

June 13, 2007

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

MEMBER ABSENT: Mr. Picton

ALTERNATE PRESENT: Mr. Thomson

ALTERNATES ABSENT: Ms. Coe, Mr. Potter

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

ALSO PRESENT: Mr. Lyon, Mr. Solley, Mr. Sears, Mr. Sabin, Mr. Carey, Mr. Smith, Mrs. Brinton, Mr. Neff Mr./Mrs. Templeton, Mrs. Yourwith, Mr. Condon, Mr./Mrs. Lewinter, Mr. Nicholas, Ms. Fornasier, Mr. Cigal, Mrs. Rubler, Mr. Esker, Mr./Mrs. Sullivan, Ms. Zinick, Mr. Howard, Mr. Wilson

PUBLIC HEARING

Town of Washington/16 Titus Road/#IW-07-23/Clean Up, Install Walking Path

Mr. Bedini called the public hearing to order at 6:03 p.m. and read the legal notice published in **Voices** on 6/1/07 and 6/8/07. He seated Members Bedini, Hill, and LaMuniere, and Alternate Thomson for Mr. Picton.

Mrs. J. Hill noted the documents in the file:

1. Application form dated 5/22/07
2. DEP Activity Reporting Form
3. 5/23/07 letter of authorization to the Commission from Mr. Sears
4. 5/31/07 notification letter to adjoining property owners from Mrs. Hill
5. List of names and addresses of adjoining property owners
6. Map - "Preliminary Concept," by Mr. Sabin, dated 5/18/07
7. Assessor's Map 8-7 with property location noted
8. Notice of Special Meeting dated 5/24/07 by Mrs. Hill
9. Site Inspection minutes dated 6/5/07
10. "Existing Conditions Map," by Mr. Natale, dated 2/1/07
11. 5/23/07 minutes
12. Legal Notice published in **Voices** on 6/1 and 6/8/07

Mr. Sears noted the proposal was to clean up the site, create a meadow, and install a walking path. He gave a brief history of the property and a review of the existing conditions. The map, "Existing Conditions Map," by Mr. Natale, dated 2/1/07 was reviewed. He pointed out the locations of the stockpiles of stone and debris and said they would be removed from the property. He said the stockpile of road sweepings, which was mostly organic matter, would be used on site. He then described the walking path, which would connect with the existing greenway trail and loop around the property. He noted that the proposed work would improve the eroded areas on site, especially in the vicinity of the access ramp, the meadow area would be regraded, covered with top soil, and planted with grass, and invasive species would be cleared, but there would be little landscaping and planting initially. He noted, too, that the proposed work would not affect the current DEP abatement order and would not preclude

any future uses for the property.

Mr. Sabin, landscape architect, presented his plan, "Grading and Layout Plan," dated 6/7/07, 2 pages. He pointed out the existing drainage patterns, noted the location of the berm, and noted the area along the river is thickly vegetated. Plans for the site included the removal of the dead trees and control of invasives, especially in the middle of the site, and the installation of a silt fence along the limit of disturbance line and also hay bales where necessary. He said the regrading would be done in a controlled manner and he then reviewed the construction details. The existing material on site would be used to fill in the low spot and to grade the area adjacent to the berm. The proposed 3% grade would maintain the existing sheet flow. The path would be 5 to 8 feet wide, capped with stone dust, and located on top of the berm in the section along the river. He pointed out two appropriate spots for benches. The construction details included the installation of a turf cell apron at the existing fire truck access ramp to help stabilize this area. The existing parking area near Titus Road would remain. He noted the riparian buffer would be maintained along the quarter mile path, but that there would be ample views of the river.

Mr. Thomson asked if cars would drive to the river to launch canoes and kayaks. Mr. Sears stated that no vehicles would be permitted beyond the parking lot.

Mr. Sabin noted the shoulders along the path would be lawn and the meadow would be primarily grasses and a New England wildflower mix.

Mrs. J. Hill noted that an 8 ft. wide path seemed excessive. Mr. Sears responded that he had worked with the Park and Rec Comm. on the specifications, but said he was open to recommendations from the Commission and the public.

Mr. LaMunier noted that on the site inspection Ms. Purnell had expressed her concern that any contaminants in the stockpile would be spread around on site and that Mr. Sears had said he would test this material. Mr. Sears said that was true, but that since then he had contacted Mr. Hayden of the NCD, Lenard Engineering, and Mr. McGuinness of the NW Ct. COG who all said there were no EPA pollutants in the stockpiled material and that street sweepings had been used for fill by the northwestern Ct. towns for many years. He said that the proposed work would prevent any contaminants from reaching the river and any fill would be capped with vegetation and he asked what specifically the Commission wanted the material tested for. He said there might be small pieces of blacktop in the pile, but that the town's engineer and NCD were OK with that. Mr. LaMunier thought that whatever had been contained in the older stockpiles had already leached out, but said the Commission was concerned with the material in the four new piles. Mr. Sears said the material was not considered to be urban fill and he did not think there was a need for testing.

Mrs. D. Hill asked how often the meadow would be mowed. Mr. Solley said once in June and once at the end of September. Mrs. Hill noted some birds would use the field for nesting in June and Mr. Sabin said if birds were using the meadow the mowing schedule could be adjusted.

Ms. Purnell arrived at 6:47 p.m. and was seated.

Mr. Solley clarified that all the piles of street sweepings were 90% mineral or organic matter from the edge of the roads and that any salt had already leached out by the time the material was stockpiled. Mr. Smith of the Highway Dept. noted the road sand is 6 parts sand to 1 part salt so there is minimal salt to begin with and by spring it has dispersed.

Mr. Templeton of Golf Course Road noted there were historically significant vestiges of industrialization on the property and asked if they would be preserved. When Mr. Sabin said there was nothing concrete on the property, Mr. Templeton offered to point them out to him on site.

Mr. Carey made the following comments on behalf of the Planning Commission, which had reviewed the plans and inspected the site: 1) Wherever possible the pathway should be moved closer to the river and kept out of the meadow. 2) The path should be no more than 5 ft. wide and kept as simple as possible. 3) In the existing berm there is a lot of rubble, which should be mixed in and buried. 4) The two large maples at the edge of the river should be preserved. Mr. Sabin responded that he had revised the plan slightly so that most of it was now at the top of the embankment. He described the river and explained how he had located the path to use the terrain and space to offer a varied experience of rises and falls, trees and wide open spaces, shade and sun, etc.

Mr. Sabin briefly talked about landscaping. The burning bush would be removed and the gazebo on the adjoining property screened with shrubs along the northern boundary line.

Mrs. Brinton asked if the recycling center would be moved to the dump. Mr. Sears said this would be done by July 1.

Mrs. Brinton asked why the old building would remain. Mr. Sabin stated that once the site was stabilized the Town would decide what to do with the building.

The map, "Grading and Layout Plan," by Mr. Sabin, dated 6/7/07 was reviewed. Mr. Sabin explained how the Town would commit to long term invasive species control.

Mr. Bedini asked if during high water the meadow would flood. Mr. Sabin said it would during a 100 year storm, but said the meadow would withstand the flow.

Mr. Ajello noted that a lot of the drainage now goes down along the ramp and so asked why a curtain drain was not proposed in this area. Mr. Sabin said there would be sheet flow to a grassy swale.

Mrs. D. Hill noticed old tires in the berm and asked if they would be removed. Mr. Sabin said this would be assessed and if they were to be removed, it would be done before the silt fence was installed.

Mr. Sabin noted the first step in the sequence of construction was for Mr. Ajello and Mr. Smith to meet on site to review the approved plan.

Mr. Sears said the Town wanted approval as soon as possible so that the meadow could be grassed by the fall and all the work completed before it snowed.

Ms. Purnell asked if the stockpiled material had been tested. Mr. Bedini said it had not and that the Commission would decide whether that would be required. Ms. Purnell noted the state DEP has specific guidelines for the use and reuse of materials. She said contaminants are often bound to fine grain materials and that this could be a problem on this site due to the proximity to the leaky berm. Mr. Bedini asked if there were specific things that the material should be tested for. Ms. Purnell referred to the January 2005 DEP document, "Guideline for Municipal Management Practices for Street Sweepings and Catch Basin Cleanings" regarding what to test for and remediation standards.

Ms. Purnell asked if a cross section for the ramp improvements and flow calculations had been provided. Mr. Sabin said that details for the ramp had been submitted but that flow calculations had not been done because they were insignificant.

There was a discussion about whether or not to require that the materials in the piles to be used on site be tested for contaminated material. Mr. Solley reiterated that the edging material was mostly organic and that Mr. McGuinness and Mr. Hayden said that testing was not necessary. He asked what the Commission would be looking for specifically. Ms. Purnell said that heavy metals such as copper, zinc, lead, and arsenic, semi volatile organic compounds, and materials such as antifreeze and asbestos should be tested for. Mr. Sears noted that the Town's consultant from Lenard Engineering did not share Ms. Purnell's concerns. Mr. LaMunier again stated he was not concerned about the old stockpiles, but

was concerned about possible pollutants and seeds from invasive species in the new piles. He did not think the new piles should be used for fill on site if they were not tested. Mr. Bedini asked hypothetically, how the project would be impacted if the street sweepings could not be used on site. Mr. Sears said the Town would use this material elsewhere over time and that the stockpiles would not be gone from the site by the time the meadow was planted.

The commissioners briefly discussed whether to close the hearing or to hold it open in order to receive test results. Mr. Sears stated he was satisfied with the opinions of his engineer and highway director that the proposed work would decrease the potential for contaminants and pollutants getting into the river from this site, but left the final decision up to the Commission.

MOTION: To close the public hearing to consider Application #IW-07-23 submitted by the Town of Washington for clean up and installation of a walking path at 16 Titus Road. By Mrs. Hill, seconded by Mr. LaMuniere, and passed 4-0-1. Ms. Purnell abstained because she had not been present for the entire hearing.

Mr. Bedini closed the public hearing at 7:30 p.m.

This public hearing was recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Bedini called the Regular Meeting to order at 7:33 p.m. and seated Members Bedini, Hill, LaMuniere, and Purnell and Alternate Thomson for Mr. Picton.

MOTION: To add the following subsequent business not already posted on the agenda: New Applications: E. Sullivan/56 Dark Entry Road/ #IW-07-30/Repair Pond, Maintain Pasture, F. Capeci and Coghlan/196 Roxbury Road/#IW-07-31/ Swimming Pool, G. Walsh/96 Roxbury Road/#IW-07-32/Clean Out, Maintain Pond, H. Condon and Fornasier/57 Findley Road/#IW-07-33/House Addition, I. Hochberg/15 Couch Road/#IW-07-34/ Driveway, J. Abella/44 Scofield Hill Road/#IW-07-35/3 Lot Resubdivision, K. Guliano/19 Winston Drive/#IW-07-36/Basketball Court, and L. Stitler and Giddens/198 Tinker Hill Road (262 West Shore Road)/#IW-07-37E/Boathouse and Other Business: B. Adams/233 West Shore Road/#IW-07-10/Remodel Dock and C. Corbo/40 Nettleton Hollow Road/#IW-06-34/Request for Release of Bond. By Mrs. Hill, seconded by Mr. Thomson, and passed 5-0.

Consideration of the Minutes

The 5/23/07 Regular Meeting/Public Hearing minutes were accepted as corrected.

Page 3 and elsewhere: Correct spelling is McCullers.

Page 11: Under Reinhardt: 1st sentence: Shrubs were planted, not trees.

MOTION: To accept the 5/23/07 Public Hearing - Regular Meeting minutes as corrected. By Mrs. Hill, seconded by Mr. LaMuniere, and passed 4-0-1. Ms. Purnell abstained because she had not read them.

MOTION: To accept the 5/29/07 McCullers site inspection minutes as written. By Mr. LaMuniere, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 5/29/07 Clark site inspection minutes as written. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

MOTION: To accept the 5/29/07 Sears site inspection minutes as written. By Mr. Thomson, seconded by Mrs. Hill, and passed 5-0.

It was noted in the 5/30/07 site inspection minutes for the Town of Washington/16 Titus Road, the date of the inspection should be included.

MOTION: To accept the 5/30/07 Town of Washington site inspection minutes as corrected. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

Pending Applications

Clark/6 Romford Road/#IW-07-22/Remove Culverts, Replace Second Culvert: Mr. Thomson noted that at the 5/29/07 site inspection the Commission had asked for flow calculations for a 100 year storm and an evaluation of whether the proposed box culvert would accommodate that flow. Mr. Ajello reported that this information had not been submitted and he was asked to follow up with the contractor. Ms. Purnell noted that the contractor had agreed to sink the culvert 2 inches below the level of the streambed to provide a natural bottom. Further discussion was tabled until the information requested is received.

MOTION: To put off discussion of Application #IW-07-23 submitted by the Town of Washington for clean up and installation of a walking path at 16 Titus Road to accommodate those present. By Mrs. Hill, seconded by Mr. Thomson, and passed 5-0.

Sears/43 Cook Street/#IW-07-24/Streambank Stabilization: Mr. Ajello presented photos he had taken of the site and Mr. Sears circulated others that showed stakes where the armoring was proposed. Mr. LaMuniere understood the need to stabilize the streambank, but worried this would increase the velocity of the water and cause adverse impacts downstream. He noted no calculations addressing increased velocity had been submitted and he asked if there were any plans to protect the weak points downstream. Mr. Sears explained that the channel had been man made with banks of layered stone, which had washed out in large part in 1994. He noted Mr. Neff's plans called for the placement of pre cast concrete blocks along 50 feet of the streambank, but said he was not certain that 50 ft. was enough to completely restore it. He suggested it should be extended another 10 to 20 feet north. Mr. Bedini asked if he was proposing to take some of the rocks out of the stream to rebuild this 10 to 20 ft. section and to connect it with the proposed block section. Mr. Sears said he was. Ms. Purnell stated that normally the Commission would prefer a natural streambank, but in this case the brook had already been channelized and no additional encroachment was proposed.

MOTION: To approve Application #IW-07-24 submitted by Mr. Sears to stabilize the streambank at 43 Cook Street per the map, "Brook Bank Stabilization Plan," by Mr. Neff, dated 4/23/07 with the condition that in the section of the streambank not to exceed a 20 ft. length to the north of the engineered section indicated on the map, stones may be hand placed to stabilize the bank. By Ms. Purnell, seconded by Mr. LaMuniere, passed 5-0.

Yourwith/259 New Milford Turnpike/#IW-07-25/Drainage Swale: Mrs. Yourwith explained that she needed the proposed swale to handle the water being pumped out of her basement. Mr. Ajello asked if she had any more information about the proposed plantings. She said she did not, but would work with him on the planting plan. Ms. Purnell noted the pipe from the basement would empty into the swale. Mrs. Yourwith said she was trying to redirect and renovate the water before it reached the river and noted the swale would be mainly grassed except for the end nearest to the river, which would be armored. Ms. Purnell asked if there was such a large quantity of water being pumped that an infiltration system should be considered. She also said she was not sure renovation was needed as the water should be cold when it entered the river. It was not known for sure whether or not the water in the basement was spring water. Ms. Purnell noted there were different solutions for handling spring water vs. other water. Mr. Thomson noted the application had been under consideration for quite some time, said that Mrs. Yourwith had worked to develop a plan as she had been directed to do by the Commission, and did not think there was any reason to delay action. Mr. LaMuniere thought the proposal was reasonable.

MOTION: To approve Application #IW-07-25 submitted by Mrs. Yourwith to install a drainage pipe and swale at 259 New Milford Turnpike as presented. By Mrs. Hill, seconded by Mr. Thomson, and

passed 5-0.

New Applications

Town of Washington/Vicinity of 201 Romford Road/#IW-07-26/ Drainage Improvements: The map, "Preliminary Drainage Design," by Buck and Buck, LLC., revised to 5/25/07 was reviewed. Mr. Ajello noted the proposed work went beyond normal road maintenance. He explained that a new drainage system would be installed running from the intersection of the Big Top driveway and Romford Road to the Bantam River. Catch basins would be installed along the side of the road and these would be directed to a sediment basin, and then into a rip rapped swale, which would empty into the river. The work would be on the Town right of way, but paid for by Rumsey Hall School. Mr. Ajello said the new catch basins would be on a maintenance plan and would be cleaned out a few times per year. Ms. Purnell asked if a watershed analysis had been done. Mr. Ajello assumed so because the plan had been engineered. Ms. Purnell noted the Commission had to know the amount of increase in impervious surface and asked for this information as well as the watershed analysis. Other information requested was the depth of the sumps and more information on the sediment basin, such as its capacity and a cross section detail. Ms. Purnell thought possibly less catch basins would be needed if the depth of the sumps was increased. Mrs. D. Hill noted the plan was only preliminary. The commissioners will inspect the area on their own prior to the next meeting.

Luers/44 Upper Church Road/#IW-07-28/Dry Hydrant: It was noted the fee would be waived because while the proposed hydrant would be on the Luers property, the application was for the Washington Fire Dept. Mr. Bedini read the proposal for the hydrant, which included excavation below the frost line. Mr. Ajello noted the pond might not be accessible in the winter. Ms. Purnell asked if additional work would be required for the access. Mr. Ajello noted there was an existing barway. Ms. Purnell thought there would be no impact as long as the erosion and sedimentation controls were properly installed. It was decided a site inspection was not necessary.

Bardel/166 Baldwin Hill Road/#IW-07-29/Dry Hydrant: Mr. Bedini reviewed the application for a dry hydrant at the intersection of Baldwin Hill and Scofield Hill Roads. It was noted this was an eagle scout project that would be completed in one day. Mrs. D. Hill noted that there were specific requirements for fire ponds in the Regulations and she did not know whether this one would qualify because it was so small. The commissioners will drive by the site prior to the next meeting.

Condon and Fornasier/57 Findley Road/#IW-07-33/House Addition: The applicants proposed to rebuild the existing porch, repair a retaining wall, install underground utilities, and add a screened porch and foyer. The map, "Soil Erosion and Sedimentation Plan," by Mr. Neff, dated 6/6/07 was reviewed. Mrs. D. Hill noted the proposed screened porch was only 52 ft. from a watercourse. It was noted the underground utilities trench would go to the pole at the edge of the wetlands and that the limit of disturbance line, stockpile area, and erosion controls were indicated on the map. A site inspection was scheduled for Tuesday, June 26, 2007 at 4:00 p.m.

Pending Application

Lewinter/86 Roxbury Road/#IW-07-12/Construct Barn: Mr. Neff, engineer, presented the "Site Analysis Plan," by Mr. Neff, dated 5/10/07 to provide a perspective of the entire property and the "Soil Erosion and Sediment Control Plan," revised to 6/11/07 to show that the proposed location for the barn had been moved farther from the wetlands. He said this was the alternative location suggested by the Commission during the site inspection. He said, too, that there was no grading proposed between the proposed barn and the wetlands and he detailed the drainage plans for the north side of the property. A 4 ft. wide, 1 ft. deep grassed swale with turf mat lining would discharge to a relatively flat lawn area adjacent to the barn and from there the runoff would sheet flow to the wetlands. It was noted a partial retaining wall would be constructed at the east end of the barn. Mr. Neff noted the stockpile area would

be located in the driveway, which was further from the wetlands than had been originally proposed. Any excess soil would be taken off site. Ms. Purnell asked how the eroded driveway would be handled. Mr. Neff said it would remain a natural gravel surface. Ms. Purnell asked if a feasibility analysis had been submitted. Mr. Neff responded that the site plan reflected all the accessible areas and all of the identified wetlands on the property. It was noted that the stockpile area had been moved to where it would not impact the wetlands and the barn had been rotated and moved 30 ft. upgrade so that only the disturbed area would encroach slightly on the regulated area. Ms. Purnell suggested that the area between the barn and the wetlands be turned into a meadow, but Mr. and Mrs. Lewinter said they wanted it to remain lawn.

MOTION: To approve Application #IW-07-12 submitted by Mr. and Mrs. LeWinter to construct a barn at 86 Roxbury Road per the "Site Analysis Plan," by Mr. Neff, dated 5/10/07 and the "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 4/6/07 and revised to 6/11/07. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

McCullers/18 Plumb Hill Road/#IW-07-21/Reconstruct Barn, Temporary Access: The map, "Soil Erosion and Sedimentation Control Plan," by Mr. Neff, revised to 6/1-/07 was reviewed. Mr. Neff pointed out that the location for the underground utilities had been moved out of the regulated area. Ms. Purnell asked if the driveway could be installed without a wetlands encroachment. Mr. Neff said that would be difficult due to the topography of the site. It was noted the driveway was already in. Mr. Neff recommended a double walled 12 in. corrugated pipe for the driveway culvert. Mrs. D. Hill asked if a permanent driveway was proposed because the Commission had understood it would be temporary. Mr. Neff stated it would be a permanent access. Ms. Purnell suggested that moving the access behind the garage would make it shorter and would have no impact on the wetlands. Mr. Neff said a driveway in that location would require cuts and fills. However, Ms. Purnell pointed out that it would have less of a long term impact to the connected wetlands. Mrs. D. Hill asked if there was a survey of the property and noted some errors on the current map. She asked who flagged the wetlands. Mr. Neff said that had been done by Mr. Temple. The wetlands sketch map was reviewed. Ms. Purnell noted it did not show the location of the garage. Mr. LaMuniere noted the driveway was a violation, but asked whether moving it would have more impact than keeping it where it was. Ms. Purnell stated that the driveway had been put in without a permit and that if it had been applied for the Commission would have considered alternate locations with less potential impact. Mr. Cigal said if the Commission would allow the existing driveway to be used to get the barn built, he would remove it and restore the area to its original condition once the barn was done. Ms. Purnell asked if the pre existing conditions had been documented. Mr. Cigal offered to remove all of the gravel, replace the top soil, and return the area to grass. Mr. Bedini suggested this be made a condition of approval and recommended that the applicant post a bond to ensure the area would be returned to its original condition. Mrs. D. Hill noted this must include the removal of the culvert. Mr. Cigal agreed. Mrs. D. Hill did not support the location of the existing driveway even for temporary access because she said it was entirely within 100 ft. of wetlands, while the route behind the garage was not. Ms. Purnell asked what the duration of the project would be and whether the proposed culvert could be crushed by the concrete trucks. Mr. Cigal said it would take 5 months and that he would install a heavy duty culvert.

MOTION: To approve Application #IW-07-21 submitted by Mr. McCullers to reconstruct a barn and to install a temporary access driveway at 18 Plumb Hill Road subject to the following conditions; 1) that the driveway be extended to the barn-studio as shown on the map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, revised to 6/10/07 on a temporary basis, 2) that at the end of construction the driveway, gravel, and all culverts shall be removed and the disturbed areas grassed over and returned to their original condition, 3) that at the time of their removal the WEO shall witness the work to make sure it is properly completed, 4) if there is additional damage to or sedimentation in the watercourse it

shall be restored to its pre construction condition, 5) that all restoration shall be completed within 6 months of approval of the application, and 6) a \$5000 bond shall be posted. By Mr. Bedini, seconded by Mr. LaMunier, and passed 4-1. Mrs. Hill voted No because she thought there was a more appropriate alternate location for the driveway.

New Applications

Wykeham Partners, LLC./240 Wykeham Road/#IW-07-27/Pool, Tennis Court, Site

Improvements: Mr. Neff, engineer, noted the new application included detailed plans for a pool, driveway work, tennis court, walkways, drainage work, and retaining walls. Ms. Purnell asked Mr. Ajello if he had reviewed the plans, but he said he had not been able to because they had just now been submitted. When Mr. Bedini said the Commission needed time to review the plans before discussing them Mrs. Rubler complained that she had answered all of the questions raised at the last meeting, there were no wetlands on the property, and she wanted to begin work on her pool. Ms. Purnell explained that the Commission had previously been following up on the violation and enforcement action, the formal application procedure must be followed, and by state law the new application could not be acted on for 14 days. She also explained that actions far from wetlands and watercourses can adversely impact them. Mr. Neff asked if the proposed activities were regulated, noting that the driveway washout and impact to wetlands was not the normal circumstance. Ms. Purnell noted impacts to the wetlands from work on this property were more than possible because it had already happened. The stabilization of the steep banks along the driveway and long term driveway drainage plans were briefly reviewed by Mr. Neff. Mr. Esker asked if work could begin on the pool area, which he said was the least impact area. He said he would install a silt fence and that the prep work would take at least 4 weeks. A lengthy discussion followed.

MOTION: Regarding Application #IW-07-27 submitted by Wykeham Partners, LLC. to install a pool and tennis court, and site improvements at 240 Wykeham Road, because the site is more than 100 feet from wetlands and watercourses, the driveway is now stable, and the plans call for erosion and sedimentation controls to be installed prior to the commencement of work, the applicant is permitted to begin work only on the pool, pool terrace, and retaining walls to the east of the existing house prior to the approval of the full application. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

Ms. Purnell said that all work should be tightly controlled. A site inspection was scheduled for Tuesday, June 26, 2007 at 4:45 p.m. Mr. Neff was asked to stake the location of the proposed tennis court.

Sullivan/56 Dark Pasture Road/#IW-07-30/Repair Pond, Maintain Pasture: Mr. Neff submitted his plan, "Pond Repair Plan," dated 5/17/07. He listed the major issues to be addressed: 1) seepage through the pond embankment. He proposed to repair this by putting down a clay lining. 2) pond maintenance. Mr. Neff explained that the pond would be dredged to deepen it and the back side of the berm would be reinforced. The area of the pond would not increase. A sand beach was proposed at one end. Mr. Neff said he would provide a cross section for the next meeting. 3) replacement of culverts. Mr. Neff stated that the existing 12 in. culvert pipes adjacent to Dark Entry Road were undersized and silted in and would be replaced with two larger pipes. 4) pasture. The pasture area would be maintained and the drainage improved. Ms. Purnell asked Mr. Ajello to provide the applicants with information on best management practices and advised them to consult with NRCS. A site inspection was scheduled for Tuesday, June 26, 2007 at 5:15 p.m.

Capeci and Coghlan/196 Roxbury Road/#IW-07-31/Swimming Pool: The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 6/5/07 was reviewed. Mr. Neff noted the location of the wetlands on the property and said he had considered feasible and prudent alternatives. He stated that 1) there would be no danger to the wetlands due to the topography of the site; the wetlands were located upgrade of the pool location, 2) there would be only coping and a safety fence around the pool, 3) the

pump and filter would be located on the west side of the house, and 4) a non discharging filtration system would be installed. A site inspection was scheduled for June 26, 2007 at 3:30 p.m.

Walsh/96 Roxbury Road/#IW-07-32/Clean Out, Maintain Pond: Mr. Neff, engineer, stated the applicants proposed to clean the organic material from the pond and install a geothermal heating system. The map, "Pond Cleanout Plan," by Mr. Neff, dated 5/10/07 was reviewed. Ms. Purnell asked what thermal changes would result in the pond. She asked for calculations for how much heat would be put in the pond and whether it would increase the growth. Mr. Bedini asked for engineering specs regarding the maximum capacity of the proposed unit. Ms. Purnell asked if the heated overflow would impact the downstream watercourse. Mr. Neff stated there was a 4 inch pipe at the outlet to the brook and that the majority of the flow was from springs below. He added that the pond would not change in size and that the applicants were working on a planting plan. Mr. Ajello asked about the construction access. Mr. Neff responded that equipment would come through the existing gate, that a tracking pad would be installed onto Roxbury Road, and that the excavated material would be stockpiled on the north side of the pond and then taken off site. The commissioners will drive by the pond before the next meeting.

Other Business

Adams/233 West Shore Road/#IW-07-10/Remodel Dock: Ms. Zinick, agent, presented the plans, "Dock Renovations at Birch Hollow," by Churchill Brothers, LLC., dated 5/21/07, noting that the amount of pressure treated wood to be used had been significantly reduced since the last meeting although the size of the dock had not decreased. The plans noted that either mahogany or locust would be used. The Commission declined to specify a preference.

MOTION: Regarding Adams/233 West Shore Road/ #IW-07-10/Remodel Dock, to approve the final dock plans with the notation re: lotus or mahogany wood dated 5/21/07 and initialed by Ms. Zinick. By Mr. Bedini, seconded by Ms. Purnell, and passed 5-0.

Ms. Zinick then asked the Commission for advice on three other issues. 1) Where the lattice work was stripped from the existing boathouse, could it be replaced with stone veneer over the concrete if the work was done during low water and the turbidity curtain was in place? The Commission did not object. 2) Could 10 to 15 yards of sand be brought in to create a beach? Ms. Purnell said the only place where the Commission allowed the deposition of sand was at the Town Beach where it would serve the public. 3) The owner would like 30 to 40 everblooming native shrubs planted between the grass edge and the roadside. Was the approval of a landscaping plan required? Mr. Ajello noted the Zoning Commission has requirements that must be met for hedges over 2 ft. tall, but as for the Inland Wetlands Commission, the permit could be revised. Mr. Thomson noted a description of the plants would be needed. Ms. Purnell recommended the owners look at the buffer planting along the Lecher shore as a good example of what to plant.

Enforcement

Brown/127 West Shore Road/Unauthorized Work Along Shoreline: Mr. Ajello noted that an enforcement order had been sent to the property owner and that the Commission had asked him to work with Mr. Wilson, engineer, to restore the shoreline to its original condition (except for the area where work had been approved.) Mr. Wilson presented photos of the shoreline wall before and after a section of it had been restored. He also showed a photo taken in 1908 to prove there had once been a wall along that entire section of shoreline. He pointed out a 50 ft. section of wall that had been worked on in excess of what had been permitted, said that none of the rocks below the water line in this section had been touched, and asked to modify the permit to leave that portion of the reworked wall in place. He thought it would cause more disturbance to the lake to take the wall out at this point. Mrs. J. Hill asked if a letter requesting the revision of the permit and a \$25 fee had been submitted. Mr. Wilson said he

was here to find out if he could do so. It was the consensus that Mr. Wilson should submit a specific request for the revision of the permit for the next meeting. Ms. Purnell urged that there be more supervision of workers on any future projects.

Howard Family Trust/99 West Shore Road/Unauthorized Wall Construction: Mr. Ajello noted he had sent Mr. Howard a notice of violation and circulated photos of the unauthorized work. He said there had been sediment on the road after the last storm and that only work to the south of the stairs had been approved, none of the work on the north side was permitted. Ms. Purnell said she had not realized so much vegetation would be removed for the approved driveway and retaining wall work and noted clearing of additional vegetation was not included in the permit. Mr. Howard responded that more than was necessary had been cleared to the south of the stairs due to a communication problem with his workers. Even though the photos showed the hillside was sparsely planted, Mr. Howard said it would not erode because there had been rods hammered in "to firm it up," of an inch of wood chips had been spread, and the junipers planted would spread. Mr. Howard stated the root system of what had been cut was still there, but Mr. Ajello said it looked like it had been grubbed. Mr. Bedini noted that in the enforcement letter sent, Mr. Ajello had requested the immediate stabilization of all disturbed soil and asked if this had been done. He asked Mr. Ajello to reinspect the site to make sure, although he noted that long term stabilization could still be a problem. The Commissioners noted they would have specified that stabilization fabric be placed on the steep hillside with the plants inserted into it and that larger and a greater number of plants be used had Mr. Howard applied first for the clearing. Mr. Howard was directed to install a silt fence at the bottom of the hill, to contact Mr. Sabin or NCD about a long term restabilization plan, and to submit that plan for review at the next meeting. It was not decided whether or not to issue a citation.

Pending Application

Town of Washington/16 Titus Road/#IW-07-23/Clean Up, Install Walking Path: Mr. Bedini noted the Commission would consider whether to require the Town to test the recently stockpiled material per the DEP recommendations that Ms. Purnell had presented. Mrs. D. Hill said this could be done as a condition of approval, but otherwise, no new information could be accepted because the public hearing had been closed. Mr. Thomson said the compromise solution of burying the mound in question and covering it with top soil should also be considered. Mr. LaMuniere said this would take care of the invasives, but would not address his concern about contaminants. Ms. Purnell noted the proposed design was for a leaky berm that material could pass through, so she asked if buried, could it be done far enough away from the berm so that contaminants would not reach the river. She noted that if the material were tested and found to contain contaminants, the project could still proceed, it would mean only that that material could not be used on site for fill. After a lengthy discussion it was decided to make the testing of the big, central, most recent pile of sweepings a condition of approval. Also, a condition of approval that the meadow be mowed only once a year was discussed. Mr. Sears asked how this was under the jurisdiction of the Commission. He was told that more frequent mowing would affect the habitat, surface runoff, and the amount of pollution reaching the river. Mr. LaMuniere opposed this condition, but Mrs. D. Hill noted the area was to be maintained as a meadow, not a playing field. Ms. Purnell noted the meadow was proposed for Phase I of the development of the site and the Commission understood there might be subsequent changes in future plans.

MOTION: To approve Application #IW-07-23 submitted by the Town of Washington to clean up and install a walking path at 16 Titus Road subject to the following conditions: 1) that a sample of the material from the sweepings pile on site be tested per the reuse options listed on page 5 of the Ct. DEP's, "Guideline for Municipal Management Practices for Street Sweepings and Catch Basin Cleanings," dated January 2005, 2) the material tested must meet those guidelines or it may not be used on site, and 3) the meadow shall be mowed only once per year at the end of the growing season. By Mr.

Bedini, seconded by Mrs. Hill, and passed 4-0-1. Ms. Purnell abstained because she had not been present for the entire public hearing.

New Applications

Hochberg/15 Couch Road/#IW-07-34/Driveway: Mr. Ajello noted the application had been resubmitted and that Mr. Szymanski would make a presentation at the July meeting.

Abella/44 Scofield Hill Road/#IW-07-35/3 Lot Resubdivision: This application was resubmitted and a public hearing scheduled for July 11, 2007 at 6:00 p.m.

MOTION: To schedule a public hearing to consider Application #IW-07-35 submitted by Mr. and Mrs. Abella for a three lot resubdivision at 44 Scofield Hill Road on Wednesday, July 11, 2007 at 6:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall. By Ms. Purnell, seconded by Mrs. Hill, and passed

5-0.

Guliano/19 Winston Drive/#IW-07-36/Basketball Court: Mr. Ajello noted there had been errors on the maps submitted so they were being redone. The application will be presented at the July 11 meeting.

Stiteler-Giddens/262 West Shore Road/#IW-07-37E/Construct Boathouse: The application was for an exemption to construct a boathouse 25 ft. from Lake Waramaug. It was the consensus that the proposal did not qualify as an exemption. It was noted that while recreational uses were exempt, structures were not exempt and that the Commission had required permits for recreational structures such as tennis courts, swimming pools, and boathouses in the past. Because the applicants had not applied on the correct application form, further discussion was tabled. Mr. Ajello was asked to call their representative, Atty. Kelly, to ask that he apply for a permit on the proper form.

Other Business

Corbo/40 Nettleton Hollow Road/#IW-06-34/Request for Release of Bond: Mr. Ajello reported that he had inspected the site and all disturbed areas had been stabilized.

MOTION: To approve the release of the bond for Corbo/ 40 Nettleton Hollow Road/Permit #IW-06-34. By Mrs. Hill, seconded by Ms. Purnell, and passed 5-0.

Enforcement

Andersson/35-45 Gunn Hill Road/Unauthorized Clearing, Trenching in Wetlands: Resolution of this violation was still pending while Mr. Andersson gets all the information the Commission requested.

Bransfield/21 Walker Brook Road/Unauthorized Activities: Ms. Purnell had noted she had driven by and had been concerned because additional clearing had been done. Mr. Ajello said he had inspected the property last year when there had been a complaint from New Milford and that no more clearing had been done since then. Ms. Purnell asked that Mr. Ajello research the file because Mr. Bransfield had been directed some time ago not to cut any more trees. She asked Mr. Ajello to compare the photos in the file with the current conditions on site.

DiBenedetto/212-214 Calhoun Street/Restoration of Understory: Mr. Jontos, consultant from Land Tech, sent an estimate of \$6800 in contract form with a description of the work he would do for that amount. Ms. Purnell asked for a copy. Mr. DiBenedetto has not yet received a copy.

Communications

It was noted there will be an introductory training course on GPS on June 28 and June 29 sponsored by UConn. Mr. Ajello and Ms. Purnell will attend.

MOTION: To adjourn the meeting. By Mr. Bedini.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator