

December 14, 2005

MEMBERS PRESENT: Mrs. D. Hill, Mr. LaMuniere, Mr. Picton, Ms. Purnell

MEMBER ABSENT: Mr. Bedini

ALTERNATES PRESENT: Ms. Coe, Mr. Thomson

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

ALSO PRESENT: Mr. Jontos, Mr. Owens, Mr. Neff, Mr. Brighenti, Atty. Kelly, Mr. Szymanski, Mr. Nicholas, Mrs. Roberts, Mr. Boling

The Special Meeting scheduled for 5:30 p.m. to meet with Atty. Zizka to discuss pending litigation was cancelled.

REGULAR MEETING

Mr. Picton called the meeting to order at 7:04 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Coe for Mr. Bedini.

MOTION: To add the following subsequent business to the agenda: Other Business: C. Depot Study, D. Administrative-Staff Procedures, E. Myfield, LLC.-List of Requirements, Consideration of the Minutes: D. Special Meeting/Brighenti/12/6/05, E. Special Meeting, Kessler/12/6/05, F. Special Meeting/Spring Hill Farms, LLC./12/7/05. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

Consideration of the Minutes

The 11/30/05 Regular Meeting minutes were accepted as corrected.

Page 1: Add Mr. Boling to the list of those present.

Page 3: 20th line: Change "on" to along the limit of disturbance...

Page 4: 1st line: The name of the river should be East Aspetuck.

Page 5: 5th line under Lewinter: Change "soils" to topography.

11th line under Brighenti: Change "to" to toward the septic area.

Page 6: 6th line under Carron: Insert "new" before 5' X 7'.

MOTION: To accept the 11/30/05 Regular Meeting minutes as corrected. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

MOTION: To accept the 12/6/05 Brighenti Special Meeting minutes as written. By Mr. Picton, seconded by Ms. Coe, and passed 5-0.

MOTION: To accept the 12/6/05 Kessler Special Meeting minutes as written. By Mrs. Hill, seconded by Mr. LaMuniere, and passed 5-0.

MOTION: To accept the 12/6/05 Lewinter Special Meeting minutes as written. By Ms. Purnell, seconded by Mr. Picton, and passed 5-0.

MOTION: To accept the 12/7/05 Upper Church Hill, LLC. Special Meeting minutes as written. By Mrs. Hill, seconded by Ms. Coe, and passed 5-0.

MOTION: To accept the 12/7/05 Spring Hill Farms, LLC. Special Meeting minutes as written. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

Pending Applications

Janowicz/51 Rabbit Hill Road/#IW-05-61/Driveway: Mr. Ross, contractor, contacted the Land Use Office to report the new maps were not ready.

Pasatieri/77 Findley Road/#IW-05-68ATF: It was noted the Health Dept. had not referred the property owner to the Inland Wetlands Commission for the septic repair work, which was under the Commission's jurisdiction. Mr. Ajello said that no new information had been submitted. He was asked to work with the property owner, not the contractor, to get a complete application. Prior to the next meeting Mr. Ajello will send a letter to the owner with a copy to the contractor.

Lewinter/84-86 Roxbury Road/#IW-05-69/Barn: The map, "Map Prepared for Helen Hunt," by Mr. Burnham, dated January 1982 with the location of the barn and intermittent watercourse drawn in by hand was reviewed. Mr. Nicholas, contractor, represented the property owner. Mr. Ajello noted since the last meeting it had been established the distance from the watercourse to the proposed barn was 30 feet and the quad map had been placed in the file. Mr. Picton observed that neither the wetland pocket nor the intermittent watercourse were accurately located on the map. He noted the new structure was proposed within 50 feet of the watercourse and would require regrading and filling on three sides and so asked the applicant to consider alternatives that would have less impact. Mr. Nicholas explained the barn would have no foundation, had been proposed on a nearly level plateau, and would only require a 3 ft. cut at the rear of the building. He said the land rises steeply east of the proposed site. Ms. Purnell asked if the barn could be placed nearer to the residence and existing accessory buildings. Mr. Nicholas said the applicant had considered enlarging the existing garage, but that would require an 8' to 10' cut and would undercut the driveway and a new building in the area Ms. Purnell proposed would take up the only lawn on the property. Mr. Picton explained the applicant would be required to submit plans with accurately mapped wetlands if he wanted to continue with the application for the proposed site. He recommended, however, the applicant relocate the barn outside the review area as it was not necessary to construct a new building within 50 feet of wetlands on this property.

Kessler/103-105 West Mountain Road/#IW-05-70/Demolish and Rebuild Existing Dwelling, Build New Dwelling, Construct Bridge, Install Driveway, Etc: Mr. Ajello noted new information would be submitted tonight and Mr. Picton asked, then, that the presentation be brief since Mr. Ajello had not had an opportunity to review it prior to the meeting. It was noted the application included more activities than the "house and driveway construction" specified on the application form and Mr. Picton advised the applicant to amend the form. Ms. Purnell asked if a conservation easement was proposed. Mr. Owens, architect, said yes, it was detailed in the letter accompanying the application, adding that the right to build a tennis court in the easement area was reserved. Mr. Owen presented the updated plans and maps by Halper Owens Architects; "Site Plan, A-001," revised 12/14/05, "Partial Site Plan," revised to 12/14/05 and "Building Plans," dated 11/30/05. He explained he had tried to make the proposed development more compact, altered the angle of the proposed structures and pulled them back at least 50 feet from wetlands and watercourses, removed the existing dwelling's lower terrace, and altered the approach to the garage so there would be less disturbance in this area. Mr. Picton asked that the extent of proposed regrading be shown on a larger scale map. Mr. Owens stated the reconstructed dwelling would have a slightly smaller footprint and would not result in an increase in impervious surfaces. Ms. Purnell asked that his computations be submitted. Mr. Picton asked for a comparison of the proposed hard landscaping vs. what exists now on the site and said the Commission wanted to make sure the proposed activities would not increase the impact on the wetlands over what there is already. If there is an impact, he explained, mitigation would be needed to offset it and to protect the natural communities around the wetlands. Mr. Picton asked that the applicant's consultant address what will happen to the rest of the knoll that slopes down to the wetlands. Although Mr. Owens said there were no plans for this area, the Commissioners agreed there should be some specifications to guide future property owners. Mr. Owens said there would be a 30 ft. wide buffer and a wall at the

point beyond which there should be no disturbance. The proposal to reconstruct the bridge was briefly discussed. Mr. Owens noted the new bridge would be in the same location as the old one. Mr. Neff's plans, "Proposed Driveway Bridge Installation," dated 12/11/05 and "Soil Erosion and Sediment Control Plan," revised to 12/12/05 were reviewed. Mr. Neff noted sheet #2 of the latter contained the project narrative and construction sequence. Mr. Picton asked Mr. Neff to highlight the 100 ft. review area. Mr. Neff did so and noted the proposed driveway route was between two wetland areas. Regarding the construction of the new dwelling, Mr. Picton asked the applicant to minimize extensive soil disturbance on steep slopes. To that end, Ms. Purnell asked why the proposed house could not be moved to the SE as the Commission makes every effort to site new construction outside of the 100 ft. review area. Mr. Owens responded moving the house to the SE would crowd the conservation easement area, to which Mr. Picton suggested the easement boundary line be moved, also. Mr. Owens noted the applicant had received legal advice to locate the easement as proposed. Mr. Picton noted the proposed house location would require grading within 25 ft. of the wetlands, but stated if the dwelling were moved just 30 ft. to the south, all but the garage would be out of the review area and there would not be much concern about impact to the wetlands. Mrs. D. Hill noted, too, then it wouldn't be necessary to cut off the knoll. Mr. Owens said the current plan would cause no adverse impact to the wetlands and moving the house would cause other problems. Ms. Purnell noted, however, these would be engineering, not wetlands, problems. Ms. Purnell asked the applicant to provide a detailed analysis of feasible and prudent alternatives and an evaluation of why the current proposal was selected. Mr. Picton again urged the applicant to get all work away from the steep slopes and out of the 100 ft. review area. Mr. Owens stated there would be no grading beyond the wall, which would be 35 ft. from wetlands. Ms. Purnell asked whether the Commissioners thought this was a potentially significant activity for which a public hearing should be held. Mr. Picton recommended the Commission's consultant review the application before it is decided whether to conduct a hearing and most Commissioners agreed. Mr. Neff discussed the bridge reconstruction in greater detail. Ms. Purnell did not think there would be long term impacts from this proposed construction as long as the erosion and sedimentation control measures were adequate. Mr. Jontos, consultant, reviewed the "Wetland Mitigation Plan," 2 sheets, by Land Tech Consultants, dated 11/21/05, revised to 12/14/05 and submitted a letter to Mr. Ajello dated 12/12/05, a follow up to the Environmental Evaluation and Impact Assessment Report and the document, "Sizing Criteria for Bioretention Structure," undated, unsigned. He explained two activities were proposed in the regulated area; replacement of the existing crossing, and removal of accumulated sediment south of the proposed crossing and said all other activities would be in the upland review area. He pointed out the limit of disturbance line, all proposed grading, discussed the types of wetlands soils on site, gave an overview of wetlands functions, and discussed flood storage capacity, wildlife habitat, and groundwater recharge. He presented details of the proposed mitigation plan. Driveway drainage would be directed to the center island to a 24" X 24" drain, and then to the bioretention system that would capture road sand and other sediments. He noted this would be installed last so it would not be impacted by the construction and he included a list of the material to be planted, a construction sequence, and a long term management plan. Ms. Purnell asked if it would pick up runoff from the bridge. Mr. Jontos said it would not. Ms. Purnell asked why it was necessary to excavate the sediment and noted the proposed landscaping could impact the pond. Mr. Jontos responded that each acre of natural woods produces 4 tons of sediment per year and said the applicant would keep the nutrient level in the pond as low as possible. Mr. Jontos noted the proposal would enhance the wetlands, not adversely impact them. The Commissioners briefly discussed whether a public hearing should be held. It was the consensus to refer the application to a consultant before making this decision.

Brighenti/49 Calhoun Street/#IW-05-71/Tennis Court: The map, "Subsurface Sewage Disposal System," by Mr. Neff, revised to 3/27/05 with the court drawn in by hand and the sketch plan,

"Revision," by Mr. Brighenti, undated, were reviewed. Mr. Brighenti noted he had made an effort to move the proposed court 15 feet further from the wetlands, which, he said, would reduce the amount of fill needed by 4 ft. He said the court would be 163 ft. from the wetlands and the drainage outlet 238 ft. from the stream. The 11/16/05 letter from M&M Tennis Courts to Mr. Ajello regarding the specifications for the drainage system was read. Mr. Picton noted the site plan submitted was not stamped and did not conform to site plan standards and so requested a more accurate map locating the wetlands and watercourse and showing the actual distances between them and the court. Mrs. D. Hill noted wetlands measurements are taken horizontally, not down slope, and wondered if measured horizontally, would the court be as close as 100 ft. to the wetlands. Mr. Picton asked if there were wetlands associated with the stream and noted there had been no report by a soil scientist. Ms. Purnell asked if an engineer had reviewed the proposed drainage plan. Mr. Brighenti said the tennis court company had done it, adding that it was excessive because the court is pitched away from the wetlands. Mr. Picton stated the Commission would refer the application to the Town engineer who would determine whether adequate information had been submitted for a proper evaluation. Mr. Brighenti said he wanted to put the court in now while the ground was solid so there would be as little impact to the wetlands as possible. Ms. Purnell noted the Commission prefers that work be done June through September, the driest time of the year. Mr. Picton noted the engineering review would be at the applicant's expense.

Upper Church Hill Road, LLC./72 Upper Church Hill Road/#IW-05-73/3 Lot Subdivision: The map, "Proposed Overall Site Development Plan," by Mr. Szymanski, dated 10/28/05 was reviewed and Mr. Szymanski, engineer, noted there had been no revisions since the last meeting. Mrs. D. Hill asked for the soil scientist's sketch map, but Mr. Szymanski stated it was accurately reflected on the current map. He read a portion of the 11/29/05 letter from Mr. Myles, soil scientist, which stated this was true. The proposed conservation easement was discussed. Ms. Purnell recommended it be reviewed by the Conservation Commission. Mr. Szymanski said it would contain the same language as the Myfield easement and noted it would include the right for Lot #2 to erect a barn that is in keeping with the character of the existing barn on the property. He also said he thought the easement language was a Planning Commission issue, but Ms. Purnell pointed out that there could be potential impacts to the wetlands from structures and the access to those structures in the easement area. Mr. Szymanski also noted the holder of the easement would be determined during the subdivision review by the Planning Commission. Mr. Picton said a deed restriction for conservation purposes was proposed; it was not a conservation easement. Ms. Purnell warned that deed restrictions were not perpetual. She recommended the Conservation Commission be consulted to determine whether the proposed restricted area would fit into a meaningful ecological network and to foster cooperation between the land use commissions. Mrs. D. Hill thought the applicant should submit site specific language before the Commission votes. It was noted that Mr. Cannavaro, road foreman, had advised the applicant to move the existing drainage swale back from the Town road and to make it a foot deeper. Mr. Picton noted that as a condition of approval the Commission could limit it to no more than 2 ft. wide and 1 ft. deep and said if this was done there would be no wetlands impact. The Commission will wait for a response from the Conservation Commission before acting on the application.

Spring Hill Farms. LLC./79 Whittlesey Road/#IW-05-74/Reconstruct, Move, Enlarge Dwelling: The map, "Site Plan," by Halper Owens Architects, revised to 12/14/05 was reviewed. Mr. Picton noted as a result of the site inspection the Commission had asked the soil scientist to add the wetlands to the north of the house to the map. There was a brief discussion about whether that wetlands was a wet meadow or a watercourse and Mr. Ajello noted if it was not a watercourse it met the state definition for an intermittent watercourse. Ms. Purnell advised the applicant that a commentary on the function and value of the wetlands on the property would help the Commission render its decision. Mr. Thomson noted the application was not to renovate the existing dwelling, but to move and construct an entirely

new one. Ms. Coe noted a basement would be added. Mr. Picton asked for a comparison of the specs for the new house compared to the existing so that the Commission could be sure the scope of development was not increasing. He asked that the driveway and hardened landscape be included in this analysis. Mr. Owens stated there was more surface proposed than now exists. Mr. Picton noted the proposed house site is surrounded by wetlands; less than 30 ft. to the watercourse, 60 ft. to the ditch, and 45 ft. to the pond. He stated his initial reaction was to allow no increase in the impact to the site, especially since the applicant would not be working with the existing structure, and to recommend a revised application for renovations on the existing footprint or a small addition to the side of the house away from the wetlands. Mr. Owens noted the house would be moved further from the wetlands and so would impact them less and said he hoped the Commission would not deny the proposal. Ms. Purnell pointed out the house would be moved closer to the upgrade wetlands and that there are other considerations besides distance, such as the quality of the wetlands, which contribute to decisions about impervious surfaces near wetlands. Mr. Thomson thought consideration of the application was moot as the new dwelling would not meet the 50 ft. setback from wetlands and watercourses required by the Zoning Regulations. Ms. Purnell agreed the Inland Wetlands Commission has tried to comply with Zoning's 50 ft. setback requirement for new construction. She stated because the proposed structure would be so close to wetlands there would be both short term and long term impacts. Ms. Coe also pointed out the use of the building would increase from a summer "shack" to a year round residence. Mr. Owens replied that it would be used a lot for the first few years, but it would not be a primary residence. Mr. Picton noted the Commission could not count on that. Ms. Purnell asked since the building would be torn down, if there was an alternate location where it could be rebuilt. Mr. Owens said there was not because the property was restricted by state conservation easements. Mr. LaMuniere thought the applicant should work within the existing footprint as the house is located in an area where it would not be permitted if applied for today. Mr. Picton asked for a mitigation plan. Mr. Owens asked what he thought about the existing edge of the pond and Mr. Picton responded that a natural vegetative buffer was a good thing. Mr. Thomson asked for details about the proposed driveway. Mr. Owens said the driveway surface would change and two parking spaces would be added. Mr. Picton advised him to make sure the change in driveway surface was included in the calculations asked for earlier. Mr. Owens asked if he should consult with Mr. Jontos of Land Tech, but Mr. Picton said Land Tech is the Commission's consultant. Mrs. D. Hill requested the soil scientist's sketch map be submitted. It was the consensus the current plans were incomplete and deficient.

Berry/72 New Milford Turnpike/#IW-05-75/Installation of Dry Hydrant: Mr. Ajello reported he had checked the land between the pond and the road and had found no apparent wetlands. Mr. Picton noted the impact from the proposed installation would be temporary and recommended the Commission make a condition of approval that the disturbed surface be restored to its original condition.

MOTION: Based on the recommendation of the WEO, to approve Application #IW-05-75 submitted by Mr. Berry to install a dry hydrant at 72 New Milford Turnpike per the 11/27/05 letter from Mr. Woodruff with the condition that after installation any disturbed surface shall be restored to its previous condition. By Ms. Purnell, seconded by Ms. Coe, and passed 5-0.

Enforcement

Fowler/138 Nichols Hill Road/#IW-04-V5: Atty. Kelly represented the property owner. For discussion purposes he presented the 1971 subdivision map, which depicted the Fowler property as Parcel M, the A-2 survey for a recent lot line revision, a survey map showing soil types, and a sketch map drawn by the well driller. He noted the existing house and garage are located entirely within wetlands soils as shown on the USDA map and pointed out Section 22a-40(4) of the state statutes states landscaping of residential property is permitted by right in an area equal to or smaller than the largest minimum lot size permitted in the municipality. He said he wanted to come to an agreement with the Commission

about 1) how much land the Commission believes it can regulate versus how much Mr. Fowler can landscape and 2) the definition of landscaping. Mr. Picton said landscaping with no adverse impact to the wetlands was allowed, but Atty. Kelly disagreed and read the portion of 22a-40(4), which states incidental uses permitted by right include landscaping, but not the removal or deposition of significant amounts of material from or into a wetlands or watercourse. Atty. Kelly asked if the Commission believes that Mr. Fowler is not permitted to mow to the edge of the stream and asked for clarification of the enforcement order, which, he said, was only a cease and desist order and did not order remediation. Mr. Picton asked that a soil scientist accurately map the wetlands and that Atty. Kelly put all his questions in writing so that the two could be referred to the Commission's counsel for an opinion. Atty. Kelly asked again whether the Commission intended to unconditionally regulate all activities within 100 ft. of wetlands. Ms. Purnell noted for the purposes of the Town of Washington, application of the state statute was interesting due to soil based zoning and the question of whether the largest minimum lot size could even be calculated. She suggested instead, the Commission "default" to 2 acres and noted what Mr. Fowler was seeking was an exemption from the Town's regulations. The Commissioners agreed the unauthorized trench work done by Mr. Fowler was a significant activity. Atty. Kelly said Mr. Fowler was willing to repair the trench, but needed to replace all the footing drains around the house. Mr. Picton advised him an accurate site plan would be required and Atty. Kelly responded he would not submit a map with flagged wetlands. Atty. Kelly again asked what is the largest minimum lot size where landscaping is permitted by right and what is the definition of landscaping that would be permitted by right. Mr. LaMuniere stated Mr. Fowler should fill the trench, otherwise the out flow would continue to impact the wetlands. Atty. Kelly said the trench had always been there and Mr. Fowler had just widened and deepened it. He noted at the request of the Commission Mr. Fowler had consulted experts who said sediment had already refilled the trench, vegetation was growing in the areas that had been disturbed, and there was no reason to disturb the upslope again. Ms. Purnell pointed out that the consultants were biologists who were concerned only with the vegetation and the short term impacts and who did not consider the hydrology of the area. Atty. Kelly said he wanted to balance the rights of the Commission and the property owner and again asked for a definition of exactly what is exempt. Ms. Purnell stated there is no blanket exemption; a property owner must apply for an exemption. It was the consensus that Mr. Fowler could refill the trench by hand with the material that had been taken out of it and that a planting plan was required. Atty. Kelly said his client was willing to do this, but would reserve his right to apply for other activities at a later date. Ms. Purnell noted a report from a soil scientist would be required at that time. Mrs. D. Hill noted, however, that the installation of footing drains would not necessarily be exempted. Atty. Kelly asked for a refund of the application fee. The Commission would not refund the fee as the application process had entailed a significant amount of work, but noted it could waive a future application fee.

Carter/141 Shinar Mt. Road/#IW-05-V8/Repair Retaining Wall: The 12/13/05 letter to the Commission from Mr. Neff regarding whether the bank stabilization work conformed to the approved design specifications was discussed. Mr. Neff, engineer, explained the construction, although not per his original plan, was stable and effective in his assessment. The plan, "Soil Erosion and Sedimentation Control Plan," by Mr. Neff, dated 9/9/00 was reviewed. Ms. Purnell noted the plans called for large blocks to be stepped back from the channel, but with the vertical wall constructed, the capacity for emergency overflow had been decreased, the natural flow impacted, and there was a possibility that material would be deposited downstream in the stream itself. Mr. Picton thought the existing vertical wall differed significantly from the approved plans. Mr. Neff thought the upstream culvert installation by the Town had impacted the natural stream flow and had cause the erosion that necessitated the streambank repair. He stated whether the wall was vertical or stepped back, it was a very wide channel and so he did not think it would make a difference. Ms. Purnell pointed out Mr. Neff's letter did not address potential downstream impacts. Mr. Picton noted the Commission had the following options: 1)

order the wall torn down and rebuilt according to the approved plan, 2) require a bond be posted for downstream repairs and restoration if needed, 3) refer the matter to Commission counsel for review, or 4) accept the report as adequate. It was the consensus of the Commission that the structural stability of the wall and the potential downstream impacts were separate issues and that the possibility of downstream impacts resulting from the work should be investigated. Mr. Picton said he would consult with Atty. Zizka regarding this matter.

MOTION: To accept the 12/13/05 report by Mr. Neff, engineer, that the Carter/141 Shinar Mountain Road streambank stabilization work was done sufficiently well to sustain erosion pressures from the stream, and to consider further the possible effects of riverine and fluvial geomorphology of the solid vertical wall as built, compared to the stepped back design approved, and follow up with enforcement and remediation if necessary. By Mr. LaMuniere, seconded by Mrs. Hill, and passed 4-1. Mr. Picton voted No because he did not think this was a complete solution. Ms. Purnell stated she accepted only the analysis of the structural stability of what had been constructed.

Other Business

Depot Study: Mrs. Roberts, Planning Commission Chairman, briefly reviewed that Commission's 12/12/05 referral letter to all of the land use commissions. She noted each commission would receive three copies of the report (in addition to the copy already given to each chairman) and asked that the commissioners review them and submit comments and suggestions to the Planning Commission by February. She pointed out that the Wetlands Commission would have a unique point of view and so Planning would like its feedback on its vision for the future of the Depot, what it considered to be priorities, how it thought the land use commissions should move forward, etc. and stressed the need for all Town boards to work together. Mr. Picton thought the study contained many exciting ideas. Ms. Purnell will have additional copies of the study printed so that each member will have his own copy.

Myfield, LLC./7 Mygatt Road/#IW-05-54/Revision of Conservation Easement: Mr. Boling reported that when he consulted with the Town Sanitarian, she had advised him that staging in the septic area was not permitted. Therefore, he submitted further revised language to reflect this restriction. Ms. Purnell stated she had reviewed the revisions submitted at the last meeting and they were written as the Commission had agreed except for two misspellings. Mr. Picton asked Mr. Ajello and Mrs. Hill to prepare a comprehensive list of all the required documentation and preparations that must be completed before any work may begin on this project. Ms. Purnell recommended that in the future these be specifically described in the motion rather than just including references to reports.

MOTION: To approve revisions to the Myfield, LLC. conservation easement per the 12/14/05 draft with two spelling corrections. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

Enforcement Report

Feola/Carmel Hill Road/Unauthorized Excavation: Mr. Ajello recommended that due to a technical procedural error, the show cause hearing be held a second time. He said he would send a second order out 10 days prior to the January 11, 2006 meeting. The hearing was set for 5:45 p.m. on 1/11/06 in the Land Use Meeting Room, Bryan Memorial Town Hall.

Gatto/155 Woodbury Road: Mr. Ajello noted Mr. Gatto had denied Mr. Picton and him permission to enter the property to make an inspection. Mr. Picton asked Mr. Ajello to file the enforcement order on the Land Records.

The Gunnery School, Inc./22 South Street: Mr. Picton asked Mr. Ajello if he had checked to make sure what was constructed was identical to the approved plans. Mr. Ajello said it was.

Private Mortgage Fund, LLC./59 South Fenn Hill Road: Mr. Picton asked if the work to date

conformed to the approved site plan. Mrs. D. Hill noted the driveway had been moved, and so asked why the change had not been submitted to the Commission for review. Mr. LaMunier said the Conservation Commission was concerned about increased drainage. Mr. Picton asked Mr. Ajello to write the owner to advise him he must submit the revisions to the approved plan to the Commission for review.

Taylor/11 Sunset Lane/Unauthorized Excavation in Wetlands: No further work had been done on site and no documentation as requested by the Commission had been submitted.

Mello/Woodbury Road: The hillside had been clearcut and there had been excavation in preparation of the construction of a retaining wall. Mr. Ajello had contacted the owners and an application will be submitted for the January meeting.

Other Business

Washington Montessori School/240 Litchfield Turnpike/Release of Bond: Ms. Purnell reported there was no new information.

Administrative Procedures: Mrs. D. Hill noted that the Enforcement Officer can not make a determination that there are or are no wetlands on a property because he is not a soil scientist. She cautioned the Commission to use the phrase that there are no apparent wetlands.

It was noted the Commission would conduct an executive session with Atty. Zizka to discuss matters under pending litigation on Wednesday, January 11, 2006 at 6:00 p.m. Mrs. Hill was asked to confirm the meeting with Atty. Zizka a few days prior to the meeting date.

MOTION: To adjourn the meeting. By Ms. Purnell.

Mr. Picton adjourned the meeting at 11:26 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator