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THE ROXBURY INLAND WETLANDS COMMISSION**

**INLAND WETLANDS COMMISSION
ROXBURY, CONNECTICUT**

MINUTES

**Regular Meeting
January 26, 2010**

Members Present: Ms. Napier, Mr. Dirienzo, Ms. Fitch and Ms. O'Conner
Member Absent: Mr. Horrigan
Alternates Present: Mr. Smoliga and Ms. Steers
Others Present: Mr. Kellerman, Ms. Henry, Mr. Neff, Mr. Szymanski, Stephen Birchall, Tammy McVey-Camilleri of Voices and members of the public.

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

SEATING OF MEMBERS

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

COMMUNICATIONS:

Mr. Dirienzo confirmed the Commission's receipt of communications including the CAWS Annual Meeting Notice, Enforcement and the Farming Exemption and River Network Grants.

APPROVAL OF MINUTES – December 15, 2009

The approval of minutes from the Regular Meeting of December 15, 2009

MOTION: To approve the minutes of the December 15, 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. The public questioned whether AT&T will be present for this meeting. Barbara Henry reported that she phoned AT&T several times regarding this meeting; however, received no response.

WEO REPORT

Mr. Dirienzo reviewed the WEO report with the Commission. He noted that Mary Barton has been working on closing out Certificates of Occupancy.

OLD BUSINESS

AT&T Tower- 126 Transylvania Road

Mr. Dirienzo explained that he would like to provide the ideas gathered from the Commission to the Siting Council. The Commission discussed whether the wetlands had been flagged on the

site. It was noted that notification had not been received to that effect.

Mr. Dirienzo reported that Sean Hayden viewed the site and submitted a report. His conclusion was that a liberal use of level spreaders would protect Transylvania Road. Mr. Dirienzo noted that he respectfully disagrees with Mr. Hayden's opinion. The driveway slope should be reduced from 21% to 12%. The location of the two septic systems for the house should be determined. Mr. Dirienzo noted that he viewed a spring on the site and that artesian pressure exists.

Mr. Smoliga viewed the site and noted that he also has concerns with the driveway slope and the soils that exist.

Mr. Dirienzo noted for the record that his education and experience qualifies him as an expert. He explained that the current plan is inadequate and feels the town will suffer damage to the road and to the wetlands across from the road. The Commission should not have to design the driveway for AT&T. He is not opposed to cell towers; however, the Siting Council should be responsible to site them correctly.

Barbara Henry suggested that the Commission's concerns are brought up in front of the Siting Council once AT&T has submitted their application.

Mark Wilson of 116 Transylvania Road questioned whether the issues are insurmountable. Mr. Dirienzo advised that the wetland and grade issues can be overcome; however, it may be more costly and will change how much property is being developed. Mr. Wilson questioned why AT&T did not choose an alternate route to access the site.

Gary Steinman suggested that concerns should be communicated to AT&T by providing them with the minutes, which are available on the website. This would prevent the Commission from designing a plan for them.

Tom Reagan of 12 Acorn Hill questioned how a soil scientist would take this particularly wet time to report on the site and not use a time of natural occurrences. Mr. Dirienzo explained that a design is developed to handle a major rain event.

Mr. Dirienzo suggested that they state the problems they have found with the plan without providing specific detail. Barbara Henry noted that such a letter should go to AT&T because the Siting Council has not yet received an application. The Commission agreed that Mr. Dirienzo should write a letter stating their concerns without designing the driveway for them. This approach is consistent with what they would do for any property owner in town.

O'Connell/Krieger-Drainage Improvement Plan

Mr. Dirienzo noted that Mary Barton has reported that this project is almost complete.

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

Paul Szymanski reviewed letter dated 1/21/10 detailing alternate options for a curtain drain that would result in no impact on Jacks Brook. The proposed plan includes extending the curtain drain down slope 50 feet and then extending it at a 45-degree angle to the left under the existing drive. At the outlet 12 inches of 3 inch crushed washed trap rock would be placed. Additionally,

an extension of the curtain drain will be placed at the bottom of the driveway and tied into the proposed extension of the existing curtain drain. He reported that the property caretaker will perform this activity. Mr. Szmanski agreed to oversee the activity and will inform the Land Use Office prior to beginning work. Erosion control will be placed downhill.

MOTION: To approve the application of Sax/21 Squire Road – French drain into Jack’s Brook as a regulated activity with the following conditions:

- Land Use office to be notified prior to the start of work.
- Arthur Howland & Assoc. to oversee project.
- Paul Szmanski to certify that project has been completed in accordance with the plan.

By Ms. O’Conner, seconded by Ms. Napier and passed 5-0.

NEW BUSINESS

Stephen Birchall – Bear Burrow (Map29, Lot5) – Single-family dwelling, driveway, septic and well

Brian Neff reviewed map entitled Proposed Site Plan dated 11/11/09 with the Commission. He explained that the proposed house site is outside the regulated area; however a portion of the driveway and the septic are within the regulated area.

The Commission reviewed the memo from Mary Barton dated 1/26/10 noting the specific distances to the wetlands. Mr. Neff confirmed that the perc tests showed good soils. Soils are well drained within the driveway area. Ground water was hit at 90 inches or deeper. Mr. Neff noted that no tree cutting is required on the open field site.

Ms. O’Conner and Ms. Fitch agreed to view the site.

COMPLAINTS/ENFORCEMENT

McDonald / 6 Baker Road

Mr. Dirienzo noted that there is nothing new to report regarding this Complaint/Enforcement.

The Commission discussed the case law update supplied at the CACIWC Annual Meeting. Mr. Dirienzo noted that case law dictates that it is up the Commission to determine if an activity is exempt. The person claiming the benefit of the exemption has the burden of proving they fall within the exemption.

OTHER BUSINESS

Mr. Dirienzo reported that Joe Quaranta has offered his time as a volunteer. He explained that the Selectmen have not had any success with finding a volunteer to fill the IWC vacancy. Mr. Dirienzo advised that it will be the other two Selectmen who appoint IWC members. He abstains from IWC appointments.

MOTION: To adjourn the meeting at 8:21 P.M. By Ms. O’Conner, seconded by Ms. Napier and passed 5-0.

By: Jai Kern
Tai Kern, Secretary

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

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