

**The Roxbury Inland Wetlands Commission
Roxbury, Connecticut**

**MINUTES
Regular Meeting
March 24, 2009**

Members Present: Mr. Dirienzo, Ms. Napier, Mr. Horrigan, Ms. O'Conner, Mr. Ketchum

Alternates Present: Ms. Fitch, Mr. Smoliga

Others Present: Mr. Kellerman, Mr. Cava, Mr. Microchine, Ms. Barton, Mr. Block, Mr. Turner, Mr. Neff, Mr. Peck, Mr. Nichols, Mr. Swanson, Mr. Jackson, Mr. Woodside, and Tammy McVey-Camilleri of Voices

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

SEATING OF MEMBERS

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

CONSIDERATION OF MINUTES

The approval of minutes from the Regular Meeting of February 24, 2009

Ms. O'Conner noted that under Complaints/Enforcement the correct address for Adams should be 88 Old Roxbury Rd.

MOTION: To approve the minutes of the February 24, 2009 Regular Meeting as amended. By Mr. Horrigan, seconded by Ms. Napier and passed 5-0.

APPOINTMENT OF WETLANDS ENFORCEMENT OFFICER

Mr. Dirienzo welcomed Mary Barton as the new WEO. He explained that this Commission places great importance on enforcement. He noted that they would like to stress enforcement on permits that have been granted to assure work is being performed as agreed. He discussed ideas regarding new office procedures that they may like to implement. Ms. Barton agreed with the Commission's position on enforcement and explained that her philosophy is to be consistent and fair.

MOTION: To appoint Mary Barton as WEO. By Mr. Dirienzo, seconded by Ms. Napier and passed 5-0.

WEO REPORT

Mr. Dirienzo reviewed the WEO Report with the Commission noting 4 nonregulated activities reported.

COMMUNICATIONS

Mr. Dirienzo confirmed that the Commission received a copy of the article in the Voices welcoming new members and WEO.

OLD BUSINESS

O'Connell/Krieger – 18 Good Hill Terrace – Drainage

Mr. Dirienzo reviewed the history of this application and read from the minutes of the September 2006 IWC meeting regarding Mr. Neff's recommendations. He explained that this had been initially approved by the IWC as a nonregulated activity. He explained that the Commission believes that the pipe was not installed correctly, which lead to the current issues. Mr. Cava agreed that this is possibly what happened.

Mr. Cava, representative for the Kriegers, submitted copies of certified letters sent to neighboring property owners as requested by the Commission. He reported that at least three notifications have been sent to neighbors and Mr. Calabrese is the only property owner who has raised any concerns. Ms. Napier expressed her concerns that Geraldine Barbarlato has not received notice since that property is not being occupied at this time. Mr. Cava noted that he is confident that she has received notice because a signed certified mail receipt was returned to him. Additionally, he explained that he did not see any negative impacts of this proposal to that property.

Mr. Dirienzo reported that he and Mr. Horrigan viewed the site with regard to the neighbor's concerns. He explained that the Commission does not want to transfer this problem onto any of the neighboring properties. Mr. Cava explained that Mr. Calabrese's concerns have been addressed by moving the proposed pipe 30 feet away from his property. He confirmed for the Commission that the old infiltrators would be removed and refilled with soil.

Philip Block, Attorney for the O'Connell's, confirmed that they concur with this plan. Michael Turner, PE for the O'Connell's, confirmed that he has reviewed the plan and concurs as well. It was noted that Joe Calabrese sent an e-mail expressing his agreement with the plan. Mr. Neff noted that the best time for this activity would be during a dry time; however, he agreed that hay bales would be placed at the base for erosion control.

MOTION: Approve O'Connell/Krieger – 18 Good Hill Terrace – drainage modification plan as a regulated activity with the stipulation that plan is signed by all parties, infiltrators are removed and hay bales are placed for erosion control. By Ms. O'Conner, seconded by Ms. Napier and passed 5-0.

NEW BUSINESS:

Microchine/16 Church Street – Garage, patio and shed

Mr. Microchine explained that he staked the garage corners as requested; however, did not call the Wetlands Office upon completion. The Commission agreed that due to this misunderstanding they will ask the WEO to walk the site and if a problem is found Mr. Microchine will have to return to the Commission. Ms. O'Conner volunteered to view the site along with Ms. Barton.

Mr. Microchine reviewed plan with the Commission and confirmed that a gravel trench would be used for drainage. Mr. Microchine made notations on the map to show erosion control and where spoils would be kept. Additionally, he noted the limit of disturbance on the map.

MOTION: To approve Microchine/16 Church Street – Garage, patio and shed as a regulated activity contingent upon the approval of the WEO. By Mr. Horrigan, seconded by Ms. Napier and passed 5-0.

Land Trust/Lyle Nichols – Bridge repair as senior project

Mr. Dirienzo and Mr. Ketchum reported on their site walk and commented on what a great project this is. The only concern noted was with regard to the corner of the stream where debris may collect. Lyle Nichols explained that they are considering adding another crib for the bank of the stream. He agreed that hay bales would be placed within five feet of the work area.

MOTION: To approve the application of Land Trust/Lyle Nichols – Bridge repair as senior project as a regulated activity. Application fee waived. By Mr. Ketchum, seconded by Ms. Napier and passed 5-0.

NEW BUSINESS

Peacocke/39 Hickory Lane – Pool, Patio, hot tub, repair

Jay Peck of Peck Construction, agent for Peacocke, submitted a plan dated 3/16/09 and explained that the current patio around the pool is collapsing. The proposal is to rebuild patio using a concrete base. The shape of the patio will be changed from oval to square. He explained that the mechanical equipment for the pool will be relocated to the basement and a trench from the basement to the pool will be dug. Mr. Horrigan agreed to view the site.

Swanson/39 Davenport Road – Shed

Mr. Swanson submitted a plan entitled Soil Erosion & Sediment Control Plan and explained this is a basic shed 10 ½ feet X 20 feet. The proposed site is 70 feet from the wetlands. The roof will drain into gravel. Ms. Napier agreed to do the site walk.

Mostowitz/Jackson/381 South Street – Concerns by Mr. Woodside

Mr. Dirienzo explained that Mr. Woodside has some concerns regarding an application approved by the IWC 9/23/08 for an existing bridge and driveway. Mr. Dirienzo noted that he met with Mr. Woodside, walked the site and did not see any violations. Mr. Dirienzo explained that he viewed a 10X5 up gradient area that Mr. Woodside feels is wetlands and was not flagged. It was noted flagging/testing was not done because this area is on another property.

Mr. Woodside explained that he does not object to a house being built on this property. He explained that the unreported wetland area has a potential effect on the wetlands. He added that he has concerns regarding the wing walls on the bridge. He felt there should be seasonal limitations on the project and hay bales should be placed in the stream for erosion control. He noted that he reviewed the minutes and throughout the process the project became more elaborate.

Mr. Woodside submitted a letter dated 3/24/09 requesting certain actions. Stone had been dumped several years ago that should be removed. A replanting plan should be in place. The driveway should be paved to control sediment and debris. The plans should be revised to show the Commission's conditions. The WEO should keep a close watch to assure plan is being followed. There should be minimal tree disturbance and minimal lawn area. The owner's name should be spelled correctly.

Mr. Jackson explained that his client does not want to test and flag the area in question on the neighboring property. He explained that there are no indications that the area is wetlands. Mr. Dirienzo explained that the Commission can revoke the permit. Mr. Jackson noted that he called CCA regarding a soil report on that area and found that they do not do offsite testing without the owner's permission. Ms. Barton suggested that he check the soil scientist's field book. Additionally, Ms. Barton offered to call NW Conservation District's Soil Scientist, Sean Hayden, to view the area.

In reference to seasonal restrictions, Mr. Jackson confirmed that they had planned to work during a dry time. Mr. Jackson did notify Land Use prior to beginning work. He will notify the WEO before beginning work on the bridge. Minimized clearing to protect vegetation had been agreed upon.

Mr. Dirienzo noted that he is happy with the gravel driveway and that the Commission does not agree it should be paved. Mr. Woodside noted that the plan calls for pavement. Mr. Dirienzo explained that it is clear from the record that it was not to be paved. A permit will be required if applicant decides to pave the driveway.

Mr. Jackson agreed to have the paving notation removed from the plan, indicate change with wing walls in the plan, and have back pitch and berm printed on the plan.

COMPLAINTS/ENFORCEMENT

Adams/88 Old Roxbury Rd. – Complaint regarding beaver dams

Mr. Dirienzo reported he has not received a response in regard to the letter he sent to the Adams c/o their Property Manager. Mr. Dirienzo noted that he spoke with the DOT who could not say whether they had removed the dams. Ms. O'Conner and Mr. Kellerman confirmed that two of the dams are on the Adams' property. Ms. Napier submitted literature noting the benefits of beaver ponds and that the destruction of dams requires a permit. Mary Barton agreed to knock on the Property Manager's door to inquire with regard to this issue. Mr. Dirienzo agreed to follow up with a Notice of Violation along with a copy of the literature provided by Ms. Napier.

MOTION: To adjourn the meeting at 9:14 PM. By Ms. Napier, seconded by Ms. O'Conner and passed 5-0.

By: _____
Tai Kern, Clerk

cc: B. Henry, R. Lowe, R. Dirienzo, P. Hurlbut, R. Falconer, J. Pierpont, R. Munson, G. McTaggart and H. Rawson.

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

