the lawn will be filled with the spoils. The balance of the material will be trucked off site.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 9:10 PM, by Fitch, seconded by Horrigan and passed 3-0.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman.



# TOWN OF ROXBURY CONNECTICUT

Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING JULY 22, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 P.M.

Members Present: Mr. Horrigan, Ms. O'Conner, Mr. Smoliga, Mr. Engel and Mr. Dirienzo

Others Present: WEO Gary Coburn, Dirk Sabin, Nancy Schoenholtz, Ralph Wescott, Mr. Nogid, and Mr. & Mrs. Krett.

#### SEATING OF MEMBERS

Chairman Dirienzo seated members O'Conner, Horrigan, Smoliga and Dirienzo. Alternate Engel was seated for Fitch.

#### APPROVAL OF MINUTES

Regular Meeting - June 24, 2014

MOTION: To approve of the minutes of the 6/24/14 meeting. By O'Conner, seconded by Horrigan and passed 3-0-2. Engel and Smoliga abstained.

#### COMMUNICATION WITH THE PUBLIC

N/A

#### WEO REPORT

Gary Coburn, WEO, came forward and noted that this was a busy month. The permit list included in the members' packets was reviewed. He reported that several complaints were received. The clear cutting at the road frontage on Garnet Road was found to be a result of a mistake by the contractor, who will be replanting trees in that area.

#### COMMUNICATION

- **DEEP Permit Expiration Chart:** The chart provided in the members' packets was reviewed.
- **Regulated application revised:** The change to the revised application was noted.

#### OLD BUSINESS

Nogid – 53 Southbury Road – Notice of Violation

Chairman Dirienzo reported that the Cease and Desist Order discussed at the last IWC meeting was reconsidered with the expectation of Mr. Nogid's cooperation with regard to the Commission's request. Mr. Nogid explained that he did everything requested by the Commission; however, needs to put together future plans for this property to be presented to the Commission. Gary Coburn confirmed that erosion control is in place and that the site is stabilized.

Dirk Sabin came forward and explained that he has been retained by Mr. Nogid for the restoration plan as well as a plan for any proposed activity within the 100 foot buffer. Mr. Sabin confirmed that these plans will be available for review at the next meeting. The swimming pool to be proposed will be closer to the house and not within the cleared area.

Pat O'Conner noted that the restoration should be the focus at this time. Rob Horrigan agreed. John Smoliga

suggested that the planting plan be submitted to under the NoV and the pool as a separate application. Russ Dirienzo explained that it would be unlikely that any further activity will be approved until the mitigation is complete.

- Ralph Wescott came forward from the public to question whether this is an LLC flip. Mr. Nogid explained that this property is owned by his family. Mr. Wescott referenced the history of this property owner and noted for the record that he does not have a warm and fuzzy feeling regarding the intentions with this property.
- Nancy Schoenholtz came forward from the public to inquire whether there will be a deadline for the plan and mitigation. The Commission agreed that a complete planting plan stamped by the architect should be received by 8/26/14 or they will move forward with a Cease and Desist Order. The approved plan should be implemented and approved by the WEO by 10/10/14.

MOTION: To levy an automatic fine of \$1,000 if planting plan with the architect seal is not received by 8/26/14. A fine of \$1,000 shall be levied if plan is not implemented and approved by the WEO by 10/10/14 . By Dirienzo, seconded by Engel and passed 5-0.

#### Martinelli - 31 Weller's Bridge Road - Notice of Violation

It was confirmed that a representative for Martinelli was not present. Gary Coburn reported that he has made frequent trips to the property. An after-the-fact application and fee has not been received as requested at the last meeting. Erosion control is in place; however, the area was buffalo raked and spoils were dumped over the stone wall into the wetlands.

MOTION: To send a second Notice of Violation for failure to submit the after-the-fact application and fee of \$350 with a fine of \$1,000 for working with a wetland area. An additional NoV shall be issued for dumping in a wetland area. By Dirienzo, seconded by Smoliga and passed 5-0.

Russell Dirienzo stepped down and Pat O'Conner came forward as Chair.

#### McCourt – 262 Painter Hill Road – Dam maintenance

Ms. O'Conner and Mr. Horrigan reported on their site walk and noted that they found no issues with this plan. It was agreed that the clear cutting 25 feet from the berm requested by the DEEP was not necessary due to concerns with opening up the stream and compromising stabilization. The Commission agreed that 5 feet would be more than adequate.

MOTION: To approve the application of McCourt – 262 Painter Hill Road – Dam maintenance as a regulated activity with tree cutting to be done within 5 feet of the toe of the berm. The fee shall be waved as this activity is required by DEEP and is for the good of the public. By O'Conner, seconded by Horrigan and passed 4-0.

Russell Dirienzo was reseated as Chair.

### **NEW BUSINESS**

#### Cutler - 307 Painter Hill Road - Pesticide treatment of pond

The Commission reviewed this application and requested that the Land Use Office forward the letter advising of alternatives.

#### Sturges – 32 Apple Lane – after-the-fact - Crossing with pipe

Gary Coburn reported that he viewed the site and confirmed that the activities discussed have been completed and the pond appears to be clearer.

MOTION: To approve Sturges – 32 Apple Lane – after-the-fact - Crossing with pipe as a regulated activity. By O'Conner, seconded by Horrigan and passed 5-0.

MOTION: To end Notice of Violation for Sturges – 32 Apple Lane – after-the-fact - Crossing with pipe. By Dirienzo, seconded by Horrigan and passed 5-0.

Krett - Welton Rd. - New single family dwelling

Mr. & Mrs. Krett came forward with their engineer and presented a plan entitled Site Development Plan dated 7/9/14 by CEC. They explained that any proposed activity will be 300 feet from the wetlands. The lot is lightly wooded with a gentle slope. The applicants noted that they would like to keep the site as wooded as possible. The driveway will be flat with a pipe proposed where the driveway meets the road. It was confirmed that roof drains will go to an infiltration system.

MOTION: To approve Krett - Welton Rd. - New single family dwelling as a nonregulated activity with the condition that roof drains go to an infiltration system engineered by qualified person. By Dirienzo, seconded by Horrigan and passed 5-0.

The check for the application fee included in the file was returned to the applicants.

The excavation activity at 26 Welton Rd. was brought to the Commission's attention and Russell Dirienzo agreed to investigate in Gary Coburn's absence.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 8:35 PM by Dirienzo, seconded by Horrigan and passed 5-0.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman.



# TOWN OF ROXBURY CONNECTICUT

Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING AUGUST 26, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 PM.

Members Present: Ms. O'Conner, Mr. Smoliga, Mr. Engel, Ms. Fitch, Mr. Ketchum and Mr. Dirienzo

Others Present: WEO Gary Coburn, Dirk Sabin, Nancy Schoenholtz, Ms. Martinelli, Mr. Sturges and Mark of Smith & Co.

#### SEATING OF MEMBERS

Chairman Dirienzo seated members O'Conner, Fitch, Smoliga and Dirienzo. Alternate Andy Engel was seated for Rob Horrigan

#### APPROVAL OF MINUTES:

Regular Meeting - July 22, 2014

MOTION: To approve of the minutes of the 7/22/14 meeting. By O'Conner, seconded by Engel and passed 5-0.

#### COMMUNICATION WITH THE PUBLIC

N/A

#### WEO REPORT

WEO Gary Coburn confirmed the members' receipt of the WEO Report. He noted that the only existing outstanding matter is 200 Painter Hill Rd. where he is awaiting a return call regarding the status of the balance of the work.

#### COMMUNICATION

A letter dated 8/22/14 from Cuddy & Feder was received advising that they are not proceeding forward with the consultation regarding the proposed cell towers bordering Washington and Roxbury at this time.

#### OLD BUSINESS:

Martinelli - 31 Weller's Bridge Road - Notice of Violation

Chairman Dirienzo reminded the Commission that on 7/25/14 the second NOV was issued for noncompliance regarding clearing within a buffer zone that directly impacted wetlands. An additional NOV was issued for dumping in a wetland area. A letter dated 7/31/14 from Mrs. Martinelli was received in response noting the plan to address this matter.

Gary Coburn shared photos of the site from his inspection on 8/15/14 and reported that the silt fence is in place and working. The dumping has been cleaned by the contractor. He asked that the Commission determine whether the clean-up is sufficient. He reported that it appears the land will reclaim itself and the runoff is not a concern.

Ms. Martinelli arrived at 7:40 p.m. and came forward.

It was confirmed that the \$350 after-the-fact permit fee was submitted with an application. Mrs. Martinelli asked that the \$1,000 fine for noncompliance be waived.

Ms. O'Conner noted that the contractor should have known not to dump in the wetlands. The Commission

considered levying a fine on the contractor for this activity. It was agreed that a letter should be forwarded to the Contractor informing him that dumping in the wetlands is not permitted.

Ms. Martinelli explained that they would like to consider filling the ruts that remain on the property.

Mr. Sturges, the adjoining neighbor, came forward and reported that silt continues to fill the pond when it rains. Additionally, beyond the stonewall is his property and he was never informed of the work being done there. He also reported that the stone wall is being removed.

The Commission explained that the stone wall is within 100 feet of the wetland and any work being done on it should come before this Commission. Mrs. Martinelli explained that that only some rocks were being removed from the wall and it is not being removed. The Commission advised that the wall is acting as a wetland buffer and no further stones should be removed.

Russell Dirienzo noted that he would like to view the site and know that the owners have control of their contractor. However, he suggested that the \$1,000 fine be waived because the owners have demonstrated cooperation. The Commission agreed that the \$1,000 fine shall remain in place until this matter has been resolved, at which time the Commission may decide to waive the fine.

It was agreed that no further remediation is needed and no further stones should be removed from the wall. Additional work on the wall will require a permit and approval from the adjoining property owner.

#### Nogid – 53 Southbury Road – Notice of Violation

Dirk Sabin came forward with a plan entitled Shoreline Stabilization and Restoration Plan. The proposal to plant a woody buffer to remediate the area where the tree cutting occurred was reviewed.

Neighbor, Nancy Schoenholtz, came forward to review the plan and was given a copy for her records.

It was confirmed that approximately 12 trees were removed; however, Mr. Sabin explained that it would be difficult to reestablish trees in the area. Ms. O'Conner advised that the plan would not be adequate without the inclusion of tree planting. It was agreed that 6 trees shall be established in the area of remediation. The trees will include 5 oaks and 1 nyssa. Dirk Sabin added these revisions to the plan and dated it 8/26/14.

Gary Coburn clarified that although a path to the lake is included in this plan, a dock should not appear without a permit.

MOTION: To approve Nogid – 53 Southbury Road – Shoreline Stabilization and Restoration Plan with revisions dated 8/26/14 noting the addition of 5 oak trees and 1 nyssa tree. Work shall be completed by 10/10/14 or subject to fine of \$1,000 per day. By Dirienzo, seconded by Engel and passed 5-0.

#### **NEW BUSINESS**

##### Glaternik – 12 Rucum Road – Renovate cabana & terrace, remove spa, replace conservatory and renovate pool

Dirk Sabin came forward and withdrew this application.

##### Sawaya – 85 Weller's Bridge Road - Pool pavilion and tennis pergola

Mark of Smith & Co. came forward and reported that all of the proposed activity is outside the wetlands buffer zone. He reviewed the plan and photos of the site with the Commission. This is an 8 acre lot. The site area is a flat open field. The closest wetland was noted on the map.

Gary Coburn explained that this will be a huge pavilion with its own septic. His concerns were regarding runoff from the pavilion, tennis court and pool area.

The Commission advised that they had no concerns with this proposal.

MOTION: To approve the application of Sawaya – 85 Weller’s Bridge Road - Pool pavilion and tennis pergola as a nonregulated activity. By Dirienzo, seconded by Fitch and passed 5-0.

Oliveri – 181 Tophet Road – Feasibility review on pool

A representative for this application was not present. Gary Coburn explained that this is a property sale and the buyer would like to know if it will be feasible to install a pool 80 feet from the wetland.

The Commission requested that Gary Coburn view the site and advise his opinion. The only concern the IWC would find is with discharge; however, the distance should be sufficient for the breakdown of chemicals before reaching wetlands.

MOTION: To adjourn the meeting at 8:35 P.M. By O’Conner, seconded by Smoliga and passed 5-0.

Respectfully submitted,

*Tai Kern*

Tai Kern, Secretary

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman.

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*



# TOWN OF ROXBURY CONNECTICUT

Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING SEPTEMBER 23, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 PM.

Members Present: Ms. O'Conner, Mr. Smoliga, Mr. Engel, Mr. Horrigan and Mr. Dirienzo

Others Present: WEO Gary Coburn, Dirk Sabin, and John Cody

#### SEATING OF MEMBERS

Chairman Dirienzo seated members Horrigan, Smoliga and Dirienzo. Alternate Andy Engel was seated for Sue Fitch (Ms. O'Conner will be reappointed for the next meeting)

#### APPROVAL OF MINUTES

Regular Meeting - August 26, 2014

MOTION: To approve of the minutes of the 8/26/14 meeting. By Smoliga, seconded by Engel and passed 3-0-1. Horrigan abstained

#### COMMUNICATION WITH THE PUBLIC

N/A

#### WEO REPORT

Russell Dirienzo explained that NoVs for Martinelli and Nogid were left on the agenda to assure the agreed plans are moving forward as expected.

#### OLD BUSINESS

Martinelli - 31 Weller's Bridge Road - Notice of Violation

Gary Coburn reported that all violations have been corrected. He questioned what the correct process would be to remove the erosion control. Rob Horrigan suggested that the area be raked out and jute cloth be used to cover the area. Gary Coburn agreed to send a letter advising of this process.

Nogid - 53 Southbury Road - Notice of Violation

Dirk Sabin reported that this project will be completed on schedule as agreed.

#### NEW BUSINESS

Glaternik - 12 Rucum Road - Renovate cabana & terrace, remove spa, replace conservatory and renovate pool

Rob Horrigan recused himself. Dirk Sabin came forward with the plan entitled Proposed Pool & Cabana Renovation dated 8/21/14 for renovations on existing features. He reported that the encroachment will be no more than already exists. There will be no tree cutting and silt fence will be utilized.

The Commission found no issues with this application. They agreed that the fee from the previously withdrawn application of the same should be applied to this application.

MOTION: To approve the application of Glaternik - 12 Rucum Road - Renovate cabana & terrace, remove spa, replace conservatory and renovate pool as a regulated activity with the condition that the proper erosion controls are in place. By Dirienzo, seconded by Engel and carried 4-0.

**COMMUNICATION**

Pat O'Conner reminded the group that the Smart Growth Informational Meeting is scheduled for 9/30/14. She distributed hand-outs regarding septic and run-off. Russell Dirienzo explained that Roxbury is the way it is because the land does not lend itself to development. The impact on wetlands and of runoff was discussed with regard to a development.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 7:55 PM by Horrigan, seconded by Smoliga and passed 4-0.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman



# TOWN OF ROXBURY CONNECTICUT

Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING OCTOBER 28, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 PM.

Members Present: Ms. O'Conner, Mr. Smoliga, Ms. Fitch, Mr. Engel, Mr. Horrigan, Mr. Cody, Mr. Ketchum and Mr. Dirienzo

Others Present: WEO Gary Coburn, Dirk Sabin, Mr. & Mrs. Nogid, Mr. & Mrs. O'Connell, and Brian Neff

#### SEATING OF MEMBERS

Chairman Dirienzo seated members Horrigan, Smoliga, Fitch, O'Conner, and Dirienzo.

#### APPROVAL OF MINUTES

Regular Meeting – September 23, 2014

MOTION: To approve of the minutes of the 9/23/14 meeting. By O'Conner, seconded by Horrigan and passed 5-0.

#### COMMUNICATIONS WITH THE PUBLIC

Tom O'Connell reported that he submitted a complaint and asked that the water issues he has been having on Good Hill Terrace be investigated. He explained that the water is coming down onto his property from the north border at unbelievable speeds. Additionally, the salt in his well water tests too high. He explained that the Good Hill Lane water issues continues to get worse and is creating sink holes in their front lawn.

Russell Dirienzo advised that this may be a civil matter; however, if evidence is presented to the Commission that there is a violation of the original plan then this can further be investigated. Mr. & Mrs. O'Connell agreed to return to the next meeting with documentation.

#### WEO REPORT

Gary Coburn reviewed the enforcement report with the Commission. Russell Dirienzo reported that Attorney Cava represents an owner on Welton Rd who has a complaint regarding the installation of drainage by the Town on the road. Mr. Dirienzo explained that the Town installed this drainage without a permit. He will write a Memorandum of Understanding with the Town to prevent unpermitted work from being done in the future.

Mr. Dirienzo advised that he will recuse himself from this matter if this discussion goes further because as a Selectman there would be a conflict. However, in his opinion the site should be left as is. The town hired an engineer who agrees. Attorney Cava disagrees with this opinion.

Gary Coburn agreed to research whether the driveway pipe was approved as a part of the application for this house. Russell Dirienzo welcomed the members to view the site individually. The information will be forwarded regarding this matter.

#### OLD BUSINESS

Nogid – 53 Southbury Road – Notice of Violation

Dirk Sabin and Mr. Nogid came forward and presented photos of the restoration. Gary Coburn reported on his site visit and suggested additional shrubs be planted. Mr. Sabin agreed to plant additional shrubs, but asked that this be held until the spring to assess the plantings that have been established.

Martinelli – 31 Weller’s Bridge Road – Notice of Violation

Gary Coburn noted that he sent the letter dated 10/23/14 included in the members' packets; however, he has not received a response to date. The Commission agreed that the NOV is to remain in place.

**NEW BUSINESS**

Booth – 54 & 75 Old Roxbury Road – Restack stone walls

Brian Neff came forward and reviewed this proposal to rebuild the existing stone walls on both sides of the road by reusing the existing materials. Gary Coburn discussed the road swales and whether arrangements would be made to permit the water to flow through the wall where the swales are located.

Russell Dirienzo explained that the applicant and the town need to come to an agreement as to how the flow-way should be maintained because the town does have a right-of-way. The First Selectman should also be consulted regarding snow plowing in the area. Mr. Neff agreed that leaving sections open for access is a good idea. He will follow-up. This matter will be continued to next month.

O’Reilly – 34 Rucum Road – Clean out existing pond

Mr. Neff came forward regarding this plan that was approved three years ago; however, the permit expired before the work was done. Russell Dirienzo noted that he remembers viewing this site and found no issues.

MOTION: To approve the application of O’Reilly – 34 Rucum Road – Clean out existing pond as a maintenance activity. By Russell Dirienzo, seconded by Pat O’Conner and passed 5-0.

Nogid – 53 Southbury Road – Inground Pool & Garage

Dirk Sabin and Mr. Nogid came forward with a plan for an inground pool and detached garage dated 10/22/14. It was explained that all activity would be outside of the regulated area. The filtration system will not require backwash. The location for discharge for pool drawdown was noted on the map and confirmed that it was not directed toward a wetland. The small trees to be removed were noted as outside the 100 foot regulated area. Erosion control measures were discussed. The garage will be 30'x30' with roof drains to the driveway, which will drain on site.

Russell Dirienzo asked the Commission as to whether they feel this plan would have an impact on the wetlands. The applicant confirmed for Sue Fitch that the silt fence and hay bales will be maintained throughout the winter. Pat O’Conner noted that she sees no potential detrimental affect on the pond with this plan. Rob Horrigan agreed.

MOTION: To approve the application of Nogid – 53 Southbury Road – Inground Pool & Garage as a nonregulated activity. Motion by Russell Dirienzo, seconded by Rob Horrigan and passed 5-0.

Town of Roxbury/Hurlburt Park - Apple Lane – Construct kitchen & bathrooms at park

Brian Neff came forward with a plan entitled Soil Erosion & Sediment Control dated 10/24/14. He reviewed the plan with the Commission and noted that the plan includes septic. The area is flat and silt fence will be used for erosion control.

Concerns with the size of the proposal were discussed. The members agreed to view the site individually.

**COMMUNICATION**

Russell Dirienzo gave an update on the McCourt – 262 Painter Hill Road – Dam maintenance. The valve would not open; therefore, the pond was siphoned. The trees have been cut. The rebar was installed and the next step is to install the gunite. They are waiting for the pond to dry out before mucking. Brian Neff has been retained to engineer a way to cap the pipe without having to drain the pond completely in an effort to save the fish. Gary Coburn agreed to view the site.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 8:46 PM, by O'Conner, seconded by Horrigan and passed 5-0.

Respectfully submitted,

***Jai Kern***

Tai Kern, Secretary

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman.



# TOWN OF ROXBURY CONNECTICUT

Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING NOVEMBER 25, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 PM.

Members Present: Ms. O'Conner, Mr. Smoliga, Ms. Fitch, Mr. Engel, Mr. Cody, and Mr. Dirienzo

Others Present: Mr. & Mrs. O'Connell, Mr. Tiberio and Brian Neff

#### SEATING OF MEMBERS

Chairman Dirienzo seated members Smoliga, Fitch, O'Conner, and Dirienzo. Mr. Engel was seated for Rob Horrigan.

#### APPROVAL OF MINUTES

It was noted that a motion should have been made to lift the Notice of Violation for Nogid – 53 Southbury Road Notice of Violation at the 10/28/14 meeting.

MOTION: To lift the NoV for Nogid - 53 Southbury Rd. By O'Conner, seconded by Engel and passed 5-0.

#### Regular Meeting - October 28, 2014

MOTION: To approve of the minutes of the 10/28/14 meeting as amended. By O'Conner, seconded by Fitch and passed 5-0.

#### COMMUNICATION WITH THE PUBLIC

N/A

#### WEO REPORT

The WEO's Report dated 11/18/14 was reviewed.

#### OLD BUSINESS

##### Martinelli – 31 Weller's Bridge Road – Notice of Violation

The group agreed that this NoV should remain open until the spring so that the site can be inspected.

##### Booth – 54 & 75 Old Roxbury Road – Restack stone walls

Brian Neff came forward and reported that Barbara Henry and Butch Finch were in favor of the proposal to leave sections open for access for the town's right-of-way for activities such as plowing. Chairman Dirienzo noted that this item can be approved by WEO Gary Coburn as a maintenance activity.

##### Town of Roxbury/Hurlburt Park - Apple Lane – Construct kitchen & bathrooms at park

Brian Neff came forward with a revised plan entitled Soil Erosion & Sediment Control dated 11/20/14. He explained that the only change to the plan is that he removed the grease trap which was not needed. He reported that the test holes found good soil for the septic. The leaching fields will be outside the regulated area.

Ms. O'Conner and Mr. Engel questioned why the septic was not also located outside the regulated area. Brian Neff noted that this change can be made if necessary. The erosion control measures were discussed and the group found that this proposal would have no impact on the wetlands.

MOTION: To approve the application of Town of Roxbury/Hurlburt Park - Apple Lane – Construct kitchen & bathrooms at park as a regulated activity and to waive the fee. By Engel, seconded by O'Conner and passed 5-0.

#### **NEW BUSINESS**

##### Complaint / O'Connell - 18 Good Hill Terrace - Water running onto property

Mr. & Mrs. O'Connell came forward with photos of the site and gave a history of the issues that began 12 years ago. The 11/18/14 WEO Report regarding his site inspection was read by the members.

Mr. Dirienzo reminded the Commission of the agreed plan between Good Hill Lane and Good Hill Terrace that was approved by this Commission several years ago. Mr. Dirienzo noted that this is a civil matter over which the IWC has no jurisdiction.

The O'Connell's submitted a memo dated 2/1/06 stating that rip rap was not installed at that time. They explained that they did not agree to what was done to remedy the issue. The pipe was never installed correctly and the rip rap was ultimately installed on their property.

Chairman Dirienzo explained that this Commission would need an engineer to confirm that the plan was not followed in 2006. Additionally, the tape from 2006 should be listened to in order to understand what was agreed. A NoV cannot be issued without an engineer's report.

Mr. & Mrs. O'Connell agreed to have Brian Neff review the plan and site. Mr. Dirienzo suggested that the O'Connell's speak with their neighbors on Good Hill Lane regarding this matter.

##### Tiberio - 32 Laurel Lane - Replace or repair bridge access

Mike Tiberio came forward and reported that this bridge washed out during storm Irene and this is the only access-way to the properties on Laurel Lane. A quick emergency repair was done at that time; however, it has eroded away with time and the properties cannot be accessed with emergency vehicles as it is.

It was confirmed that the waterway is a tributary that runs year round. Mr. Tiberio reported that a contractor has sketched a proposal to install two 36 inch pipes. Ms. O'Conner advised that she would prefer that this not be a perched culvert. Russell Dirienzo noted concerns with the liability to the IWC of approving this proposal without an engineered plan. Mr. Tiberio agreed to contact Paul Szymanski for an engineered plan.

#### **COMMUNICATION**

Ms. Fitch reported she noticed how green the yard looks near the pond on the corner of Davenport Rd. and Rte. 199. Russell Dirienzo noted that the informational letter regarding herbicides and pesticides can be sent to the property owner

#### **ADJOURNMENT**

MOTION: To adjourn the meeting at 8:32 P.M. By O'Conner, seconded by Fitch and passed 5-0.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman



# TOWN OF ROXBURY CONNECTICUT

Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLANDS COMMISSION REGULAR MEETING DECEMBER 16, 2014

### MINUTES

#### CALL TO ORDER

Chairman Dirienzo called the meeting to order at 7:30 PM.

Members Present: Ms. O'Conner, Mr. Engel, Mr. Cody, Rob Horrigan and Mr. Dirienzo

Others Present: First Selectman Barbara Henry, WEO Gary Coburn, Bill Horrigan, Butch Finch, Mr. & Mrs. O'Connell, Mr. Tiberio, Steve Trinkaus, Mr. & Mrs. Krett, Attorney Greg Cava, and Brian Neff

#### SEATING OF MEMBERS

Chairman Dirienzo seated members Horrigan, O'Conner, and Dirienzo. Mr. Engel was seated for Sue Fitch and Mr. Cody was seated for John Smoliga.

#### APPROVAL OF MINUTES

Regular Meeting - November 25, 2014

MOTION: To approve of the minutes of the 11/25/14 meeting. By O'Conner, seconded by Engel and passed 4-0-1. Horrigan abstained.

#### COMMUNICATION WITH THE PUBLIC

N/A

#### WEO REPORT

McCourt - 262 Painter Hill Rd. - Dam Restoration - Status Update

Russell Dirienzo reported that the dam restoration is finished. The water is being siphoned from the area so that excavation can begin.

#### COMMUNICATION

CL&P Letter regarding "Routine Vegetation Management"

The informational letter from CL&P regarding their routine clearing was reviewed.

#### OLD BUSINESS

Martinelli - 31 Weller's Bridge Road - Notice of Violation - Spring 2015 inspection required

Gary Coburn confirmed that there have been no issues with this site.

Tiberio - 32 Laurel Lane - Replace or repair bridge access

Brian Neff reported that he inspected the site and reviewed the plans. He recommends the installation of two 42" culverts. He submitted a letter dated 12/15/14 summarizing his recommendations. Mr. Neff advised that it is not a good time to do this work due to the water flow. Mr. Tiberio reported that the contractor has proposed a temporary road bed be installed for emergency access until the project can be completed.

Ms. O'Conner suggested that the culvert installation be overseen to assure it is installed below the stream bed and that the substrate is reinstalled in accordance with CT DEEP Culvert Installation Guidelines. It was agreed that Mr. Neff would be present for the installation and would oversee the project.

MOTION: To approve the application of Tiberio - 32 Laurel Lane - Replace or repair bridge access as a regulated

activity and to waive the fee as this is a maintenance activity. By Horrigan, seconded by Engel and passed 5-0.

O'Connell – 18 Good Hill Terrace – Water running onto property - Complaint

Mr. Dirienzo noted that Tom O'Connell reported that an engineering review is being done and that Mr. O'Connell intends to discuss this matter with his neighbors.

**NEW BUSINESS**

Booth Free School – 14 South St. – Additional parking

Gary Coburn reported that the Region 12 Superintendent is proposing to level off and extend a 35 x 70 apron to add parking behind the Booth Free School in a previously disturbed area. Mr. Dirienzo explained that this area is wetlands; however, is not active because it has been filled for the soccer field and parking.

Greg Cava came forward as Chair of Facilities for the Region and noted that there is no alternative to this proposal due to the location of the septic.

MOTION: To approve the application of Booth Free School – 14 South St. – Additional parking as a maintenance activity. By O'Conner, seconded by Horrigan and passed 5-0.

Smith – Painter Ridge Road – Single-family dwelling

Brian Neff came forward and reviewed a Proposed Site Development Plan dated 12/9/14. He reported that this is an interior lot and all proposed activity is outside of the 100 foot setback. An infiltration trench and grass-line swale will be used at the driveway. A rip rap swale is proposed at Painter Ridge Rd. and two catch basins on the road. There will be no clearing within the regulated setback. Clearing will occur along the driveway and at the house site.

MOTION: To approve the application of Smith – Painter Ridge Road – Single-family dwelling as a nonregulated activity. By O'Conner, seconded by Engel and passed 5-0.

Horrigan – Hemlock Road – Single-family dwelling

Rob Horrigan recused himself.

Bill Horrigan came forward and reported that this was an approved 1.49 acre building lot prior to 1987. A map entitled Proposed Sanitary Disposal System Plan dated 10/21/10 by Arthur Howland & Assoc. was reviewed by Jeremy Oscandy of Arthur Howland & Associates for the proposed 1200 square foot house.

Chairman Dirienzo advised the Commission that they cannot deny this lot from being built upon; however, the IWWC has jurisdiction to approve a plan which will protect the wetlands.

It was confirmed that a stone wall exists as a boundary for the wetlands. The plan to reroute the drainage swale was discussed.

Andy Engel and Pat O'Conner agreed to view the site. The wetlands are to be flagged and house, driveway and property line will be staked. The Land Use Office will be advised once this is complete.

Rob Horrigan was reseated.

**ELECTION OF OFFICERS FOR 2015**

Rob Horrigan nominated Russell Dirienzo as Chairman of the IWWC for 2015. The nomination was seconded by Andy Engel.

Russell Dirienzo nominated Pat O'Conner as Vice Chair of the IWWC for 2015. The nomination was seconded by Rob Horrigan.

MOTION: To close the nominations for 2015 IWWC Officers. By Engel, seconded by Horrigan and passed 5-0.

MOTION: To elect Russell Dirienzo as Chairman of the IWWC for 2015. By Horrigan, seconded by Engel and passed

4-0-1. Dirienzo abstained.

MOTION: To elect Pat O'Conner as Vice Chair of the IWWC for 2015. By Dirienzo, seconded by Horrigan and passed 4-0-1. O'Conner abstained.

Russell Dirienzo stated that this is a great commission with long time members who understand the regulations and respect the rights of property owners while protecting the wetlands. He has been proud to be the chairman.

#### **SCHEDULE OF WETLANDS MEETINGS FOR 2015**

MOTION: To approve the Schedule of Wetland Meetings for 2015. By O'Conner, seconded by Engel and passed 5-0.

#### Krett – 15 Welton Road – Road drainage issues - Complaint

Russell Dirienzo recused himself from this matter as he is also a Selectman. Pat O'Conner stepped forward as chairperson.

Attorney Greg Cava came forward as the representative for Mr. & Mrs. Krett. He explained that this is an informal complaint. Mr. Cava reviewed a map of this property taken from the records of the Town of Roxbury noting that there are wetlands in three locations on this property. Mr. & Mrs. Krett acquired this property in March and since then Welton Road has been regraded. The road is compiled of a dirt and crushed stone surface. In April of 2014 the road was regraded with a different pitch. The road was crowned. He distributed photos of the area. It was confirmed for Pat O'Conner that the berm was added per the Kretts' request.

First Selectman Barbara Henry came forward to note that this road has been graded the same way since it has been a road. It is maintained as a scenic road. Ms. O'Conner clarified that this is a wetlands issue and the Commission is not here regarding the historical way in which the town grades its roads.

Attorney Cava explained that the town dug a path into the wetlands for drainage. Ms. O'Conner questioned whether this existed prior to his clients' purchase of the property. Attorney Cava advised that the town does not have an easement to drain water onto his clients' property.

Barbara Henry reported that she received a call when the Kretts' purchased the property requesting the removal of the cuts into their property. Mr. Krett confirmed this request and noted that the water now drains into the wetlands.

Attorney Cava explained that what they are suggesting is that the town reinstall the original drainage before the road was crowned. Pat O'Conner noted that they do not know the history of the road drainage with certainty. Rob Horrigan stated that he believes this road was always crowned. Greg Cava explained their proposal is to restore the historical drainage to grade the road to sheet water into the swale on the east side. It was questioned whether this would increase the water drainage onto the neighboring properties on the opposite side of the road. Mr. Cava stated that it would not.

Barbara Henry asked that the complaint be clarified. Greg Cava stated that the town is draining water onto the Kretts' property without an easement. Pat O'Conner suggested that a proper complaint be established. Mr. Cava stated that the complaint is that the town is draining water from Rte. 317 to his clients' property.

The Road Foreman, Butch Finch, viewed the photos and confirmed what has been changed at the request of the homeowner. The five cuts that were removed are now funneling into one and into the wetlands. He confirmed that the flow has been concentrated by removing the cuts. Barbara Henry noted that the change to the road is the removal of the cuts and the Kretts' current construction. Attorney Cava explained that the problem is the creation of cuts without the appropriate easements.

John Cody noted that the photos show that the vast majority of the water is coming from the Kretts' property. Rob Horrigan concurred and reported that he has witnessed this.

Barbara Henry explained that they are being asked to concentrate the water and to take it to the neighboring properties. Pat O'Conner noted that it does not appear the town did something to increase the water flow onto the Kretts' property. The flow seems no more, but only concentrated due to the Kretts' request.

Attorney Cava clarified that they want the cut into the wetlands on the Kretts' property removed. He asked that the Commission listen to the Kretts' Licensed Professional Engineer review of the proposal.

Russell Dirienzo came forward to speak as a member of the Board of Selectmen. He suggested that research is done when one decides to live a dirt road as these are issues that all dirt roads have. The town did not change a thing. He agreed that the town should have sought a permit for the work done at the Kretts' request and a memorandum of understanding should be agreed upon so future works of the like comes before this Commission. Additionally, the Kretts' should have a storm water permit.

Mr. Dirienzo explained that the proposal by the engineer is to reconstruct the road to put water onto someone else's property. The town's engineer has recommended that they do nothing. This is a flat road and there is no need for a one-half mile drainage system. The town is willing to remove the berm and put the sloughs back the way they were.

Steve Trinkaus reviewed his plan noting it is not a reconstruction of the road. The proposal is to pitch the road from west to east and to clean the existing swale 6" deep x 3/4 feet in width and to put in an inlet so the owner has a usable front yard. This will take the water all the way down the road.

Rob Horrigan questioned why he would want to divert the water away from the wetland when its function is to provide flood control. Steve Trinkaus advised that this wetland does not provide flood storage. He confirmed for Rob Horrigan that this plan will not starve the wetland, the water will only get there slower.

Barbara Henry explained that with this plan other landowners will be affected. The development of water from the site has not been addressed. Butch Finch noted his concerns with running water onto the other side of the road causing icing.

Pat O'Conner questioned whether Mr. Cava would like this plan if his client lived on the other side of the road. Rob Horrigan noted that he likes the idea of a crown where everyone gets their share of water runoff. He reported that he drives this road all the time and it is not that bad.

Gary Coburn questioned whether the proposed pitch would cause the road to be washed out laterally. Steve Trinkaus explained that erosion will not occur and the road will not ice up in this short of a distance if the road is graded and rolled.

Brian Neff's opinion was requested. Mr. Neff noted that the road has not been a problem. It is difficult to say to redo the road when it has been functioning well. A lot of concentrated water is coming off the driveway. Steve Trinkaus agreed and noted that this is going to be addressed.

Mr. Cava agreed that they will stop the water from coming off the driveway. He clarified that the idea that this plan is to dump water on the other side of the road is false. The plan is to make use of the right-of-way. His clients will not accept the sloughs onto their property.

Barbara Henry reminded the group that the change to the road is the removal of the cuts, the clearing of the property, the addition of the driveway and the drainage ditch down the driveway. Andy Engel suggested that the work be completed on the driveway prior to a determination regarding the road.

Pat O'Conner noted that the clearing on the lot that was done created a big difference regarding the water. The application was approved because the Kretts promised not to clear the lot. Barbara Henry questioned whether a driveway plan is needed. Mr. Horrigan stated that erosion control measures are needed. Ms. O'Conner noted that as of now the driveway is silting into the wetland and questioned if the Kretts should present a driveway plan with

erosion control. Attorney Cava stated that his clients cannot be blamed for swales placed by the town.

Greg Cava agreed that they will be no worse off if the work on the driveway was finished. The landowner was in agreement. They will better control the situation with the driveway so that the impact with the road can be seen better.

Mr. Neff was asked if he could suggest alternates to the presented plan. He suggested a collection basin to settle out sediment before the wetlands. A detention pond in the location of the slough was discussed. Mr. Trinkaus explained that this would require an easement on the Kretts' property.

The maintenance required for the proposed plan was questioned. Mr. Trinkaus explained that once every 5 years the swale would need to be power swept.

The group agreed to revisit this matter once the driveway is complete. Hay bales and silt fence should be installed. The Kretts agreed to work with Mr. Trinkaus to install the appropriate erosion control measures. The site will be viewed after the spring to make further determinations.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 10:14 P.M. By O'Conner, seconded by Engel and passed 5-0.

Respectfully submitted

*Tai Kern*

Tai Kern, Secretary

*Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission*

cc: B. Henry, R. Dirienzo, P. Hurlbut, J. Conway, G. McTaggart and G. Steinman