

## Attachment 5



**Roxbury Inland Wetlands & Watercourses Commission**  
**Town of Roxbury**  
**29 North Street**  
**Roxbury, CT 06783**

September 2, 2010

Charles Neiwenhous  
C.N. Builders, Inc.  
3 Alexander Lane  
Weston, CT 06883

Dear Mr. Neiwenhous:

REF: Application No. 04-10 #1 -- Southbury Road Map 32/Lot 8

The Roxbury Wetlands Commission granted your request for a permit for the above referenced property at its August 24, 2010 Regular Meeting.

The permit was approved as a regulated activity for a stream crossing on Southbury Road (Map 32/Lot 8) to access a possible cell tower site and was granted with the following conditions:

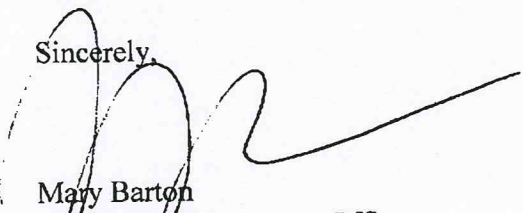
**Conditions of the Permit**

- A \$20,000 construction bond is to be posted prior to the start of the project. The bond shall be a pledge of a savings account. Please contact the Wetlands Enforcement Officer to finalize the bond and bond agreement.
- The Land Use Office is to be notified 10 business days prior to the start of work and the Enforcement Officer is to be present on the first day of work.
- Wetland markers are to be placed every 300 feet. Markers should be a post and sign marked "Wetland Boundary".
- Two sets of the final plans (Alternate D- Plan 3C) should be on record. All previous plans are to be eliminated from the file.
- Herbicide, pesticide and fertilizers should not be used on the site without the written consent of the IWC. (The requirements for initial stabilization are understood.)

- The mitigation plan is to be implemented as presented, which includes the removal of sediment and debris upstream of the crossing and the addition of additional plantings in that area.
- The maintenance plan is to include an annual check of the roadway. Repairs are to be made as needed. The IWC is to be notified of the inspections.
- The box culvert is to be installed in accordance with DEP Stream Crossing Guidelines.
- An annual maintenance inspection is required as a condition of approval of this permit. The Wetlands Enforcement Officer must be notified annually 30 days prior to the inspection date.

If you have any questions regarding this permit, please do not hesitate to contact me at the Roxbury Wetlands Office on Tuesday or Thursday from 9 am to 1 pm at (860) 354-9612.

Sincerely,



Mary Barton  
Wetlands Enforcement Officer

Cc: Barbara Henry, Russell Dirienzo, Kim Baron

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

**MINUTES  
Regular Meeting  
August 24, 2010**

Members Present: Mr. Dirienzo, Ms. Fitch and Ms. O’Conner  
Alternates Present: Mr. Quaranta, Ms. Steers, and Mr. Smoliga  
Others Present: First Selectman Barbara Henry, Mr. Kellerman, Mr. Keillor, Mr. Neff, Mr. Ross, Mr. & Mrs. Hull, Mr. Green, Mr. Mirak, Mr. Corbo, Ms. Turoczi, Mr. Boyd and Tammy McVey-Camilleri of Voices.

Mr. Dirienzo called the meeting to order at 8:06 P.M.

**SEATING OF MEMBERS**

Chairman Dirienzo seated members O’Conner, Fitch, and Dirienzo. Julie Steers was seated for Jan Napier and Joe Quaranta was seated for Rob Horrigan.

**APPROVAL OF MINUTES – Public Hearing and Regular Meeting of July 27, 2010**

The approval of minutes from the Public Hearing of July 27, 2010

MOTION: To approve the minutes of the July 27, 2010 Public Hearing. By Ms. O’Conner, seconded by Ms. Fitch and passed 5-0.

The approval of minutes from the Regular Meeting of July 27, 2010

MOTION: To approve the minutes of the July 27, 2010 Regular Meeting. By Ms. O’Conner, seconded by Ms. Steers and passed 5-0.

**COMMUNICATIONS**

DEP Notice of intent to adopt regulations

Mr. Dirienzo explained regulations are being proposed to establish flow standards for all river and stream systems in the state.

WEO Report

Mr. Dirienzo reviewed the WEO Report.

Report on 6 Baker Road

Mr. Dirienzo reviewed Sean Hayden’s letter dated 8/2/10 reporting that he inspected the site and found no issues.

**OLD BUSINESS**

Neiwenhous – Land Engineering/Southbury Road (Map 32/Lot 8) – Stream crossing to access possible cell tower site (Public Hearing extended)

Julie Steers explained that she would prefer to abstain from the vote with regard to this application. Julie Steers stepped down and John Smoliga was seated.

MOTION: To approve the application of Neiwenhous – Land Engineering/Southbury Road (Map 32/Lot 8) – Stream crossing to access possible cell tower site as a regulated activity. By Ms. O’Conner, seconded by Mr. Smoliga.

Discussion:

The following conditions were added:

- A \$20,000 construction bond is to be posted prior to the start of the project.
- The Land Use Office is to be notified 10 business days prior to the start of work and the Enforcement Officer is to be present on the first day of work.
- Wetland markers are to be placed every 300 feet. Markers should be a post and sign marked “Wetland Boundary”.
- Two sets of the final plans (Alternate D- Plan 3C) should be on record. All previous plans are to be eliminated from the file.
- Herbicide, pesticide and fertilizers should not be used on the site without the written consent of the IWC. (the requirements for initial stabilization are understood)
- The mitigation plan is to be implemented as presented, which includes the offer to remove sediment and debris upstream of the crossing and the addition of additional plantings in that area.
- The maintenance plan is to include an annual check of the roadway. Repairs are to be made as needed. The IWC is to be notified of the inspections.
- The box culvert is to be installed in accordance with DEP Stream Crossing Guidelines.

The motion passed 5-0.

## **NEW BUSINESS**

### Hull/Chalybes Road West (Map #8, Lot 74)- Single-family dwelling

Mr. Neff came forward and reviewed the site plan for a single-family dwelling outside the regulated area.

MOTION: To approve Hull/Chalybes Road West (Map #8, Lot 74)- Single-family dwelling as a non-regulated activity. By Mr. Dirienzo, seconded by Ms. O’Conner and passed 5-0.

### Ross/11 Holmes Road – Dredge Pond

Jim Ross came forward and presented a plan prepared by Brian Neff for Bonnie and Lee Richards dated 8/21/10 entitled Pond Cleanout Plan. He confirmed that the pond is fed by a brook and it is filled to the top with cattails and sediment. He submitted a copy of the notice sent to the Town of Woodbury regarding the proposal.

Mr. Dirienzo suggested that the Enforcement Officer view the site and approve it at her discretion. The applicant should return to the next meeting only if there are issues that need to be addressed.

MOTION: To send the WEO to perform site visit and approve the application of Ross/11 Holmes Road – Dredge Pond as an as of right activity at her digression. By Mr. Dirienzo, seconded by Mr. Smoliga and passed 5-0.

### Town of Roxbury – Weller’s Bridge Road – Weller’s Bridge Repair

Barbara Henry explained that the State requires the review of bridges for scour countermeasures. Milone and MacBroom were hired to perform this review.

Andy Green and Jim Mirak of Milone and MacBroom reviewed their findings. It was reported that the center pier is not protected by riprap and 2 ½ feet of scour was found. The pier is upwards of 20 feet scour susceptible.

Mr. Mirak and Mr. Green reviewed plans to excavate to a 5-foot depth and 6 feet around the pier and add 18-inch riprap. They explained that access to the site is proposed at a sand bar at a break in the tree line. The total volume of riprap would be 100 cubic yards. A rubber tire excavator would be used to do the digging and a bobcat would be used to deliver the riprap through the water. The project will take 3 to 5 days to complete. A wet mix will be planted to stabilize the bank and the access way. The disturbed portion of the hay field can be replanted as well. Additionally, they agreed to add an oil boom on the down river side. The excavated dirt will be reused to fill the voids in the riprap.

Mr. Quaranta questioned whether an alternate plan could be to deliver the rock over the side of the bridge. The excavator that will be in the river to do the digging can remain there to place the rocks. It was noted that this alternate would limit traffic on the bridge and disturb silt when the rocks landed in the water from over the side of the bridge.

Mr. Dirienzo asked that the Commission members view the site individually and be prepared to comment at the next meeting.

#### Corbo/Hemlock Road (Map #19, Lot 56) – Single-family dwelling

Brian Neff presented a plan entitled Proposed Site Plan dated 8/19/10. He explained that this is a proposal for one of the lots of the Famighette subdivision that had been approved in 2006. Mr. Neff noted that this plan is similar to one used for the subdivision; however, the amount of disturbance is less. Additionally, a pool is proposed on the new plan to be placed close to the house.

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

MOTION: To add to the agenda the application of Boyd – 7 Goldmine Road – pond. By Mr. Dirienzo, seconded by Mr. Smoliga and passed 5-0.

#### Boyd- 7 Goldmine Road - pond

Lisa Turoczi of Earth Tones came forward with a plan entitled Site Analysis Plan dated August, 2010 for a proposed pond in a flat area of wetland soil on this property. It was noted that a stream meanders through the property; however, would not be attached to the proposed pond.

Ms. Turoczi reported that the total area of disturbance / enhancement would be 4572 square feet. Mr. Dirienzo advised that if this area exceeds 5000 square feet an application would need to be made to the Army Corp. of Engineers. Mr. Dirienzo noted that this is a complicated plan, which will require a construction sequence and a hydrology report. Additionally, a conservation easement should be considered to prevent further development on the site.

Ms. O’Conner and Ms. Fitch volunteered to view the site. Ms. Turoczi agreed to flag the proposed pond area.

MOTION: To adjourn the meeting at 9:15 P.M. By Ms. O'Conner, seconded by Mr. Smoliga and passed 5-0.

By: \_\_\_\_\_  
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.