

August 10, 2011

Show Cause Hearing – Regular Meeting

6:30 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. Bohan, Mrs. Hill, Mr. LaMuniere, Mr. Wadelton

ALTERNATES PRESENT: Ms. Cheney, Mr. Papsin

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill

ALSO PRESENT: Mr. Howard, Mr. Law, Mr. Neff, Mr. Szymanski, Mr. Sabin, Atty. Kelly, Mrs. Pond, Mr. Ebner, Mr. Sweeney, Ms. Matteo, Residents

SHOW CAUSE HEARING

Howard/99 West Shore Road/Unauthorized Construction of Patio

Mr. Bedini called the show cause hearing to order at 6:30 p.m. and seated Members Bedini, Bohan, Hill, and Wadelton and Mr. Bohan for Mr. LaMuniere.

Mr. Wadelton read the 7/26/11 citation notice to Mr. Howard from Mr. Ajello and the 8/1/11 cease and desist order to Mr. Howard from Mr. Ajello.

Mr. Bedini asked Mr. Howard to explain why the cease and desist order should not stand. Mr. Howard responded that water had undermined pavers that had been installed in the area and so he had deposited sand and had replaced the pavers with bluestone. He said he had not known that repair work required a permit. Mr. Ajello noted that if an application had been submitted to the Commission, it would have considered a device to control the erosion of the sand on this bank.

Mr. Wadelton read the 7/21/11 letter from Mr. Howard to Mr. Ajello, which he had written after receiving the notice of violation. Mr. Howard noted the work had been completed in one day and that he had considered it to be maintenance. He circulated photos of the site.

Mr. Bedini advised Mr. Howard that any work on the lake shore is within the Commission's jurisdiction. Mr. Bohan said he had not realized this was the replacement of an existing patio. Mrs. Hill asked if there was any work left to be done. Mr. Howard said he would replace a tree that had died. Mr. Ajello noted the tree had been planted as part of the settlement to correct a previous violation. Mr. Ajello also noted the sand from the job had been cleaned up promptly as he had requested.

The cease and desist order to pay the fine and to stop all work was reviewed. Mr. Howard stated that he had not yet paid his fine.

Mrs. Hill told Mr. Howard that the Commission would vote during the regular meeting on whether the order should remain in effect.

MOTION:

To close the Show Cause hearing for Howard/ 99 West Shore Road/Unauthorized Construction of Patio.

By Mrs. Hill, seconded by Mr. Bohan, and passed 5-0.

Mr. Bedini closed the hearing at 6:48 p.m. This hearing was recorded. The audio is available in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Bedini called the Meeting to order at 7:00 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton.

MOTION:

To add the following subsequent business to the Agenda:

V. New Applications:

C. Regional School District #12/159 South Street/#IW-11-27 Install Air Line, Remove Tree,

D. Shepaug Valley Properties, LLC./27 Mt. Tom Road/ #IW-11-28/Storage Shed, Bridge, Walkway,

E. Glickman and Henley/37 Old North Road/ #IW-11-29/Additions to Existing Dwelling,

F. Matteo/176 West Shore Road/#IW-11-30/Repairs to Shoreline Stone Landing,

G. Brown/127 West Shore Road/#IW-11-31/Application for Exemption After the Fact Repair of Stone Wall,

VIII. Administrative Business:

A. Discussion re: Update Plan of Conservation and Development,

B. Additional Meeting.

By Mrs. Hill, seconded by Mr. Wadelton, and passed 5-0.

Consideration of the Minutes

MOTION:

To postpone consideration of the 7/13/11 Regular Meeting minutes until the next meeting.

By Mr. Wadelton, seconded by Mrs. Hill, and passed 5-0.

MOTION:

To accept the 7/20/11 Lyon-Gray site inspection minutes as written.

By Mr. Wadelton, seconded by Mrs. Hill, passed 4-0-1. Mr. LaMuniere abstained because he had not attended the site inspection.

MOTION:

To accept the 7/20/11 Kessler site inspection minutes as written.

By Mr. Wadelton, seconded by Mrs. Hill, and passed 4-0-1.

Mr. LaMuniere abstained because he had not attended the site inspection.

MOTION:

To accept the 8/3/11 Brown site inspection minutes as written.
By Mr. Wadelton, seconded by Mrs. Hill, and passed 4-0-1.
Mr. LaMunier abstained because he had not attended the site inspection.

MOTION:

To accept the 8/3/11 Schwartz site inspection minutes as written.
By Mr. Wadelton, seconded by Mrs. Hill, and passed 4-0-1.
Mr. LaMunier abstained because he had not attended the site inspection.

MOTION:

To table consideration of the 7/27/11 Special Meeting minutes to the next meeting.
By Mr. Wadelton, seconded by Mr. Bedini, and passed 5-0.

Pending Applications

Nauiakas-Kleinberg/10 and 18 Loomarwick Road/#IW-11-19/Driveway Drainage Swale:

Mr. Neff, engineer, stated there had been no revisions to the plan since the last meeting. His map, "Driveway Drainage Plan," dated 7/2/11 was reviewed. Mr. Neff explained the old swale had filled in over the years and a new stone lined swale was proposed to stabilize the area and stop the erosion problem. Mr. Bedini noted there had been no questions or concerns raised at the last meeting.

MOTION:

To approve Application #IW-11-19 for a driveway drainage swale at 10 and 18 Loomarwick Road, submitted by Nauiakas and Kleinberg, in accordance with the plan, "Driveway Drainage Plan," by Mr. Neff, dated 7/2/11; permit to be valid for 2 years; subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. Wadelton, seconded by Mr. Bohan, and passed 5-0.

Lyon-Gray/82 Old Litchfield Road/#IW-11-20/Gazebo and Landscaping:

Mr. Bohan noted he had not attended the site inspection and so Mr. Bedini seated Alternate Papsin in his place. Mr. Sabin stated that the gazebo would be constructed on piers, mostly native species would be planted, and a silt fence would be installed to protect the wetlands.

MOTION:

To approve Application #IW-11-20 submitted by Lyon and Gray for a gazebo and landscaping at 82 Old Litchfield Road per the plans by Mr. Sabin, 4 sheets, dated 5/1/11; permit to be valid for two years; subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. Wadelton, seconded by Mr. Papsin, and passed 5-0.

Steep Rock Assoc./120 Bee Brook Road/#IW-11-21/Footbridge:

Mr. Bedini noted a petition requesting that a public hearing be held had been received. He asked if the consulting bond had been posted. It had not. Mr. Law, Steep Rock Director, said he hoped he would have it in by the end of the week. He noted that additional information such as test boring results and minor revisions including a change in the work schedule would be submitted by August 19. Mr. Ajello stated the only wetlands issues were the vehicle crossing over Bee Brook and the transport of equipment and materials along both sides of the river. A public hearing was scheduled on September 14, 2011 at 5:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

Brown/127 West Shore Road/#IW-11-22/Correction of Violation/ Shoreline Renovation:

Mr. Sabin, landscape architect, and Atty. Kelly represented Mr. Brown. Mr. Sabin's plan, "Proposed Shoreline Improvements and Buffer," dated 7/11/11 was reviewed. Mr. LaMuniere thought that given the long history of the violation, the Commission should consult with its attorney. Mr. Bedini agreed and said a vote would not be taken until this matter had been discussed with the attorney. Atty. Kelly stated that he had contacted the Commission's attorney yesterday to inform her that due to the trial conference coming up, it was critical that he know tonight what the Commission's decision would be. Mr. Sabin made the following points: regardless of what had transpired between the Commission and the property owner, the current application proposes 50% of the shoreline as useable and 50% to be left in a natural state, and creates a buffer of native plants. He thought his plan was a good faith effort to address the owner's concerns and the Commission's goal of protecting the lake. Mrs. Hill asked about the 7/13/11 minutes and about which section of the wall had been deconstructed. Mr. Sabin said the west end near the stairs had been deconstructed, but Mr. Ajello noted that 15 to 20 feet of the wall to the west had never been reconstructed. Atty. Kelly briefly reviewed the proposed plan again. Mr. LaMuniere commented that the work that had been done was not what was originally approved. Mrs. Hill said the minutes state that Mr. Ajello did not think the disturbance that would be caused by the installation of filter fabric behind the wall would be worth it, but that on the site inspection Mr. Sabin had said filter fabric would be installed. Mr. Sabin said this was still part of the proposal unless the Commission thought it would have too much impact. Atty. Kelly said the crushed stone and filter fabric had been included in Mr. Wilson's original plan, although had not been installed when the work had been done. He said it would be installed now if the Commission thought it would be beneficial. Mr. Sabin pointed out the section of shoreline that was to remain natural. He measured the section that would have grass on top of the wall, and determined it was more than half of the shoreline. Mr. Sabin completed the missing sections of the DEP form.

Kessler/105 West Mt. Road/#IW-11-23/Hot Tub and Stone Wall:

It was noted that a site inspection had been conducted since the last meeting. Mr. Neff, engineer, explained the proposal to extend the wall and to install a hot tub in the garden area on the south side of the house. Mrs. Hill asked how much backfill would be required. Mr. Neff said 6 to 8 inches would be needed to level off the area. He also noted the wall would be dry laid, have a 3 ft. wide base, which would taper to 18 inches wide at the top, and would have a maximum height of 4 ft.

MOTION: To approve Application #IW-11-23 for a hot tub and stone wall in the regulated area at 105 West Mountain Road, submitted by Kessler, in accordance with the plan, "Stone Wall and Hot Tub Plan," by Mr. Neff, dated 7/11/11; permit to be valid for two years; subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mrs. Hill, seconded by Mr. Papsin, and passed 5-0.

Schwartz/173 West Shore Road/#IW-11-24/Patio and Retaining Wall:

Mr. Neff, engineer, presented his revised plan, "Sediment and Erosion Control Plan," revised to 8/8/11, noting the revisions were based on comments made at the 8/3/11 site inspection. The large patio that had been proposed less than 50 ft. from the wetlands had been deleted, but the stairway and the proposed retaining wall at the NE corner of the garage had not been changed although part of the wall would be within 50 ft. of the wetlands. A footing drain pipe to pick up water from behind the wall was also added to the plan. Mr. Neff said a deteriorating basin would be rebuilt and the driveway would be curbed and repaved. The paved area would not increase in size. Mr. Papsin asked if the disturbed areas would be grassed this year. Mr. Neff said they would be seeded and mulched by the end of the season. Mr. Papsin thought this was important due to the steep slope and recommended that jute matting also be installed. Mr. Neff agreed to install the matting, but noted the area would be more level once the retaining wall was constructed.

MOTION:

To approve Application #IW-11-24 for a retaining wall and terrace at 173 West Shore Road submitted by Schwartz, per the map, "Sediment and Erosion Control Plan," by Mr. Neff, dated 7/11/11 and revised to 8/8/11; permit shall be valid for two years; subject to the following conditions:

1. that grass shall be planted by September 15, 2011 and jute matting installed on the north and east sides of the new terrace and garage,
2. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
3. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
4. any change to the plans as approved must be submitted immediately to the Commission for

reapproval.

By Mr. Papsin, seconded by Mr. Wadelton, and passed 5-0.

Mr. Bohan was reseated at this point.

New Applications

Hochberg/15 Couch Road/#IW-11-25/Dredge Pond:

The map, "Pond Dredging Plan," by Arthur H. Howland and Assoc., dated 7/28/11 was reviewed. Mr. Szymanski stated the proposed dredging was part of a maintenance plan for the annual removal of sediment from the pond. He said its removal by hand would cause no adverse impact to the pond. Approximately 10 yards would be excavated and deposited in the nearby forest. Mr. Szymanski offered to draw down the pond for a site inspection to show that the silt could be easily removed by hand and wheelbarrow. He noted there is a tremendous amount of sediment that ends up in the pond each year, so he was not sure whether dredging once a year would be adequate, and he asked for a five year permit. Mr. Bedini thought this would be possible if all the work was done by hand, the WEO was notified prior to the start of work each time the pond was to be dredged, and the pond would not be made larger or deeper when excavated. Mr. Ajello noted that the Town's drainage disappears into the ground behind the wall near the area proposed for the deposition of the excavated material. Mr. Szymanski said he would check into this and would inspect the site with Mr. Ajello before the next meeting. Mr. Bedini asked Mr. Ajello to draft conditions of approval and Mr. Szymanski offered to note these conditions on the approved plan. Mr. LaMuniere suggested that the excavated material be piled on site and removed by truck every two years or so when it reached a certain size.

Lake Waramaug Country Club/22 Golf Links Road/#IW-11-26/Install Fairway Drainage System:

Mr. Gabrenas, golf course superintendent, presented the plan, "Golf Course Drainage Improvement Plan," by Mr. Neff, revised to 10/26/04. He proposed to maintain the ditch and the sediment basin and to install the sections of the drainage system that had not been installed in 2004. Mr. Gabrenas did not know how much silt would be removed from the basin, but said he would not disturb its edges. Mr. Bedini asked him to measure it and to calculate how many cubic yards would be excavated. He also requested a written description of all the work to be done and to highlight on the map the sections of the system to be installed. He asked that details such as the depth of the drainage system, size of the pipe, where it would be connected, and what would be done with the excavated material be specified in writing. Mr. Gabrenas said there would be limited disturbance, the sod would be stripped, the work done in one day, and the sod then replaced. Mr. Papsin asked that the location of the stockpile area be shown on the map. It was the consensus that a site inspection was not needed.

Regional School District #12/159 School Street/#IW-11-27/Install Air Line and Remove Tree:

To control the algae in the pond, the installation of an air line and a bubbler are proposed. The plastic pipe would run 120 ft. between the school's mechanical room and the pond. The trench would not be deeper than 1 ft. and the disturbed area would be quickly resodded. Photos of the existing conditions were circulated. It was also noted that a willow tree would be removed. Mr.

LaMuniere thought the roots would not be deep and could be easily pulled out. Mr. Bedini noted the application included the statement that the area disturbed by the removal of the stump would be seeded and mulched as soon as possible.

Shepaug Valley Properties, LLC./27 Mt. Tom Road/#IW-11-28/Storage Shed, Bridge, Walkway, Parking Area:

Mr. Ebner proposed to expand his existing camp to his adjoining property. On the map, "First Cut Map," by Mr. Farnsworth, dated 9/30/08, he pointed out the location of the property and its entrance just south of the state park booth. The following proposed regulated activities were either drawn in by hand or highlighted on the map: 1) pathway, which included both a 60 +/- ft. long boardwalk and a bridge over wetlands and an intermittent stream, 2) a 12' X 24' storage shed, 3) a parking area, and 4) portable toilets. He noted the bridge was required to span a foot wide brook that drains from the pond through an 18" pipe and said the boardwalk would be elevated above the wetlands. Construction diagrams of the proposed structures were reviewed and Mr. Ebner stated that both were relatively short crossings and neither would require footing holes or sono tubes. Mr. Ebner said the 17,000 sq. ft. parking area would accommodate up to 40 cars. It was an already established sand and gravel area and would not be paved. Mrs. Hill noted how close this area was to the wetlands and asked that the parking be kept away from the wetlands. Mr. Ebner noted the elevation of the parking area was lower than the wetlands, but said he would probably install a woodchip and sand berm to protect the wetlands. The area proposed for the portable toilets was pointed out. He noted they would be pumped weekly. It was noted the proposed storage building would be at least 50 ft. from both the pond and the brook. A site inspection was scheduled for Wed., 8/24/11 at 5:30 p.m. Mrs. J. Hill said that in her application review she had not been able to determine whether erosion controls were needed because contours had not been provided and there had been no information regarding whether the installation of the path would require any regrading or deposition of material. Mr. Ebner said it would not; that the only material to be deposited would be under the storage shed. Mr. Ebner said he would have the owners fill out the conservation easement form.

Glickman-Henley/37 Old North Road/#IW-11-29/Addition to Dwelling:

Mr. Neff, engineer, explained the proposal was for a small addition to fill in a corner under the existing roof of the dwelling, install a dormer, and install a bay window. He pointed out the small area of disturbance and the erosion controls on his map, "Soil Erosion and Sediment Control Plan," dated 8/7/11. It was noted this work was within the regulated area, but the grade was flat and only a small amount of excavation would be required. No questions or concerns were raised and it was the consensus that a site inspection was not necessary.

Matteo/176 West Shore Road/#IW-11-30/Repair Lake Shore Landing:

Mr. Neff, engineer, presented a small scale drawing entitled, "Lakeside Landing Repair Plan," dated 8/6/11 on which he noted that the retaining wall stones would be restacked and the stones at the landing edge would be reset. He noted these stones had fallen out of place and that only existing stones would be used to restack and reset. He said no excavation would be required, no new material would be brought in, and there would be no new work in the lake. Photos of the existing walls were circulated and Ms. Matteo said they would look the same after the work was done as they do now. Mr. Ajello said it was all stone in this location; there were no soils to migrate to the lake. A site inspection was scheduled for 8/24/11 at 6:15 p.m.

Brown/127 West Shore Road/#IW-11-31/Application for Exemption:

Mr. Bedini read the application form and noted it was for an exemption for after-the-fact work. Atty. Kelly stated this application was necessary because there had been no resolution regarding Application #IW-11-22 for the same property. He said the entire procedure should have started with this application because maintenance of existing structures is an as of right activity and so is exempt. He also stated that landscaping an area equal to the smallest lot size in Town is also permitted as of right. He continued that per its Regulations the Commission was obliged to act of the exemption application at the meeting at which it was received. Mr. LaMuniere stated that not more than one third of the wall was standing and recognizable as a wall at the time Mr. Wilson applied for the original permit and so the owner did not have the right to repair more than one third of it. He said that only the repair of three 10 ft. lengths had been approved. Atty. Kelly, on the other hand, said that the Commission had been treating #IW-11-22 as the restoration plan it thought it was entitled to four years ago, but was not entitled to. Discussion continued regarding the original state of the wall 6 years ago compared to what was there now and what was proposed under #IW-11-22. Atty. Kelly showed before and after photos from 2006. It was the consensus that the Commission was not ready for a vote and that it would consult with its attorney.

Other Business

Request to Amend Permit #IW-08-31/Wykeham Rise, LLC/101 Wykeham Road/School:

Mr. Bedini noted that a petition for a public hearing had been received. The hearing was scheduled for Thursday, September 8, 2011 at 5:30 p.m. in the Land Use Meeting Room. Mr. Szymanski noted that a letter detailing the proposed revisions and a revised drainage report had been submitted.

Request to Amend Permit #IW-11-10/Geurts/117 East Shore Road/ Install Rip Rap:

Mr. Szymanski, engineer, proposed to install 2 inch wide, 18 inch thick, intermediate rip rap along the shoreline to prevent the erosion that was beginning due to the current at the waters edge. He stated the rip rap would be placed by hand and there would be no build out into the lake. He also stressed that this would be rip rap, not a stone wall. The map, "Proposed Site Development Plan," by Arthur H. Howland and Assoc., revised to 7/15/11 was reviewed.

MOTION:

To approve the request to amend Permit #IW-11-10 to include installation of rip rap on the Geurts property at 117 East Shore Road per the map, "Proposed Site Development Plan," by Arthur H. Howland and Assoc., dated 11/30/09 and revised to 7/15/11.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 5-0.

Enforcement

Pond/153 West Shore Road/Construction of Unauthorized Stone Wall:

Before and after photos were studied. Mrs. Pond said she had obtained a permit in 2003 to construct the wall, had not done the work at that time, and did not realize the permit had expired.

She noted the wall was mortared and that she had contacted Mr. McGowan of the Lake Waramaug Task Force, who advised her that the cement probably would not harm the lake. Mr. Ajello noted the permit had expired in Sept. 2008, but it had not been for the construction of a stone wall. He reviewed the original permit, which included a diagram for shoreline rip rap. It was agreed that the work permitted was not the work recently completed. However, Mr. Bohan and Mr. Papsin suggested that the original permit be extended and amended.

MOTION:

Regarding Pond/153 West Shore Road; to extend the permit issued to Mrs. Pond on 9/10/2003 to 8/10/2011 and to amend it to allow the stones in the wall to be mortared.

By Mr. Wadelton, seconded by Mr. Bohan, passed 4-1.

Mrs. Hill voted No saying it was not proper to extend the permit because 1) it was for a different activity and 2) it had expired 3 years ago so could not be extended.

At 9:45 p.m. the Commission took a 5 minute recess.

Enforcement Report

Bennett/27 West Shore Road/Unauthorized Drainage Work:

The notice of violation was filed on the Town Land Records on 7/18/11.

Chatfield-Schellerer/19 Tinker Hill Road/#IW-10-V01/Unauthorized Clearing:

A second citation and fine were sent to the property owners.

Erhardt/57 West Shore Road/#IW-11-11:

Work on the project has begun.

Glickman-Henley/37 Old North Road:

Mr. Ajello gave permission for the removal of 5 trees, all more than 50 ft. from the pond.

Hochberg/15 Couch Road/Unauthorized Excavation of Pond and Deposition of Material:

Mr. Hochberg had contacted the Selectmen's Office to request a hearing to protest the amount of his fine. The citation hearing has not yet been scheduled.

Howard/99 West Shore Road/Unauthorized Construction of Patio:

It was noted that a show cause hearing had been held earlier and the Commission had to vote on whether to leave the 8/1/11 enforcement order in place.

MOTION:

To leave the 8/1/11 enforcement order in place for Howard/99 West Shore Road/ Unauthorized Construction of Patio.

By Mr. Wadelton, seconded by Mr. Bedini, passed 5-0.

Steep Rock Assn./120 Bee Brook Road/#IW-11-21/Footbridge:

Mr. Wadelton thought the ongoing state DOT project to reconstruct the Rt. 47 bridge over the

Shepaug and the staging area for the installation of the footbridge would interfere with each other.

Town of Washington/59 East Shore Road/Unauthorized Deposition of Sand:

Photos of the piles of sand deposited at the Town Beach were circulated. Mr. Ajello said this sand had not been beach sand, but was sifted road sand. He asked the First Selectman to remove the sand because it was not needed and this had been done. He also asked that in the future, an application be made before any material is deposited. He also recommended that less of a better quality sand be used on the beach and that it be deposited less frequently.

Wang/110 Blackville Road/#IW-09-V07/Unauthorized Clearing and Driveway:

It was noted the newly planted trees were doing well in the dry weather.

Administrative Business

Plan of Conservation and Development:

Mr. Wadelton asked the commissioners to contact him before 9/27, the date of the final subcommittee meeting, regarding any recommendations for the update of the POCD.

Special Meeting:

A special meeting was set for Wednesday, 8/31/11 at 5:30 p.m. at the Town pavilion on School Street to discuss administrative business.

Complaint re: 31 East Shore Road:

Mrs. J. Hill summarized the complaint by Mr. Woodruff that the house on this property had been rebuilt in 1997 without an IWC permit and to larger dimensions than the variance approved by the ZBA. It was the consensus of the commissioners that 1) the Commission does not get involved in personal disputes, 2) the work was done too long ago; there had been ample opportunity to complain about it 14 years ago, and 3) to remove the unauthorized addition now would cause disturbance to a now stabilized area.

Communications

The 8/2/11 letter from Atty. Zizka regarding applications for work in the state right of way was briefly discussed. Regarding the work Mr. Geurts proposed in the state ROW, Mrs. J. Hill will send him a copy of the 8/2/11 letter with a cover to notify him that the proposed activity is under IWC jurisdiction. She will also provide copies of Atty. Zizka's letter for the commissioners.

MOTION:

To enter into executive session at 10:20 p.m. to discuss the pending litigation for Brown/ 127 West Shore Road.

By Mr. Wadelton, seconded by Mr. Bedini, and passed 5-0.

MOTION:

To end executive session at 11:00 p.m.

By Mr. Wadelton, seconded by Mr. Bedini, and passed 5-0.

MOTION:

To adjourn the meeting.

By Mr. Wadelton.

Mr. Bedini adjourned the meeting at 11:00 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator