

August 12, 2009

Regular Meeting

7:00 p.m., Land Use Meeting Room

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

MEMBER ABSENT: Mr. Bohan

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

ALSO PRESENT: Mr. Papsin, Mr. Gitterman, Atty. Fisher, Mr. Titman, Mr. Charles, Mrs. Delancey, Mr. Neff, Mr. Szymanski, Mr. Majeski, Ms. Rowe, Mr. McDonough, Mr. Gambino, Mr. D'Agosta, Mr. Isley

Regular Business

Mr. Bedini called the Meeting to order at 7:02 p.m. and seated Members Bedini, Hill, LaMuniere, and Wadelton.

MOTION:

To include the following subsequent business not already posted on the Agenda:

III. Consideration of the Minutes.

B. June 10, 2009;

V. New Applications.

G. Rowe/44 Kielwasser Road/#IW-09-32/Feasibility for 2 Lot Resubdivision,

H. Region #12 School District/159 South Street/#IW-09-33/Empty Pool into Pond,

I. Kessler/105 West Mountain Road/ #IW-09-34/Install Dry Hydrant;

VI. Other Business.

C. Request to Amend Permit #IW-07-11 /John Dorr Nature Lab/220 Nettleton Hollow Road,

D. Discussion: Return of Bond/ Oberndorf/157 West Shore Road/Permit #IW-07-57 /Demo, Rebuild House,

E. Discussion: Wanag/Potash Hill Road/ Expired Permit.

By Mr. Bedini, seconded by Mr. LaMuniere, and passed 4-0.

Consideration of the Minutes

The 6/10/09 Regular Meeting minutes were accepted as corrected.

Page 2:

Under Town of Washington: 6th line: Change: "June" to "July."

Page 4 and 5:

The correct spelling is Bardel.

Page 8: Under Sheinfeld:

The correct address is 110 Lower Church Hill Road.

Under Sheinfeld:

Switch the order of the heading to Chin – Sheinfeld.

Under Referral from the Town of Roxbury:

Mrs. D. Hill thought Pickett Road was spelled incorrectly. *(This was subsequently researched and*

“Pickett” is correct.)

Under Administrative Business:

7th line: Should be Mrs. J. Hill.

MOTION:

To accept the June 10, 2009 Regular Meeting minutes as corrected.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 4-0.

MOTION:

To accept the July 8, 2009 Regular Meeting minutes as written.

By Mr. Bedini, seconded by Mr. LaMunier, and passed 4-0.

Pending Applications

Papsin/30 Mygatt Road/#IW-09-20/Additions to Dwelling:

Mr. Papsin briefly summarized his application to remove the existing deck and construct a larger addition in its place. The new construction on the side of the house would be within 40 feet of the regulated area. The sketch map was reviewed. It was noted that the property was fairly level. Mr. LaMunier stated that the plans had been discussed in detail at the last meeting and no concerns had been raised.

MOTION:

To approve Application #IW-09-20 submitted by Mr. Papsin for additions to his dwelling at 30 Mygatt Road per the undated, unsigned site plan submitted; a 2 year permit shall be issued.

By Mr. LaMunier, seconded by Mr. Wadelton, and passed 4-0.

Mahan/54 Sunny Ridge Road/#IW-09-21/Addition to Dwelling:

Mr. Neff, engineer, and Atty. Fisher presented the map, “Soil Erosion and Sediment Control Plan,” by Mr. Neff, dated 7/5/09. It was noted there had been no changes to this plan since the last meeting. Mr. Neff stated the existing garage would be torn down and an addition built 97 feet from the wetlands. He pointed out the location of the proposed footing drains and the limit of disturbance line. Mr. Neff said he had addressed all of the questions/missing items in Mrs. J. Hill’s 7/29/09 letter except for the mandatory conservation easement form.

Atty. Fisher stated that the conservation easement area would not be affected by the proposed work, that he had notified Steep Rock of the application, and that he expected it would respond that there was no problem with what had been applied for.

Mrs. J. Hill noted that since the holder of the conservation easement had not been notified 60 days prior to the submission of the application, a letter from Steep Rock saying that the proposed work was in compliance with the easement was required.

Mr. Ajello suggested a conditional approval, but Mrs. D. Hill and Mr. Bedini noted the Commission was bound by the state statutes.

As none of the commissioners raised any other concerns, Mr. Bedini agreed to consider the application at a Special Meeting to be held on August 26 if the letter from Steep Rock is received by that date.

Wykeham Rise, LLC./101 Wykeham Road/#IW-09-23/Affordable Housing:

Mr. Szymanski, engineer, submitted the documents requested and said he had amended the sequence of construction to include the requirement that the WEO be notified at least 48 hours prior to the commencement of work.

Mr. LaMunier asked if a narrative detailing the activities proposed in the upland review area had been

submitted. Mr. Szymanski stated he had submitted 20 pages of plans. He gave a brief summary of the work proposed: the removal of the old tennis court and the installation of a new one outside of the regulated area, the upgrading of the existing driveway to rectify an existing erosion problem 65 feet from wetlands, and the renovation of the existing structures. He said pavement would be added to the driveway in three areas, 80 feet away, 200 feet uphill, and 240 feet uphill of the wetlands.

It was noted the application had been referred to Land Tech several weeks ago. Mr. Szymanski said he would respond to Land Tech's report as soon as possible after it is received.

Mr. Bedini asked that all material be submitted at least one week prior to the next meeting to give the commissioners the opportunity to study it beforehand.

Mr. LaMunier asked if the Commission had permission to inspect the property. Mr. Szymanski said, yes, it did.

MOTION:

To schedule a Public Hearing to consider Application #IW-09-23 submitted by Wykeham Rise, LLC. for affordable housing at 101 Wykeham Road at 5:30 p.m. on September 9, 2009 in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct.

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

Cohen/64 Calhoun Street/#IW-09-24/Chemical Application to Pond:

Mr. Gambino, contractor, noted he had submitted the application last month and had since submitted the required conservation easement form.

Mr. Ajello noted the pond has a rubber lining and only an emergency overflow. Mr. Gambino said it is fed by a well.

Mr. Bedini asked if the application was complete; Mrs. J. Hill said it was.

MOTION: To approve Application #IW-09-24 submitted by Mr. Cohen to chemically treat his pond at 64 Calhoun Street as presented.

By Mr. LaMunier, seconded by Mr. Bedini, and passed 4-0.

Schein/245 West Shore Road/#IW-09-19/Repair Stone Stairs, Build Stone Wall:

Mrs. Schein explained the application was to complete the repair of stone stairs and to build a stone wall 40 feet long, 18 inches wide along the back of the existing dock. She said this would prevent hillside sediment and debris from reaching the dock. She also noted that she would install filter fabric on the far side of the wall to further prevent erosion.

Mr. LaMunier asked if the wall would be a dry wall. Mr. Ajello responded it would be blind mortared to hold it together. The construction narrative and construction sequence were noted.

Mr. Bedini asked if erosion controls were needed. Mr. Ajello said they were not needed at this point and that the filter fabric and ferns, when planted, would help to prevent erosion.

Mrs. Schein initialed and dated the notes written on the sketch plan she submitted.

There were no other questions from the commissioners and Mr. LaMunier noted the proposed work would stop sediment from reaching the lake.

MOTION:

To approve Application #IW-09-19 submitted by Mrs. Schein to build a stone wall and repair the steps at 245 West Shore Road per the 8/12/09 sketch map presented.

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

New Applications

Tollman/87 New Preston Hill Road/#IW-09-25/Chemical Application to Pond:

Mr. Gambino, contractor, and Mr. D'Agosta, caretaker, submitted the conservation easement form signed by Mr. D'Agosta and toxicological information about chemical to be applied. Mr. Gambino explained the chemical treatment was needed to reduce the water chestnut in the pond and he circulated photos of the plant and the condition of the pond.

Mr. D'Agosta said he had tried to remove the weed by hand last year, but was unsuccessful. Mr. Gambino said the pond was primarily fed by ground water and has an egress, which he thought he could temporarily stop by putting a board over the outlet pipe. In response to questions from Mr. LaMuniere, he said the chemical to be used was highly non toxic, was applied only to floating leaf surfaces, did not impact fauna as long as it was applied at the correct rate, and would last approximately 10 to 20 days in the water and 6 to 10 days in soil. He noted there are no potable water sources within a quarter mile of the pond and said that after the treatment he hoped to be able to manage the water chestnut in the future without chemicals by hand pulling it as it comes up.

Upon hearing from Mr. D'Agosta that there is 6 to 8 feet of muck in the bottom of the pond, making it only 6 feet deep, Mr. Ajello said that was not deep enough to keep the water cool and so the weed problem would increase. He recommended the pond be dredged. It was noted a second treatment in the spring would probably be necessary.

The commissioners agreed to accept a letter of authorization for Mr. D'Agosta from a previous file, but requested an updated letter if a spring application was needed. Mr. LaMuniere thought the application could be approved with the condition that there be no egress while the chemical is active.

This application will be added to the agenda of the 8/26/09 Special Meeting.

Brose/213 Roxbury Road/#IW-09-26/Restoration to Correct Violation:

Mr. Allan, Land-Tech, represented Mrs. Brose. He submitted photos of the existing condition of the various disturbed sections of the property and the site plan, "Proposed Wetland Restoration," by Land-Tech Consultants, dated 6/8/09. He reported that when he had inspected the property in June he had found that two tenths of an acre of actual wetlands had been cleared, the ground cover had not been disturbed, and there had been no evidence of soil disturbance or erosion or sedimentation into the wetlands. He described the vegetation that had been predominant in the areas next to the wetlands before they were cleared.

He then presented the Restoration Plan, which included five separate planting areas with planting tables and planting details for each area. He briefly reviewed each. The last area, the one located between the patio and the wetlands, was discussed in detail. Mr. Allan proposed to keep the patio and convert the lawn between it and the wetlands to a grass meadow. He stated that the patio was an inert structure with no impact to the wetlands and he had found no signs of concentrated runoff from it. He said he was more concerned about the impact of lawn care practices on the wetlands than he was about possible impacts from the patio.

Mr. Bedini asked if Mrs. Brose proposed to keep both the patio and the stairs. Mr. Allan said runoff sheet flows off one side of the stairs causing no erosion, and he proposed that both structures remain.

Mr. LaMuniere noted several times during the discussion that the original permit had contained the condition that no work could be done beyond 50 feet of the house and so all of the work recently done had been in defiance of that permit. Mr. Allan said he understood and that was the reason for Mrs. Brose's ATF application. Mr. LaMuniere noted the patio is inert, but asked if the health of the wetlands would benefit if this area was restored to its original vegetated cover. Mr. Allan stated that habitat would be improved, but he did not know whether there would be a benefit to the wetlands as he saw no impact now.

Mr. Bedini asked if the proposed restoration was enough to offset just what had been clear cut or if it included the patio and stairs. Mr. Allan spoke again of the improvement to the habitat and also about the proposed increase in the variety of plants, which would create a multi tiered canopy.

Mr. LaMuniere said while the restoration plan was well thought out, much smaller trees would be planted than those cut down and so it would take a minimum of 10 years to restore what had been cut. Mr. Allan stated that Mrs. Brose had requested that some larger trees be planted in addition to the many smaller ones.

Mr. LaMuniere noted the remediation plan was being offered for the patio, an illegal structure. Mr. Ajello thought the patio and most of the stairs should be removed because 1) if such structures were truly inert, it would make no difference if they were located all along the streambanks, 2) if the applicant had applied to build the patio the Commission would have required that feasible and prudent alternatives be considered, and 3) the impact was cumulative and difficult to measure. Mr. Allan noted the patio was already there and to take it out would be expensive and result in additional disturbance.

Mr. LaMuniere thought the proposed restoration plan addressed the clear cutting and the patio was an additional concern that it did not address. Mr. Wadelton agreed.

Mr. Allan countered that if the Commission first determined that there would be an unreasonable impact to the wetlands, then it would have asked the applicant to consider feasible and prudent alternatives, but said he found no observable impact from the patio.

Mr. LaMuniere thought that letting the patio remain would set a bad precedent, but Mr. Allan said each case should be judged on its own merits.

Mr. Ajello suggested the Commission could hire its own consultant to determine whether the patio impacts the wetlands. Mr. Allan again stated that the patio did not cause sedimentation or runoff and had no impact on the wetland functions.

Mrs. D. Hill asked if the proposed plants would require fertilizer. Mr. Allan said, no, they were native plants.

Mr. Bedini asked Mr. Allan to advise Mrs. Brose that the Commission wants the patio and stairs removed; that their construction was an intentional violation of the original permit. Mr. LaMuniere and Mr. Wadelton agreed. Mrs. D. Hill said she did not feel as strongly about it as the other commissioners.

Tangeman/84 Carmel Hill Road/#IW-09-27/Restore Vernal Pool:

Mr. Isley, contractor, explained the new property owners proposed to correct the violation by the previous property owners, the Feolas.

Mr. Ajello reviewed the history of the violation and the conceptual restoration plan from the Feola file.

Mr. Isley pointed out the area proposed for the vernal pool, stating that it would be as close in size and location to the original pool as possible. He said that organic materials would be added to the site and indigenous species planted per the Feola's approved plan.

Mr. Ajello noted the Feola's restoration plan had been approved in 2006. He also noted that the current proposal included additional plantings and a 2 foot deep service trench along the side of the vernal pool.

There were no other questions or comments. The application will be considered again at the 9/9/09 meeting.

Ernhout/289 West Shore Road/#IW-09-29/Septic Repair:

Mr. Neff, engineer, presented his plans, "Septic System Repair Plan," dated 7/25/09. He noted the

property was located along the eastern shore of Ash Swamp. Mr. Neff proposed to pump to the septic system location in the northeast corner of the lot where he said it was a little higher and the driest section of the property. The proposed site was 70 feet from the edge of the swamp, which was as far back as he could push it. He said the existing septic tank would be used. Because the property is relatively wet, he said, an extensive amount of fill would be required to elevate the system above ground water. He said the plans had been submitted to, but not yet approved by, the Health Department.

Mr. Bedini asked if the repair was an emergency. Although it was not, Mr. Ajello recommended that the work be done as soon as possible while the weather was dry. The proposed site is staked and the commissioners will drive by individually prior to the next meeting.

This application will be added to the agenda of the 8/26 Special Meeting.

Wexler/157 Calhoun Street/#IW-09-30/Access to Swimming Pool:

Mr. Neff, engineer, Atty. Fisher, and Mr. Majeski, soil scientist, were present. The map, "Soil Erosion and Sedimentation Control Plan," by Mr. Neff, dated 8/1/09 was reviewed. Mr. Neff summarized the proposal to access an inground pool in a non regulated area in the southwest corner of the property. The pool itself and all pool equipment would be more than 100 feet from wetlands, but to access it, a 6 foot wide crossing over wetlands and a watercourse was proposed. Mr. Neff described the proposed construction process.

First, temporary crossing mats with steel plates would be used for the pool construction equipment, then when the construction was completed they would be removed, and finally, galvanized steel piers would be drilled into grade and an elevated bridge over the wetlands installed. He noted that a filled roadway was not proposed.

Mr. Majeski noted the report, "Environmental Review," by ESM Associates, dated June 2009. He said this study had concluded there would be no permanent damage to the wetlands or watercourse as tree cutting would be minimized, there would be no stumping or grading, and the final crossing would be a bridge. He stated the crossing was proposed over a narrow section of the wetlands and that alternate routes had been considered, but this one would have the least impact.

Mr. Neff submitted a cross section of the bridge. He noted the bridge would be for pedestrian and "golf cart-like travel" only, that no excavation would be required, and that by using piers to install the bridge, it was a low impact crossing solution. The proposed bridge is 70 feet long; 65 feet spanning the wetlands.

Mr. Ajello asked about the impact of the construction vehicles driving over the wetlands on the temporary mats. Mr. Neff said the soils were firm in this area and that in similar sites he had seen little impact.

Mr. Ajello recommended that the cement be pumped in rather than have the cement truck drive over the temporary crossing. Mr. Neff stated that the trucks used were smaller for gunite work.

Mr. Wadelton noted a utility trench was also proposed through the wetlands. Mr. Neff said this was for electricity only; a hose would be used to fill the pool. Mr. Neff also noted that all pool maintenance would be done by a person on foot and that the existing plank walk behind the garage would be removed.

A site inspection was scheduled for Tuesday, September 1 at 3:00 p.m.

Lufkin/36 Hinkle Road/#IW-09-31/Chemical Application to Pond:

Mr. Gambino, contractor, noted that phragmites was growing back since the last pond treatment. The map, "Property/Boundary Survey, Conservation Easement Plan," by Mr. Bertaccini, dated November 2007 was reviewed.

Mr. Bedini noted that Steep Rock wanted to discuss the application because it was the holder of a conservation easement on the property. Mr. Gambino said he had not been aware of this, but would discuss it with Mrs. Branson before the next meeting.

Mrs. D. Hill asked if the work had to be done this fall. Mr. Gambino said it should be done before the end of September. He said Rodeo would be sprayed on the plants and they would be removed during the winter.

Mr. Bedini said that a letter from Steep Rock that the proposed activity was in compliance with the terms of the conservation easement is required.

Rowe/44 Kielwasser Road/#IW-09-32/Feasibility for 2 Lot Resubdivision:

Mr. Neff, engineer, presented his map, "Proposed Site Development Plan," dated 8/9/09. He explained the existing property was 26.78 acres with a house, barn, and pool and a 9+ acre lot in the southeast corner was proposed. He noted the proposed house site was in the southwest corner of the lot away from wetlands and that the nearest wetlands were several hundred feet away. Erosion controls were proposed down gradient of the development site. He noted that although this was a feasibility plan for resubdivision, the location of the proposed house shown on the map was the actual location where the house would be built. It was the consensus of the commissioners that there would be no wetlands impacts.

MOTION:

To approve Application #IW-09-32 submitted by Mrs. Rowe for the feasibility of a two lot resubdivision at 44 Kielwasser Road per the map, "Proposed Site Development Plan," by Mr. Neff, dated 8-9-09 because there would be no impact to the wetlands.

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

Region #12 School District/159 South Street/#IW-09-33/Empty Pool into Pond:

Mr. Szymanski, engineer, explained the high school pool had to be drained for necessary repairs and that the school proposed to neutralize the water in it, test it to make sure it was neutralized, treat it again if necessary, and then empty the pool into the nearby pond. He said there would be no hazardous by products. He proposed to pump the water outside onto a tarp so it could flow into the pond without causing any erosion. He also noted that the volume of the pond was 10 to 15 times greater than the volume of the pool so thermal impact to the pond should not be a problem.

Mr. Ajello asked Mr. Szymanski to find out whether the outlet from the pond flows into Roxbury.

This application will be taken up at the 8/26 Special Meeting.

Kessler/105 Mountain Road/#IW-09-34/Install Dry Hydrant in Existing Pond:

Mr. Lowe, contractor, presented the map, "Proposed Dry Hydrant Plan," which was drawn by hand on the site development plan by Mr. Neff, dated 6/15/07. The plan showed two possible locations for the hydrant. Mr. Lowe said that the Fire Department preferred Location #1 even though it would require trenching through wetlands because less pipe would be required and there could be a problem with fire trucks passing the pumper in Location #2.

Mr. LaMunier asked why the pipe could not be installed 200 feet from wetlands. Mr. Lowe said that would require that trees be cut. Mr. Lowe said he understood the area was "delicate." Therefore, he proposed to put down wooden or plastic mats for a small excavator to drive over. The mats would be 6 to 8 feet wide and the excavator to be used is only 4.5 ft. wide. The machine would drive in 200 feet making a 4 foot deep trench and would then regrade as it worked its way back. He said the work would take only one day. He also stated that although this would be the most expensive way to install the hydrant, it would cause the least impact to the wetlands.

Mr. Ajello said he preferred Location #1 as part of the route for the pipe to serve #2 would run along the stream. The application will be considered again at the September 9th meeting.

Pending Application

Mahan/54 Sunny Ridge Road/#IW-09-21/Addition to Dwelling:

Atty. Fisher stated the work proposed was hundreds of feet from the conservation easement area on the property and noted the contractor was ready to begin work. He said he had notified Steep Rock of the application, Steep Rock had stated the work proposed was in compliance with the terms of the restriction, but he did not yet have this in writing. He assured the Commission he would have the letter by tomorrow and asked that the application be approved with the condition that the required letter was submitted the next day.

MOTION: To approve Application #IW-09-21 submitted by Mr. Mahan to construct an addition to the dwelling at 54 Sunny Ridge Road subject to the condition that a letter from Steep Rock Assn. is submitted stating that the work proposed complies with the terms of the conservation easement on the property.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 4-0.

Other Business

Request for Bond Reduction/Myfield, LLC./7 Mygatt Road:

Mr. Gitterman was present. Mr. Bedini read the letter from Mr. Gitterman dated 8/31/09, which, based on the fact that the majority of work was completed and stabilized, requested that a major portion of the bond be returned. Mr. Gitterman advised the Commission that the stormwater management facilities had been installed and functioned well and the road and septic system had been completed.

Mr. LaMuniere said his main concern was that there be no sedimentation into the large ravine below the detention facility.

Mr. Bedini reviewed the condition of approval concerning the bond.

Mr. Gitterman asked that \$13,000 be released because in the future only one or two houses would be constructed at a time.

Mrs. D. Hill said that since the site was fully stabilized she had no problem with returning the entire bond.

Mr. Gitterman said he would post another bond if and when construction resumes.

MOTION:

To return the entire amount of the bond for Myfield, LLC./7 Mygatt Road.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 4-0.

Request for Bond Reduction/Kessler/105 West Mountain Rd/#IW-09-05:

Mr. Bedini read the 8/4/09 email from Mr. Kessler requesting a substantial reduction of his bond. He noted that the reconstruction of the guest house and bridge had been “substantially” completed, he would not now proceed with the construction of the new dwelling, and that in 2 weeks all the work on the project would be completed and stabilized.

Mr. Ajello advised the Commission not to act until the next meeting because planting was in progress and there were open areas of soil where erosion could occur.

Mr. Bedini noted that part of the bond was required to be held through two growing seasons.

Mr. LaMuniere recommended the Commission inspect the property before voting on whether to release part of the bond.

Mr. Bedini questioned what “substantially” completed meant.

The Commission scheduled a site inspection for Tuesday, 9/1/09 at 3:30 p.m. and will review the conditions of approval regarding the bond prior to the next meeting.

Enforcement

Delancy/79 Litchfield Turnpike/#IW-08-V6/Unauthorized Clearing:

The commissioners reviewed Mr. Ajello’s 8/12/09 enforcement report and Mr. Hayden’s, soil scientist from the Northwest Conservation District, review dated 8/6/09.

Mr. Bedini recalled the Commission had asked the property owners to come up with a plan for moving the unauthorized activities out of the wetlands.

Mrs. Delancy was present, but said they did not yet have definite plans for doing so.

Mr. Bedini said that a resolution was needed and gave the Delancys until the September 9th meeting to propose a solution. In the meantime, no activities were to be done in the wetlands, nor any additional materials deposited there. The map of the property and recent photos were reviewed.

A site inspection was scheduled for Tuesday, Sept. 1, 2009 at 4:15 p.m.

Other Business

Request to Amend Permit #IW-07-11/John Dorr Nature Lab/220 Nettleton Hollow Road:

Mr. Szymanski, engineer, reported that the project had “evolved” as the work had progressed. He briefly reviewed the changes to the permit to date that the Commission had approved. He then noted that the Nature Lab now proposes to maintain the original lodge and the access to it because it is being used as an educational facility. The map, “Lawn Restoration Map,” by Arthur H. Howland & Assoc., dated 8/11/09 was reviewed. He proposed to convert four areas of existing lawn in the upland review area to meadow to serve as a buffer to the wetlands to compensate for the increase in impervious surfaces resulting from the retention of the lodge and its access. He said these four areas totaled over 10,000 square feet and that he would look for other areas to restore as well. The commissioners had no objections.

MOTION:

To approve the request by John Dorr Nature Lab, 220 Nettleton Hollow Road, to amend Permit #IW-07-11 per the map, “Lawn Restoration Map,” by Arthur H. Howland and Assoc., dated 8/11/09.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 4-0.

Discussion/Oberndorf/157 West Shore Road/#IW-07-57/Return of Bond:

Mr. Ajello reported that the work was done and the site had been stabilized, although he had not yet signed off and closed the file.

Mr. Bedini noted it was important to complete all paperwork and officially close out each file.

MOTION:

To return the entire amount of the bond posted by Oberndorf, 151 West Shore Road, for Permit #IW-07-57.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 4-0.

Discussion/Wanag/Potash Hill Road/Expiration of Permit:

Mr. Ajello noted this permit had expired in June and the property owner had asked if he should reapply now. He said he had advised Mr. Wanag not to reapply until he is ready to begin work.

Mr. Bedini agreed, noting that permits are now valid for only two years and the Commission doesn't want more open permits than necessary.

Enforcement Report

Wright/59 Scofield Hill Road:

Mr. Ajello said the stonewall was finished and the bank stabilized so this could come off the agenda.

Mr. LaMuniere noted a finish card was required.

Moore/25 Litchfield Turnpike:

Mr. Ajello reported that both Zoning and Inland Wetlands violations continue and said he had sent Mr. Moore a letter requesting a site inspection.

DiBenedetto/212-214 Calhoun Street

Rubler/240 Wykeham Road

Lodsin/78 Litchfield Turnpike/IW-07-V12:

There was nothing new to report on these three matters.

Andersson/35-45 Gunn Hill Road:

Mr. Ajello said the restoration work would be completed within 30 days and had been slow to get done due to the weather.

Slaymaker/17 Sunset Lane:

Mr. Ajello said the site was in good shape and the plantings were in.

Mrs. D. Hill asked if Ms. Barbieri had supervised the restoration work as she had said she would. Mr. Ajello will check the file.

Brown/127 West Shore Road

Howard/99 West Shore Road:

These two matters would be discussed later in Executive Session.

Rosen/304 Nettleton Hollow Road/#IW-08-V2:

It was noted that the Army Corps of Engineers had threatened to fine the Rosens, but had not submitted any reports to the Commission since June.

Brose/213 Roxbury Road/#IW-08-V5:

There was a discussion regarding whether the Commission should stand fast to its request that the patio and stairs be removed. It was noted that

- 1) Mrs. Brose had known this work was in violation of her previous permit as there had been a condition of approval that addressed it. 2) If she had applied for the patio and stairs in their present locations, the Commission would not have approved them.
- 3) The two structures were also in violation of the Zoning Regulations.
- 4) Although the restoration plan was a good one, to accept the argument that it would cause more harm to remove them would send a bad message to the public because it could be used for any/all illegal work.

Mr. LaMuniere felt strongly that since the structures violated the original permit's condition of approval, they could not remain and that vegetation would be better for the health of the stream than their existing inert surfaces.

Mr. Wadelton thought the Commission would be justified going to court based on the violation of the permit. Mr. Ajello noted that judges consider violation of the law as well as impact to wetlands.

Four Members agreed the patio and stairs must be removed. Mrs. D. Hill dissented.

141 West Shore Road, LLC./141 West Shore Road:

Mr. LaMuniere asked for clarification about the erosion control measures to be installed so there would be no sedimentation into the catch basin.

Treadway/20 Nettleton Hollow Road

Thorne/228 West Shore Road:

Mr. Bedini asked Mr. Ajello to formally sign off on the closing of these files and to attach photos of the completed work.

Rumsey Hall School/Romford Road:

Mr. Ajello reported that sidewalks around the new dorms are proposed. He said there would be no impact to any wetlands and that the increased runoff would flow into the Romford Road drainage system, which runs to the Bantam River.

Town of Washington/2 Bryan Plaza:

Mrs. D. Hill noted the pond in back of the Town Hall has been mowed to the edge of its banks. She asked Mr. Ajello to check this out because the Commission had approved a planting plan for this area and she did not want the approved vegetation to be mowed down.

MOTION:

To enter into Executive Session at 11:02 p.m. to discuss pending litigation: Brown, Howard, and Federer.

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

MOTION:

To end Executive Session at 11:18 p.m.

By Mr. Bedini, seconded by Mrs. D. Hill, and passed 4-0.

MOTION:

To adjourn the Meeting.

By Mr. LaMuniere.

Mr. Bedini adjourned the Meeting at 11:20 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator