

**Roxbury Inland Wetlands Commission**  
**MINUTES**  
**Regular Meeting**  
**December 15, 2009**

Members Present: Ms. Napier, Mr. Horrigan, Mr. Dirienzo and Ms. O’Conner  
Alternates Present: Mr. Smoliga and Ms. Steers  
Others Present: Mr. Kellerman, Ms. Henry, Mr. Sax, Mr. Laub, Mr. Ukers, Tammy McVey-Camilleri of Voices, Jack Corragio of the Litchfield County Times and members of the public.

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

**SEATING OF MEMBERS**

Chairman Dirienzo seated members Horrigan, O’Conner, Napier and Dirienzo. Alternate Smoliga was seated for Fitch.

**APPROVAL OF MINUTES – November 24, 2009**

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

MOTION: To approve the minutes of the November 24, 2009 Regular Meeting. By Ms. O’Conner, seconded by Ms. Napier and passed 5-0.

**COMMUNICATIONS WITH THE PUBLIC**

Mr. Dirienzo opened the floor for communications from the public.

**WEO REPORT**

Mr. Dirienzo reviewed the WEO report with the Commission.

**2010 MEETING CALENDAR APPROVAL**

MOTION: To approve the 2010 Meeting Calendar. By Ms. Napier, seconded by Ms. O’Conner and passed 5-0.

**2010 APPOINTMENTS – CHAIRMAN & VICE CHAIRMAN**

Appointment of Chairman

Ms. Napier nominated Russell Dirienzo as Chairman. The nomination was seconded by Mr. Horrigan.

MOTION: To close nominations of Chairman. By Mr. Horrigan, seconded by Ms. O’Conner and passed 5-0.

MOTION: To appoint Russell Dirienzo as Chairman. By Mr. Horrigan, seconded by Ms. O’Conner and passed 5-0.

Appointment of Vice Chairman

Ms. O’Conner nominated Jan Napier as Vice Chairman. The nomination was seconded by Mr. Horrigan and passed 5-0.

MOTION: To close nominations of Vice Chairman. By Ms. O’Conner, seconded by Mr. Horrigan and passed 5-0.

MOTION: To appoint Jan Napier as Vice Chairman. By Ms. O’Conner, seconded by Mr. Horrigan and passed 5-0.

## **NEW BUSINESS**

### Sax/21 Squire Road – French drain into Jack’s Brook

Property owner, Robin Sax, described the work he has done to the existing gravel farm track used as an access by the farmer to the fields. He explained that a 560-foot long French drain was installed to prevent track erosion.

Ms. O’Conner read aloud the 12/3/09 e-mail from Mary Barton describing what she directed the applicant to do prior to stopping work and coming before the Commission. They discussed the temporary plunge pool currently being used to collect the water from the trench.

The map entitled French Drain for Farmer Access Way- Plan View dated 12/02/09 was reviewed. Mr. Sax confirmed that he did not have an engineer look at these plans. Mr. Dirienzo recommended that Mr. Sax consult an engineer because the outlet is being torn apart and there should be some kind of treatment before the water goes into the brook.

The Commission agreed to do a site walk and will review the application again in January.

## **COMPLAINTS/ENFORCEMENT**

### McDonald / 6 Baker Road

Mr. Dirienzo reported that the Citation Hearing took place on 12/10 and he heard it went very well. The Hearing Officer asked for more time to evaluate the appeal.

MOTION: To add to the agenda application of Town of Roxbury / Judd’s Bridge Road / Repair of Judd’s Bridge Road Bridge over the Shepaug River. By Ms. Napier, seconded by Mr. Horrigan and passed 5-0.

### Town of Roxbury / Judd’s Bridge Road / Repair of Judd’s Bridge Road Bridge over the Shepaug River- Modification to Plan

Mr. Dirienzo stepped down and Vice Chair Napier was seated as Acting Chair. Alternate Steers was seated as a Regular Member.

Barbara Henry explained that they are now into phase 2 of the rehabilitation of Judd’s Bridge. The project was halted by the State due to the gusset plates, which prevented the project from being finished in one phase. They have received Stimulus money to fund the repairs, which require a tight timetable. She explained that she would like to modify the application with regard to the painting of the trusses. She has sent a letter to Mary Barton explaining the only modification of the plan, which is to paint the trusses in place, rather than removing them from the bridge. A containment structure would be used to prevent any paint chips from falling into the river. The engineering firm of Malone & MacBroom has confirmed that there would be no impact on the river. The approval of the CT DOT has been received.

The Commission reviewed the plan entitled Permanent Repair of Judd's Bridge Road Bridge Over Shepaug River dated December 14, 2009. Mr. Horrigan questioned how the paint would be applied to the trusses. Barbara Henry could not confirm how the paint applied. Mr. Horrigan expressed the importance of the full containment of the paint. Barbara Henry noted that the project is scheduled to begin April 1, 2010.

MOTION: To approve the application of Town of Roxbury / Judd's Bridge Road / Repair of Judd's Bridge Road Bridge over the Shepaug River-Modified Plan contingent upon the verification of full containment of the paint applied to the trusses. By Mr. Horrigan, seconded by Ms. Steers and carried 5-0.

Ms. Steers stepped down. Mr. Dirienzo was reseated as Chair.

#### AT&T Tower & Driveway

Mr. Dirienzo explained that this is not a formal application. AT&T is not required to submit a formal application; therefore, the IWC does not have jurisdiction over this matter. However, the IWC will hear the plan and provide the Siting Council with their recommendations.

AT&T's legal representative, Daniel Laub of Cuddy and Feder, and project engineer, Don Ukers of Dewberry, reviewed the wetland delineation on the plan noting that the nearest wetland is 290 feet away. Their study concluded that the proposal, which includes the driveway, would not have an impact upon the wetlands. The wetlands are upland of the tower and there are bedrock outcroppings in between the tower and the wetlands.

Don Ukers discussed the water's potential to shed onto Transylvania Road from the access driveway. He noted that they revised their original plans to shift the driveway over and added five level spreaders to disperse the flow of water. It was confirmed that this would be a gravel driveway with no chance of being paved in the future. A swale is proposed at the last third of the road which would feed into a 12 inch pipe under the driveway and then would go into a cross culvert. He confirmed that there would be a slight increase in flow and the level spreaders were designed for a 50-year event.

Mr. Dirienzo advised that a 15-inch pipe minimum is required in Roxbury and catch basins should be the standard size of 30 inches. Mr. Ukers confirmed that those changes would not be a problem.

Ms. O'Conner questioned whether the soil scientist looked at the possibility of vernal pools beyond the wetlands. Mr. Ukers explained that although the vernal pools were not confirmed, they were treated as such in the report. Mr. Dirienzo noted that in the soil report the mention of well drained glacial till is an oxymoron. He explained that the soils are terrible in Roxbury. Mr. Dirienzo agreed with the presence of glacial till; however, it is poorly drained; therefore, special considerations are required.

Mr. Dirienzo noted that he has received many concerns about flooding. The Commission does not want to agree to a plan that will cause problems for someone else. He explained that just

because there are no wetlands, does not mean that the Commission does not have jurisdiction. He advised that a curtain drain be placed along the road. Mr. Dirienzo noted that the entire Commission would walk the site and then will put their thoughts in writing. Mr. Ukers confirmed that the site would be flagged. The Commission agreed that it would be a good idea to ask Sean Hayden to review the soils.

Mr. Horrigan presented questions regarding the transformer and coolants that would be used. Mr. Laub noted that a small diesel generator would be used. As well as an above ground 200-gallon tank to hold diesel fuel within a bladder.

Mr. Smoliga noted that the Charlton ridge soils are notorious for poor drainage.

Gary Steinman questioned whether there would be a maintenance plan for the catch basins. Mr. Laub explained that the site will be reviewed every four to six weeks with regard to maintenance requirements. Mr. Steinman questioned whether there was a removal plan if cell towers were to become obsolete. Mr. Laub explained that the Siting Council requires that the site be returned to its original state within six months.

Julie Steers questioned what AT&T's obligation is if the water coming off the site washes out the road or affects the property across the road. Mr. Laub explained that a traceable problem would present an obligation to the owner of the tower. They would have no authority to work on the road; however, would work with the town to remedy the problem. He confirmed that the tower's ownership is required to be on file with the Siting Council.

Hugh Rawson questioned whether a design for a 50-year storm is standard. Mr. Dirienzo explained that a 25-year storm design is standard; however, the Commission adopted the requirement for a 50-year storm design. He noted that a 100-year storm plan is very difficult to design.

Barbara Henry questioned where the water is going to go once it hits the road. Mr. Ukers explained that it would mimic existing conditions. He confirmed for Mrs. Henry that the driveway grade is between 8 and 21 percent. Mrs. Henry advised that the Town Regulations do not allow for a 21 percent driveway grade. She pointed out that this is a one-lane dirt road that already experiences problems with runoff from adjoining roads.

Mr. Dirienzo noted that, with all due respect, the plan is not going to work. The town standard for driveway grade is 12 percent. The road cannot handle any more water. He noted that it has been admitted that there would be an increased flow and the town will suffer. The plan requires infiltrators and a curtain drain.

Barbara Henry voiced her concerns with the driveway being maintained on a regular basis. She questioned whose yard the water would be going through after it crosses the road. Mr. Ukers noted that no work is being done to Transylvania Road.

Brian Krin of 108 Transylvania Road noted that he wished he had picture of the waterfalls come off that hill.

Mark Wilson of 116 Transylvania Road explained that the hill drains for weeks. He questioned whether the technology proposed would be adequate during a freeze. Mr. Dirienzo explained that there are better technologies. The plan has underestimated the lack of soil drainage.

Tom Reagan of 12 Acorn Hill questioned the possibility of obsolescence. Mr. Laub explained that this is not expected. The current proposed uses are for cell phones and emergency services; however, the types of uses can expand. Mr. Laub confirmed for Mr. Reid that if environmental issues occurred they would be able to access the site during the winter months.

Mr. Dirienzo reminded the public that the issues discussed at this meeting should be limited to those that would be within the IWC jurisdiction.

Cynthia Willett of 36 Rucum Road explained that she rides her horse on Transylvania Road, which is very wet already and should not be subjected more water.

John Luczak of 62 Transylvania Road noted that he spent \$10,000 to solve a water problem on his property due to artesian pressure. There is nowhere for the water to go.

Ron Faanes of 92 Transylvania Road explained that they installed a rain garden to alleviate their water problem.

Beatrice Conway of 281 Southbury Road explained that Southbury Road becomes a sheet of ice from the water coming across the road. She noted that this plan will affect roads down stream.

John Ambruso of 118 Transylvania Road noted that he is a property abutter who has hunted on this property for many years. There are definitely vernal pools and the wetlands are larger and closer than they know. Also, the balloon that was floated was just thrown on the ground, which is not good for the environment.

Bill Steers of 121 Transylvania Road explained that the water will go onto his property and he does not want the current issues exacerbated. He invited the IWC to come and take a look at his property.

Ms. O'Conner explained that if this were an application coming before the Commission it would be denied. Many times applicants propose a winding driveway to lessen the slope.

Mr. Dirienzo noted the following suggestions:

- The use of 15-inch pipe and proper size catch basins
- Curtain drain on the house
- Road drainage system upgraded
- Slope reduced from 21 to 12 percent
- Have contingencies for artesian pressure
- Consider alternatives such as a rain garden and underground detention

Mr. Dirienzo noted that if there is any increase in runoff on the road a drainage system needs to be put in. He explained that the Commission will walk the site and have a report available for the

January 26<sup>th</sup> meeting date.

MOTION: To adjourn the meeting at 8:58 P.M. By Ms. O’Conner, seconded by Ms. Napier and passed 5-0.

By: \_\_\_\_\_ *Tai Kern* \_\_\_\_\_  
Tai Kern, Secretary

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

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