

## **September 13, 2006**

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

MEMBER ABSENT: Mr. Bedini

ALTERNATES PRESENT: Ms. Coe, Mr. Potter, Mr. Thomson

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

ALSO PRESENT: Mr./Mrs. Hannibal, Mr. Corbo, Mr. Volpe,  
Mr. Neff, Mr. Farmer, Mr. Sears, Mrs. Smith,

Mrs. Taylor, Mr. Wyant, Mr. DePecol, Mr. Watson, Residents

### **SHOW CAUSE HEARING**

#### **Moore/25 Litchfield Turnpike/Unauthorized Clearing and Filling**

Mr. Picton called the show cause hearing to order at 6:48 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Coe for Mr. Bedini.

Mr. Ajello, EO, noted at the last meeting the site plan and wetlands mapping had been submitted, but there had been no new information received since. He added that Mr. Moore said he would not challenge the order and expected a site inspection by the Commission.

Ms. Purnell noted the violation had been ongoing for quite some time. Mr. Ajello explained it had taken a long time for Mr. Moore to get the required mapping done and that he had also done substantial clean up of the site. Ms. Purnell asked if photos of the violations were on file. Mr. Ajello said they were.

Mr. Picton asked if the unauthorized activities had stopped. Mr. Ajello said he knew of no further cutting and filling in the wetlands.

It was noted the Commission was still waiting for a restoration plan.

It was the consensus that the activities that had occurred were significant and the enforcement order should remain in effect.

MOTION: To close the Show Cause hearing to consider  
the 9/5/06 enforcement order issued to Mr.

Moore/25 Litchfield Turnpike for unauthorized  
clearing and filling. By Mrs. Hill, seconded  
by Ms. Purnell, and passed 5-0.

Mr. Picton closed the hearing at 7:53 p.m.

This 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. Picton called the Regular Meeting to order at 7:00 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: Invasives in Lake Waramaug. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

#### Consideration of the Minutes

The 8/9/06 Public Hearing - Regular Meeting minutes were accepted as corrected.

Page 5: Under Lloyd: 9th line: Ms. Purnell preferred a pervious surface, not impervious.

10th line: Change basin to drain.

Page 5: Change the wording of the condition of approval to: the motion of approval be added to the revised site plan and the site plan be filed on the Town Land Records.

Page 8: 9th line: Insert: top of the before bank.

11th line: Delete the sentence beginning, "Mr. Picton thought that should be the objective...."

7th line from bottom of long paragraph at top of page: Insert: top of the bank adjacent to before wetlands.

Page 9: Under Ingrassia: 4th line: Change under to on.

MOTION: To accept the 8/9/06 Public Hearing - Regular Meeting minutes as corrected. By Ms. Purnell, seconded by Mrs. Hill and passed 5-0.

MOTION: To accept the 8/15/06 Shepaug Realty (across from June Road) Site Inspection minutes as submitted. By Mrs. Hill, seconded by Mr. Picton, and passed 4-0-1.

Ms. Purnell abstained because she had not attended the site inspection.

MOTION: To accept the 8/15/06 Shepaug Realty (46 June Road) Site Inspection minutes as written. By Mrs. Hill, seconded by Mr. Picton, and passed 4-0-1.

Ms. Purnell abstained because she had not attended the site inspection.

MOTION: To accept the 8/15/06 Hannibal Site Inspection minutes as written. By Mr. LaMuniere, seconded by Mrs. Hill, and passed 4-0-1.

Ms. Purnell abstained because she had not attended the site inspection.

MOTION: To accept the 8/15/06 Knudsen Site Inspection

minutes as corrected. By Mrs. Hill, seconded by Mr. LaMunier, and passed 4-0-1.

Ms. Purnell abstained because she had not attended the site inspection.

MOTION: To accept the 9/7/06 Reinhardt-Cremona Site Inspection minutes as written. By Mr. LaMunier, seconded by Ms. Purnell, and passed 5-0.

#### Pending Applications

**Corbo/40 Nettleton Hollow Road/#IW-06-34/First Cut and Driveway:** Mr. Neff, engineer, presented his revised map, "Proposed Site Development Plan," revised to 9/8/06, driveway profiles, "Lot No. 2 Driveway Profile," dated 9/12/06, and the 8/31/06 memo containing the project description and an analysis of feasible and prudent alternatives for the driveway route. Revisions to the site development plan included addition of the proposed contour lines, the proposed pond overflow at station 550, and a description of the overflow, which would be 20 ft. wide, 6 in. deep, and rip rapped for stabilization. Mr. Neff said it was well vegetated on the other side of the driveway so he had no concerns about erosion. He noted the flow calculations were 15 c. ft. per sec. maximum in a 100 yr. storm. He added that this runoff would flow over a flat section of the driveway and there was no need to harden the area between the driveway and the wetlands. Ms. Purnell asked if the alternate driveway route on the section of the existing wood road to the north had been considered. She thought this route was further from wetlands and said she did not favor the proposed route because it was in such close proximity to the wetlands. Mr. Potter noted there was already a hard wood road to the south where the driveway was proposed. Mr. Neff said he had considered both a bridge and the longer route suggested by Ms. Purnell, but noted it, too, was in the regulated area. Regarding the proposed route to the south, Mr. Picton asked how fast you could get away from the wetlands by moving the route up the hill. He said the Commission usually did not like to disturb steep hillsides above wetlands, but that he wanted to make sure all feasible and prudent alternatives were considered. Mr. Neff said significant cuts and fills would be required as well as cutting more trees. Ms. Purnell thought the proposed route would likely result in long term impacts and that it could also impact the wetlands off site. Mr. Ajello stated that he thought the proposed route was the best one because it was an existing roadbed, which would cause less disturbance when installed. Ms. Purnell said there were times when consideration of long term impacts should outweigh the short term impacts from construction. Mr. Corbo offered to do a detailed study of the possible hillside route and present it to the Commission prior to construction as a condition of approval. Ms. Purnell noted the Commission normally waits until all documentation is in before acting on an application. Mr. Picton thought in this case, however, since three professionals had said this was not a good alternative and there would be no driveway construction to Lot #2 until after the study was submitted, it would be OK to act on the application at this time. Mr. Corbo also noted that he would submit applications for the specific site development of each lot. Mr. Picton asked that the limit of disturbance line be shown on the map and that it be understood that this line was also the limit of clearing line. He also asked that a note be added to state the vegetation between the driveway and the wetlands would remain undisturbed. The bond requirement and conditions of approval were discussed. Mr. Picton seated Mr. Thomson for Ms. Coe because he had attended the site inspection.

MOTION: To approve Application #IW-06-34 submitted by Corbo Associates, Inc. for a first cut and

driveway at 40 Nettleton Hollow Road per the plans revised to 9/8/06 and 9/12/06 subject to the following conditions:

1. the limit of disturbance line shall be the limit of clearing,
2. a \$10,000 bond shall be posted before the start of work,
3. all the land between the driveway and wetlands shall remain vegetated and a minimum of 10 ft. of the existing moderate grade between the driveway and the top of the steeper bank adjacent to the wetlands shall be maintained as a vegetated buffer along the full length of the driveway,
4. there shall be no surface disturbance on slopes exceeding 20% on the wetlands side of the driveway,
5. before work commences on lot #2 or on the segment of the driveway to lot #2, there shall be a more thorough study of the hill above the existing wood road where it follows the edge of the wetlands from the pond crossing to steep slopes on the hillside above the proposed driveway for a possible alternative driveway location, and this study shall be analyzed and prepared by the applicant and submitted to the Commission for the final determination of the driveway route,
6. the motion of approval with all conditions shall be added to the final site plan and two copies provided to the Commission for its files.

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

Ms. Purnell voted No because she thought the proposed driveway route so close to the wetlands would have a perpetual long term impact on the

wetlands and also had the potential to impact wetlands off the property.

**Shepaug Realty, LLC./46 June Road/#IW-06-37/Rebuild Steps, Add Rail, Install Fence:** Mr. Farmer was present. Mr. Ajello explained the parking area had been installed without a permit and would be restored to conditions approved by the DOT. The sketch map dated 7/19/06 was reviewed. Mr. Farmer noted he had repaired the existing steps with as little disturbance as possible, added a railing due to the steep drop off, had installed the fence in front of the old one, but would lower the height, and would restore the traffic posts as ordered by the DOT. Mr. Picton noted the placement of 1.5 feet of gravel over the existing culvert was an additional violation that hadn't been noted before. Ms. Purnell asked if the DOT had a problem with the fill. Mr. Farmer said the DOT had asked him only to reinstall the posts. Mr. Ajello thought the fill would be stable for the long term. Mrs. D. Hill asked if the after the fact application fee had been paid. Mr. Farmer said it had.

MOTION: To approve Application #IW-06-37 submitted by Shepaug Realty to rebuild the steps, install a railing, and install a new fence at 46 June Road per all the information in the file, including the sketch map dated 7/19/06. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

Other Business

**Shepaug Realty, LLC./46 June Road/Request to Amend Permit #IW-02-73/**

**Realign Driveway Entrance:** Mr. Farmer and Mr. DePecol were present. The map, "Drainage Area Plan," by Berkshire Engineering, dated 12/31/02 was compared with a revised portion of the same map in the 8/8/06 packet of information, "Proposed Driveway Alignment." Mr. DePecol proposed to move the driveway entrance south in order to reduce the grade of the first 50 ft. from 17% to 10%. Mr. Ajello explained the first 50 ft. of the driveway had not been included in the original application because it had been existing. Mr. DePecol noted the driveway was 240 ft. from the lake. Mr. Picton observed the runoff moves swiftly down the steep slopes, and Mr. Farmer said it gets caught by the swale and is channeled. Ms. Purnell noted the driveway entrance would be 40 ft. wide. Mr. Picton noted the existing driveway slopes were not well vegetated. Mr. Farmer said there were ferns and moss on the banks, but he proposed to use some stockpiled soil and jute mesh to alleviate the problem. Mr. Picton worried the banks would not support sufficient growth or that the soil would wash out. He asked the applicant to address whether the banks required hardening. Ms. Purnell was concerned that the cut into the bank could intercept groundwater, which could result in additional runoff problems. Mr. DePecol presented a centerline profile and said the plan had been approved by the Town Highway Dept. Mr. Picton thought an engineered plan by a professional engineer was needed and asked for revised contours and a cross section showing slope, gutters, and stabilization of the banks. He also asked for a list of proposed mitigations. Mr. Farmer said this had already been submitted to Mr. Ajello. Ms. Purnell asked for a long term maintenance plan.

**Knudsen/236 Nettleton Hollow Road/#IW-06-39/Build Retaining Wall:** Mr. Nelson, contractor, said the idea of laying the stones flat into the bank as had been discussed at the site inspection was unacceptable to the property owner. He presented a compromise plan by Mr. Neff, "Brook Bank Stabilization Detail," dated 8/19/06, which proposed the wall set back into the bank. Ms. Purnell noted a minimum amount of the wall should be in the stream channel. Mr. Nelson responded his starting

point was where the original streambed ran, saying he just wanted to close the stream back to its original bed. He described his proposal, which would allow the stream to flow as it had in the past with no eddy. Ms. Purnell noted her concerns about downstream scouring and that if the curve were taken out the velocity would increase. Mr. Nelson again stated there had not originally been a curve in this section of the stream. The portion of a survey map dated 8/13/06 and initialed EN was reviewed. Mr. Nelson agreed to Mr. Picton's request not to exceed the profile of the existing bank by more than 6 inches. Mr. Neff said the wall would be stepped back. In lieu of a more detailed plan, Mr. Picton asked that the proposed limit of work be staked at both the top and bottom of the wall so that prior to the commencement of work he and the EO could check to make sure the configuration of the slope would not change. Ms. Purnell asked if the proposed work would have hydrological implications. Mr. Neff responded there would be no problems at the transition point. Mr. Nelson noted at the site inspection it was suggested that the material deposited in the stream be removed and asked if this was still OK. Mr. Picton read the last paragraph on page 1 of his 8/15/06 site inspection minutes describing the specific excavation work to be done. Mr. Nelson said there would be no work in the channel directly in front of the culvert. Ms. Purnell was concerned that all of the proposed work would increase the velocity of the stream. Mr. Nelson agreed not to excavate more than 12 c. yards of material.

MOTION: To approve Application #IW-06-39 submitted by

Mr. Knudsen to harden 65 ft. of the streambank

at 236 Nettleton Hollow Road in the location

shown on the portion of the survey map submitted,

initialed EN and dated 8/13/06 subject to the

following conditions:

1. the upper and lower lines of the slope to be hardened shall be staked in the field for inspection and approval by the EO and a Commission member,
2. the slope hardening shall not encroach on the existing stream basin cross section,
3. the excavation of sediment not to exceed 12 cubic yards shall be permitted per paragraph 5 of Mr. Picton's 8/15/06 site inspection report.

By Mr. Picton, seconded by Mrs. Hill, and passed

5-0.

**Hannibal/80 Sunset Lane/#IW-06-40/2 Lot Subdivision Feasibility:** Ms. Purnell recommended approval based on the site inspection report that the proposed activities would have no impact on wetlands or watercourses and because the approval would be for feasibility only. Mrs. D. Hill thought the applicants may have been charged too much for the application fee and Mr. Ajello said he would try to get \$30 refunded to them.

MOTION: To approve Application #IW-06-40 submitted by

Mr. Hannibal for a 2 lot subdivision feasibility

at 80 Sunset Lane per the plans by Mr. Neff dated 8/1/06. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

**Meyers/5 West Church Hill Road/#IW-06-41/Dredge Silt Basin and Pond Inlet:** Mr. Neff, engineer, presented his plan, "Silt Basin/ Pond Cleanout Plan," dated 8/2/06. He proposed to dig out the silt basin and pond inlet and deposit the excavated material north of the basin. Mr. Ajello said he had no problem with the proposal. Ms. Purnell asked if the basin would be cleaned out every year. Mr. Neff said every other year. Ms. Purnell asked for source reduction to control the sediment. Mr. Neff thought the other stream flowing into the pond actually contributed more to the sediment problem. Mr. Picton asked if there would be hazards associated with the removal of the dredged material. Mr. Ajello said there would be none. Ms. Purnell recommended that only two thirds of the material be removed to leave a fore bay to collect future sediment.

MOTION: To approve Application #IW-06-41 submitted by Mr. Meyers to dredge the silt basin and pond inlet at 5 West Church Hill Road as submitted per the plans by Mr. Neff dated 8/2/06. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

**Walberg/113 West Shore Road/#IW-06-42/Install Surface Drain:** Mr. Wyant, contractor, was present. The maps, "Property/Boundary Survey," by Mr. Alex, dated August 1999 and the hand drawn sketch map by Mr. Wyant were reviewed. Mr. Wyant explained the existing pipe was crushed. The proposed replacement pipe, a 4 inch perforated PVC pipe, would be installed in 3/4 in. gravel up the grass section in the center of the driveway and would hook into the catch basin for the existing patio. The pipe would be installed no deeper than 2 ft. due to the ledge on the property. Mr. Picton stated the new pipe would not change the direction or quantity of the flow. Ms. Purnell noted the runoff would end up in a catch basin that flows into the lake. She also noted the required USGS quad map had not been submitted. It was the consensus that the sequence of construction submitted was adequate.

MOTION: To approve Application #IW-06-42 submitted by Mr. Walberg to install a surface drain at 113 West Shore Road as submitted. By Mr. Picton, seconded by Mr. LaMuniere, and passed 5-0.

New Applications

**Town of Washington/1 West Shore Road/#IW-06-43/Repoint Spillway, Install Trash Rack:** Mr. Sears, First Selectman, explained the DEP Bureau of Water Management had inspected Dam #15008, which is 50 ft. south of West Shore Road, and had ordered repairs. The masonry face of the spillway must be rechinked and repointed and a new trash rack to protect the intake structure will be custom built and installed. He noted copies of the DEP report and specifications were in the file. He proposed to do the work during low water, said it would take five days to complete, and added that there would be no change to the flow characteristics of the stream. Ms. Purnell asked how often the rack would be cleaned out. Mr. Sears said it would be monitored and cleaned out from time to time. The Commissioners will inspect the dam on their own prior to the next meeting.

**Devereux Foundation/81 Sabbaday Lane/#IW-06-44/Emergency Repair of Water Line:** Mr. Ajello noted this was an after the fact application. He said the line had been retrenched from the well on the east side of Sabbaday Lane through the campus, but only the first 50 ft. had been near wetlands. The work was now completed, the disturbed areas mulched, and no problems had been created or damage done to the wetlands. Mr. Picton noted the emergency work had been necessary because the water line connected to the school's water supply. Ms. Purnell noted there was no topo map with the application. The Commissioners were asked to inspect the property on their own before the next meeting.

**Eaton-Carroll/284 West Shore Road/#IW-06-45/Rebuild Lake Wall:** Mr. Johnson, contractor, proposed to rebuild 106 feet of the existing 200 ft. long wall. The 106 ft. section had already fallen into the lake, but so far no soil was eroding. He said the work would be done during low water and the existing footing used. Mr. Johnson said the application also included resetting caps on six spots on the remainder of the wall and repair of a dry well elsewhere on the property. A site inspection was scheduled for Thursday, September 21, 2006 at 4:30 p.m.

**Rising/191 West Shore Road/#IW-06-46/Repair Septic System:** Mr. Picton expressed the Commission's dissatisfaction that the Health Department does not routinely refer septic repair work to the Inland Wetlands Commission when it is required. The map, "Plan Showing Code Complying Septic System," by Mr. Trottier, revised to 9/7/06 was reviewed. Mr. Ajello noted the new pumped system would be on the uphill side of the house, further from the lake than the existing system. Included in the application were the replacement of the existing curtain drain and the piping of the intermittent stream on the east side of the house. Ms. Purnell asked if any of the runoff could be infiltrated. Mr. Ajello did not think so due to the proximity of the septic area and pointed out that the plan was engineered and had Health Dept. approval. Mr. Picton asked Mr. Ajello to tell the property owner to do no more clearing on the hillside until after the Commission inspects the site. Mr. Picton noted the Health Dept. had approved moving the watercourse without approval by the Inland Wetlands Commission. Ms. Purnell noted there were other possible configurations of the proposed septic system that would not infringe so much on the existing watercourse. Mrs. D. Hill noted two copies of the plan had not been submitted as required. A site inspection was scheduled for Thursday, September 21, 2006 at 4:45 p.m.

**Whitney/191 Roxbury Road/#IW-06-47/Driveway and First Cut Feasibility:** Ms. Zinick, agent, noted 120 feet of the proposed driveway would be within 100 feet of the pond and said this was for feasibility only; a specific application would be submitted prior to construction. She stated the DOT required the proposed driveway location due to sight line requirements and the steepness of the highway. At its closest point, the driveway would be 40 ft. from the pond. Mr. Picton asked if there would be a gutter or cross culvert. Ms. Zinick said there would be a pipe under the driveway entrance. The map, "Proposed Site Development Plan," by Mr. Neff, dated 8/7/06 was reviewed. Mr. Picton asked if the rest of the property had been checked for wetlands, noting the Commission does not rely on the USGS map. Ms. Purnell asked for a soil report and sketch map by a soil scientist. A site inspection was scheduled for Thursday, September 21, 2006 at 5:30 p.m.

**Smith/35 East Shore Road/#IW-06-48/Restore Hatchery and Install Buffer Garden:** Mrs. Smith, Mr. Watson, and Mr. Neff, engineer, were present. Mrs. Smith proposed to dredge the pond, take down the wall that is severely leaning towards the river, rebuild it, solidify the bank of the pond, remove all the invasives in the area, and replant with wetlands buffer plants. She showed a photo of the original hatchery, which hasn't operated in 80 years, and said she wanted to restore it and stock it again with trout. Ms. Purnell noted trout are a cold water species, but Mrs. Smith said they had been recommended by the Conservation District. The map, "Hatchery Area Restoration Plan," by Mr. Neff, dated 4/26/06 was reviewed. Mr. Ajello circulated the 9/11/06 report from Mr. Hayden of the NWCD and said three letters in support of the project had been received. Mr. Picton asked how this application differed from the last discussion with the Commission. Mrs. Smith stated the application was more complete with

input from both the NWCD and Mr. Neff. She also noted the proposed buffer garden would help to keep the restored hatchery ponds healthy. Mrs. D. Hill asked about the pipe mentioned on the application form. Mrs. Smith said the pipe had not yet been added to the plan, but would be installed underground and activated during the dry season to feed the pond. The diverted water would eventually return to the East Aspetuck River. Mr. Picton asked for construction specifications. A site inspection was scheduled for Thursday, September 21, 2006 at 5:00 p.m.

#### Enforcement

**Taylor/11 Sunset Lane/Unauthorized Excavation in Wetlands:** Mrs. Taylor submitted the 8/23/06 report from Mr. George of CCA, LLC. and said Mr. Hayden of the NWCD inspected the site, but had said he would send his report directly to the Commission. Mr. Ajello noted Mr. Hayden would not complete his report until he had received a planting plan with plant list from Mrs. Taylor. She then reviewed the CCA report for the Commissioners who had not had an opportunity to read it prior to the meeting. She said the report included the following points: 1) the drainage area was only 1-5 acres, 2) an emergency swale was not needed because the outlet pipe is stable, 3) the outlet pipe must be increased from 6 in. to 8 in. and installed 24 in. below the top of the berm, 4) the outlet should be rip rapped extending to the existing ditch, and 5) no regrading of the slopes was necessary as they were heavily vegetated and regrading would cause further disturbance. The Assessor's map showing the location of the pond and inlet and outlet pipes was reviewed. Mrs. Taylor said she never agreed to the compromise planting plan recommended in the past by the Commission and instead proposed to plant native and medicinal species from long list of plants she was considering. She noted she did not want tall grass near the pond because it would attract ticks and said she would plant vegetation that could be used to "treat ticks." She also stated she would intersperse the plants around the boulders to maintain the integrity of the banks. Mr. Picton asked Mrs. Taylor to send a copy of the planting plan to Mr. Hayden. When Mr. Picton advised Mrs. Taylor the Commission would review the documents just submitted and make a decision at the next meeting, Mrs. Taylor objected because she wanted her husband to have time to complete the required work within the next month. After a lengthy discussion it was the consensus the Commission would approve the pond restoration and planting plan subject to the EO's review and approval. Ms. Purnell said she would review the plant list because some of the plants proposed were invasive species. Mr. Picton noted approval was with the understanding that the work would be completed as soon as possible this fall.

MOTION: Regarding the 9/19/05 Enforcement Order issued to Taylor/11 Sunset Lane for unauthorized excavation and clearing in a regulated area: To approve the engineered specifications by CCA dated 8/23/06 for the restoration of the pond subject to review and approval by the enforcement officer. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Mrs. D. Hill asked for updates on **Cohen/62 Calhoun Street/**

**#IW-06-38 and Steep Rock Assn./147 Sabbaday Lane/#IW-06-33** because these permits were not to be issued until the conditions of approval were met. Mr. Ajello noted both applicants responded promptly in writing and were OK.

Mr. Potter left the meeting at this point.

## Enforcement

The Commissioners signed up for the next session of the DEP Wetlands training program and a talk by Mr. Klemmens sponsored by the NWCD.

Mr. Picton reminded the Commission of the Special Meeting scheduled for Wednesday, September 20, 2006 at 3:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall. The agenda is executive session to discuss pending litigation.

**Zelman-Defendorf/16 Tompkins Hill Road:** Mr. Picton asked if the work was being done according to the approved plan. Mr. Ajello said the planting was still in progress and he would inspect the site tomorrow.

**Franco/25 River Road:** Mr. Ajello reported 1) Mr. Franco had paid the citation and 2) he would inspect the site soon. Mr. Picton did not think a good effort had been made to properly install the hay bales, noted Mr. Franco had not cleaned up the sediment, and thought if it wasn't cleaned up soon, a per day fine should be issued.

**Moore/25 Litchfield Turnpike/Unauthorized Clearing and Filling:** A site inspection was scheduled for Tuesday, September 26, 2006 at 5:00 p.m.

MOTION: That the 9/5/06 enforcement order issued to Mr.

Moore for unauthorized clearing and filling in regulated areas at 25 Litchfield Turnpike shall remain in effect. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

**Martin/35 Nichols Hill Road/Unauthorized Clearing and Soil Disturbance:** Mr. Ajello said walking trails had been installed and neighbors would inform him if these trails are used for ATVs.

**Peck/10 Slaughterhouse Road/Unauthorized Excavation, Tree Removal:** Mr. Ajello reported Mr. Peck had submitted a soil report and wetlands sketch map. Mr. Picton asked if the MA soils had wetlands soils beneath them. Mr. Ajello thought the MA areas were wetlands that Mr. Peck had cleared and regraded. Mr. Peck is working on a restoration plan, which he will submit in two weeks.

**Wright/59 Scofield Hill Road/Unauthorized Clearing, Filling, Soil Disturbance:** Mr. Picton asked Mr. Ajello to check to determine whether there were things Mr. Wright was asked to do, but hasn't. If so, he recommended official action and the issuance of a citation. Mr. Ajello noted Mr. Wright had paid for engineered plans and said he would contact the Highway Dept. about providing some of the materials and/or having the Town do some or all of the work.

**Complaint/Gunn Hill Farm:** Mr. Ajello said he had driven by the property and had seen no evidence of ditches dug in the wetlands as had been reported. He was asked to walk the fields to make a thorough inspection.

**Carter/Walker Brook Road/Repair Retaining Wall:** Certified letters had been mailed to three different addresses and had all been returned. Mr. Picton suggested trying regular mail.

**9 Main Street Assn./9 Main Street:** The Commission had requested a map to show the extent of the established lawn. To date there has been no progress.

**Caco/16 Flirtation Ave./Unauthorized Clearing, Grading:** Mr. Ajello said there had been no recent contact.

**DEP Pesticide Permits:** It was noted that because the DEP approves all applications, the Commission

normally does not comment unless the application was for an active stream.

MOTION: To enter executive session at 11:02 p.m. to discuss pending litigation. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

MOTION: To leave executive session at 12:12 a.m. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

**Spring Hill Farm, LLC./69 Whittlesey Road/#IW-05=74:**

MOTION: Regarding Spring Hill Farm, LLC./69 Whittlesey Road/Application #IW-05-74/New Dwelling: To approve the plan, "Partial Site Plan - Development Areas," DD100, by Halper Owens Architects, revised to 8/29/06 and the draft motion as modified at the 9/13/06 Inland Wetlands Commission meeting. By Mr. LaMuniere, seconded by Mr. Picton, and passed 4-1.

Ms. Purnell voted No because she thought the conditions of approved had been gutted to the point that they were unacceptable.

**Kessler/103-105 West Mountain Road/#IW-06-05:**

MOTION: Regarding Kessler/103-105 West Mountain Road/Application #IW-06-05/Two New Dwellings and Driveway Crossing: To approve the plan, "Partial Site Plan with Slopes 20% or More Indicated and Guest House at Alternate Location," A-006, by Halper Owens Architects, revised to 9/11/06 and the draft motion as modified at the 9/13/06 Inland Wetlands Commission meeting. By Mr. Picton, seconded by Mrs. Hill, and passed 4-1.

Ms. Purnell voted No for the same reasons she voted to deny the application on 5/10/06: 1) the potential precedent set when removing an existing footprint and allowing for modification of that footprint, 2) the impacts from the existing structures and the cause for the

eutrophication of the pond had not been definitively established, 3) there are feasible and prudent alternatives for both the main house and the guest house, and 4) the property is not appropriate for development of this size.

MOTION: To adjourn the meeting. By Mrs. Hill.

Mr. Picton adjourned the meeting at 12:15 a.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator