

## August 26, 2009

### Special Meeting

7:30 p.m., Upper Lever Meeting Room

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

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

**ALSO PRESENT:** Mr. Gambino

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

### Pending Applications:

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

Mr. Bedini asked if an updated letter of authorization had been submitted. Mr. Gambino said this was not possible because the property owners were in Africa, but promised to do so as soon as they return.

Mr. LaMuniere thought it was important to block the egress of the pond during the chemical application. Mr. Gambino noted the 12" to 14" outflow pipe and said it would be possible to block it with plywood, which would be installed before the application and would remain in place for at least a week afterward. Mr. LaMuniere noted the chemical would be active in the water for ten to twenty days and asked what would happen if there was a large storm. Mr. Gambino said he would watch the weather before spraying, but said the plywood should hold up for normal sized storms.

Mr. Gambino explained he would spray the water chestnut from a boat; first one side of the pond and then the other.

Mr. LaMuniere asked if the application included an additional treatment in the spring. Mr. Gambino said he would apply for another DEP permit in the spring, but would evaluate the pond before applying more chemicals. He hoped that any regrowth would be manageable and could be pulled out by hand. He did not think another application would be necessary, but wanted to be prepared. He said he would not apply chemicals in the spring without the permission of the IWC.

#### MOTION:

To approve Application #IW-09-25 submitted by the Tollmans for the application of chemicals to their pond at 87 New Preston Hill Road with the condition that the outlet pipe be blocked off during the application and for at least one week afterwards.

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

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

Mr. LaMuniere said he had inspected the property, observed the failing system, and thought the proposed repairs would be an improvement. He said there was no other location in which to make the repairs and he found no problems with the application.

It was noted that the Washington Health Department had approved the application since the last meeting.

#### MOTION:

To approve Application #IW-09-29 submitted by Mr. and Mrs. Ernhout for septic repairs at 289 West Shore Road.

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

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

Mr. Bedini reviewed the file and the site plan, "Schematic of Pump Discharge," undated, unsigned.

Mr. LaMuniere asked if the pond discharge flows to Roxbury. Mr. Ajello said it does and that Roxbury had been notified of the application.

It was noted the pool water would be neutralized before it was pumped to the pond. Mr. Bedini said, too, that the water being pumped out would not be heated.

The state law requiring the repair of the pool was discussed and the reasons the pool had to be drained were noted.

**MOTION:**

To approve Application #IW-09-33 submitted by Region #12 School District to empty the school pool into the pond at 159 South Street as specified in the application.

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

**MOTION:**

To enter Executive Session at 7:14 p.m. to discuss pending litigation: Howard/99 West Shore Road.

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

**MOTION:**

To end Executive Session at 7:25 p.m.

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

Howard/99 West Shore Road/Unauthorized Work on Shoreline

After having discussed the resolution of this violation in Executive Session, the commissioners took the following action.

**MOTION:**

Regarding Howard/99 West Shore Road/Unauthorized Work on Shoreline; To direct the Commission's attorney to close out the matter concerning the wall and stairs based on the progress to date, the photos of the restoration work in the file, and Mr. Howard's compliance with the Commission's order to rectify the situation.

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

**MOTION:**

To adjourn the Meeting. By Mrs. D. Hill.

Mr. Bedini adjourned the Meeting at 7:28 p.m.

**FILED SUBJECT TO APPROVAL**

Respectfully submitted,

Janet M. Hill

Land Use Administrator