

## **April 11, 2007**

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

ALTERNATE PRESENT: Mr. Thomson

ALTERNATES ABSENT: Ms. Coe, Mr. Potter

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

ALSO PRESENT: Mr. Szymanski, Mr. Papsin, Mr. Neff, Mr. DiBenedetto, Mr./Mrs. Parsell, Mr. Baker  
Mr. Andersson, Mr. Esker, Mr. Sherrat, Residents

Mr. Picton called the meeting to order at 7:02 p.m. and seated Members Bedini, Hill, LaMuniere, and Picton and Alternate Thomson for Ms. Purnell.

MOTION: To add subsequent business not already posted on the agenda: Other Business: Fowler/139  
Nichols Hill Road/Remediation Order/Amendment of Order and Andersson/Gunn Hill  
Road/Unauthorized Draining of Wetlands. By Mr. Bedini, seconded by Mr. LaMuniere, and passed 5-0.

Consideration of the Minutes

Mrs. D. Hill abstained for the votes on all of the following minutes because she had not been present for these meetings.

The 3/28/07 Regular Meeting minutes were accepted as corrected.

P. 5: 3rd line from bottom: Change to Ms. Zinick.

There was a brief discussion regarding when citations should be issued. Mr. LaMuniere noted that although Ms. Purnell had stated the Commission issues these when unauthorized work has been done in the wetlands, he thought they should also be issued when unauthorized work in the upland review area adversely impacts the wetlands or a watercourse.

MOTION: To accept the 3/28/07 Regular Meeting minutes as written with one correction. By Mr. Bedini, seconded by Mr. Thomson, and passed 4-0-1.

MOTION: To accept the 4/4/07 John Dorr Nature Lab site inspection minutes as written. By Mr. Picton, seconded by Mr. Bedini, and passed 4-0-1.

The 4/4/07 Rubler site inspection minutes were accepted as corrected.

P. 1: Under Also Present add: Mr. Esker

P. 2: 2nd Paragraph, 4 lines from bottom: At the end of the sentence add: ..."should be provided by the applicant."

MOTION: To accept the Rubler 4/4/07 site inspection minutes as corrected. By Mr. Picton, seconded by Mr. Thomason, and passed 4-0-1.

Ms. Purnell arrived at 7:11 p.m. and was seated.

MOTION: To accept the DiBenedetto 4/4/07 site inspection minutes as written. By Mr. Bedini, seconded by Mr. Picton, and passed 4-0-1.

MOTION: To accept the Abella 4/5/07 site inspection minutes as written. By Mr. Bedini, seconded by Mr. Picton, and passed 4-0-1.

MOTION: To accept the Hochberg 4/5/07 site inspection minutes as written. By Mr. LaMuniere, seconded by Mr. Picton, and passed 4-0-1.

MOTION: To accept the 4/5/07 Adams site inspection minutes as written. By Mr. LaMuniere, seconded by Mr. Bedini, and passed 4-0-1.

#### Pending Applications

**Tompkins/39 Tompkins Hill Road/#IW-07-05/Driveway:** Ms. Purnell recused herself and Mr. Thomson was seated. Mr. Picton noted that a drainage plan and additional information on the driveway surface had been requested, but had not yet been submitted. He thought it would be useful for the Commission to draft a standard sheet of driveway specifications that could be handed out to applicants to guide them so they would provide adequate information on driveway applications. Mr. Ajello said this information was already available in the Land Use Office and could be copied for applicants. Mr. Picton asked if the driveway surface would continue to erode if not treated. Mr. Ajello stated Mr. Tompkins was working with his neighbor on plans and had posted a driveway bond. Mr. Picton noted, however, the bond was posted in the Selectmen's Office for the driveway apron, while the Commission is concerned with its entire length. Mrs. D. Hill noted the time limit for this application would expire before the next meeting (4/21).

MOTION: To deny without prejudice Application #IW-07-05 submitted by Mr. Tompkins for a driveway at 39 Tompkins Hill Road because insufficient information was submitted for review with the provision that if a request for an extension is received before the current time period expires, the time period will be extended and the application will be considered at the next meeting. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Ms. Purnell was reseated.

**Abella/44 Scofield Hill Road/#IW-07-06/3 Lot Subdivision:** Mr. Szymanski, engineer, was present. He noted he had not yet had time to respond to the issues raised at the 4/5/07 site inspection. These outstanding issues included a written analysis of feasible and prudent alternatives and details on how the outlet of the curtain drain that runs in back of the existing house would be dealt with. Mr. Picton noted that details for the proposed bridge were also needed. The proposed conservation easement was briefly discussed. Mr. Picton noted the easement could be considered mitigation for the impact of the proposed crossing. Ms. Purnell said the state statutes and Town regulations already provide protection for the wetlands, and so suggested another configuration of the easement might provide additional protection. She asked that the application be formally referred to the Conservation Commission for review. Mr. Picton noted the proposed activity was likely to have a significant impact on the wetlands and watercourse and public interest had been shown.

MOTION: To schedule a public hearing to consider Application #IW-07-06 submitted by Mr. and Mrs. Abella for a three lot resubdivision at 44 Scofield Hill Road on Wednesday, May 9, 2007 at 6:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

**Brown-Carroll/41 Buffum Road/#IW-07-07/2 Lot Resubdivision:** Mr. Szymanski, engineer, noted that at the last meeting the Commission had asked him to move all proposed activities back at least 100 feet from the lake and he submitted his map, "Overall Site Development Plan," revised to 4/9/07 to show he had done so. It was noted the site is very flat and so Mr. Picton stated that keeping the limit of disturbance at least 100 ft. from the lake would be an adequate buffer. He asked Mr. Szymanski if the limit of disturbance was also the limit of clearing. Mr. Szymanski said it was and added this note to the map. Ms. Purnell noted this was feasibility approval only; the applicant would have to return to the Commission for final approval for specific site development plans.

MOTION: To approve Application #IW-07-07 submitted by Brown-Carroll for a 2 lot resubdivision at 41 Buffum Road per the plans, "Overall Site Development Plan," by Mr. Szymanski revised to 4/9/07

subject to the condition that specific site development plans must be approved by the Commission prior to construction. By Ms. Purnell, seconded by Mr. Picton, and passed 5-0.

**Hochberg/15 Couch Road/#IW-07-09/Driveway:** Mr. Szymanski stated he had received the site inspection comments and would respond at the next meeting. Mr. Picton asked him to explain why a wetlands crossing was proposed for the back lot when it was not necessary to do so. Mr. Szymanski stated the owner wanted reasonable use of the rear 20 acres. Ms. Purnell noted a lot line revision was proposed and it was pertinent to the discussion to know where the boundary line would be. The application will be discussed further at the next meeting.

**Adams/233 West Shore Road/#IW-07-10/Renovations, Reconfigure Driveway, Inground Pool, Etc.:** Mr. Neff, engineer, was present. The map, "Grading and Erosion Control Plan," by Mr. Neff, revised to 4/9/07 was reviewed. He noted the following information had been added to the plan: 1) cross sections of both sides of the property, 2) limit of disturbance line, and 3) notes regarding cleaning out and maintaining the existing catch basins. Mr. Neff noted silt sacks would be installed in the driveway catch basins and staked hay bales installed around the West Shore Road catch basins during construction. Maintenance of the catch basins was reviewed. Mr. Picton noted the line of disturbance showed as little as 3 ft. of undisturbed area between the proposed patio and the watercourse. Mr. Neff noted the proposed buffering would be planted after the area had been stabilized and the erosion control measures were taken out. Mr. Picton asked if the undisturbed area could be increased and Ms. Purnell responded that yes, it could with a smaller patio. Mr. Picton noted that on the other side of the property, excavation was proposed below ground to within 3 ft. of the stream when there was already an existing driveway to the building to be served. He asked: 1) whether an engineer should review the plans, 2) whether the cross section showed the deepest excavation proposed near the stream, and 3) whether alternatives should be considered. Mr. Picton read from the site inspection minutes, which stated grading would be within 2 ft. of the watercourse and he noted that the boulders proposed in this area would not be a continuous barrier. Mr. Picton also questioned how the bank above the stream would hold up. Ms. Purnell asked for a written analysis of feasible and prudent alternatives for the driveway. Mr. Neff said the owners want a terrace where the driveway is now located and would take up the pavement in back of the main building. Mr. Picton suggested that a driveway route straight up the hill would stay farther from the watercourse, but Mr. Neff said that would be steep and would eliminate the proposed parking area. Mr. Picton asked for a watershed analysis. Mr. Picton recommended that all construction be pulled back 10 feet from the watercourses and the area of disturbance limited, noting the Commission generally looks for improvement in marginal situations. He asked for information about what happens to the watercourse on the west side of the property when it flows under the road. The soil scientist report was briefly reviewed and it was noted it stated there were no hydric soils, but Mr. Picton asked that it be noted for the record that on the north end of the property on the uphill side of the drainage ditch it looked like hydric soils were present. Ms. Purnell noted that was where the future tennis court was proposed. Mr. Picton asked that the soils be rechecked, especially near the drainage ditch and the ponding area. He asked, too, for additional information on how the disturbed surfaces would be controlled during construction. Mr. Neff said if hay bales were placed around the catch basins, they would direct the flow elsewhere, so he proposed silt sacks in the basins as all flow is already directed towards them. He also noted that water now tends to pond in a flat area along West Shore Road and sediment would tend to collect there, but Mr. Picton questioned whether this area was wetlands. Mr. Picton did not think hay bales and silt sacks would be sufficient during a heavy storm. Other erosion and sedimentation control methods such as putting down a tarp, adding stone over the flow paths, and phasing the project were briefly discussed. Ms. Purnell favored phasing because she said there was a tendency to leave hardened surfaces in place post construction. Mr. Neff agreed to draft a sequence of activities to limit the amount of exposure at any one time. Mr. Picton said the Commission's engineer would review it when it is completed. The replacement of the outside deck on

the boathouse would have been considered but there were no specifications in the file. Replacement of the siding and roofing was discussed. Mr. Picton thought the turbidity curtain proposed would be adequate protection. It was not known whether copper would be used on the roof or whether the cedar shingles were treated and the commissioners again noted the application lacked sufficient detail. It was noted the proposed work on the siding and roofing would not be directly over the water.

**MOTION:** To approve in part Application #IW-07-10 submitted by Mr. Adams for renovations, reconfiguration of the driveway, inground pool, etc. at 233 West Shore Road for interior and exterior renovations to the boathouse only which do not change its size or shape and do not include reconstruction of the deck for which there is inadequate detail at this time; the boathouse renovations are approved as long as no copper is used on the roof due to its potential toxicity; and the asphalt cover over the septic tank may be removed and replaced with a cast iron cover as proposed. By Mr. Picton, seconded by Ms. Purnell, and passed 4-1.

Mrs. Hill voted No because she did not think piecemeal approval should be granted.

Mr. Picton noted the owners propose to cut trees along the shoreline, but that they weren't indicated on the map. He said the existing birch and alders are healthy and contribute to the shade canopy, which helps to preserve the water quality. Mr. Ajello noted the one large substantially rotted tree proposed for removal might not be entirely on the property. Ms. Purnell asked the applicant to either reconsider the removal of the healthy trees or to assess and evaluate their function and propose mitigation for that function. It was noted that in the past the Commission has routinely encouraged buffering along watercourses. Regarding the proposed pool, it was noted there needed to be a greater distance between it and the stream and that the pool equipment had not been shown on the plans.

#### **John Dorr Nature Lab/220 Nettleton Hollow Road/#IW-07-11/ Demolish and Reconstruct**

**Building:** Mr. Talbot, architect, Mr. Sherrat, and Mr. Szymanski, engineer, were present. Mr. Szymanski presented the map, "Proposed Site Development Plan," revised to 4/11/07, which he said included the changes to address concerns raised at the 4/4/07 site inspection. He noted that 1) Twenty stone check dams had been added to protect the catch basins during construction and specifications for them were included. 2) Construction equipment would not be allowed on the east side of the Van Alstyne building. 3) Underground rechargers with filter fabric and stone placed above them were provided for additional protection even though the drainage system had been designed for a 100 year storm and their specifications were provided. 4) The limit of disturbance was modified. 5) No large machinery will be used because there had been concern about the tree roots. Ms. Purnell noted it was important to protect the trees holding the streambank and Mr. Szymanski responded that activities would be kept 35 to 40 feet from the bank. Mr. Picton noted that in general, five older structures close to the stream would be replaced with new ones further away; an improvement from the view point of wetlands protection. The old lodge was entirely within 100 ft. of the stream, but while the new lodge would have a footprint two times the size of the old one, it would be 450 ft. from the stream. Mr. Szymanski pointed out the site for the lodge had been chosen due to its moderate grades. Ms. Purnell requested a written phasing plan to limit the size of the disturbed area at any one time. Mr. Szymanski said he could remove the structures one at a time, but it could all be done and mulched in one day. He said the plan now had three phases, but he would add details for the next meeting. Mr. Ajello was asked to review it to make certain it contained all necessary details. Ms. Purnell was concerned about the demolition of the existing lodge, keeping the equipment in the tight construction envelope, and properly installing and maintaining the erosion controls. If the Commission could be assured these could all be accomplished, then she did not think a professional review would be needed. Mr. LaMunier said a detailed construction sequence was needed. It was the consensus a public hearing was not required. Mr. Szymanski and Mr. Talbot discussed the feasible and alternate alternatives. Mr. Szymanski noted there would be a future application for a faculty residence that would require a

wetlands crossing. Mr. Talbot noted this application also included the enlargement of an existing shed to house equipment.

#### New Applications

**LeWinter/86 Roxbury Road/#IW-07-12/Construct Barn:** Mr. Neff, engineer, noted a previous application had been withdrawn. He presented the map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 4/6/07 and noted the size of the barn had been altered and the orientation of the building rotated so it would be further from the wetlands and the intermittent watercourse; 103 ft. from the wetlands and 66 ft. to the watercourse. The map included erosion control details and a sequence of construction. Ms. Purnell asked why the barn could not be attached to the existing house or garage. Mr. Neff stated the new barn would not impact the wetlands or watercourse although it was within the 100 ft. setback area and had been sited to limit the area of disturbance. He also stated the cutting required would be at least 50 ft. from the watercourse. Mr. Picton noted there was no driveway proposed around the barn, but asked why the limit of disturbance had been extended. Mr. Neff responded that access for construction vehicles had been provided on the flattest area on site on the back side of the building. Mr. Picton asked Mr. Ajello to review the application for completeness and to make a checklist of items missing. Mr. Picton noted there was also a spring on the property and asked what the distance was between it and the barn. Mr. Neff noted no drainage was proposed around the barn. A site inspection was scheduled for Wednesday, April 18, 2007 at 4:00 p.m.

**Walsh/95 Roxbury Road/#IW-07-13/Build Stone Wall:** Mr. Neff, engineer, presented the map, "Roadside Stonewall Plan," by Mr. Neff, dated 4/6/07. The owners proposed to extend the stone wall from the existing driveway south along Roxbury Road. The wall would be within 100 ft. of the pond and the existing watercourse south of the pond. Ms. Purnell noted there is a lot of erosion resulting from road runoff along the southern boundary line. Mr. Picton asked if any regrading was proposed. Mr. Neff said, no, except for digging down 18 inches for the base of the wall. Ms. Purnell asked if there were plantings proposed for mitigation and said plants around the pond would be beneficial. Mr. Neff said there was not and added no trees would be cut. Mr. Picton wanted to ensure that the work proposed would not change the drainage pattern or the existing grade. Mr. Neff responded that the flow off the road would not change. Ms. Purnell was concerned that the outflow from the road culvert that now sheet flows would be affected. Mr. Neff pointed out the flat area that would take the flow through the wall. Mr. Picton suggested a way to prevent a concentrated flow would be to make large enough openings in the wall so the sheet flow would not have to be redirected. He asked Mr. Ajello to review this with Mr. Neff before the next meeting. Mrs. D. Hill asked for a copy of Mr. Temple's soil report for the file and agreed with Ms. Purnell that mitigation around the pond would be beneficial.

**Parsell/13 Top Pasture Road/#IW-07-14/Addition to Existing Dwelling and Installation of Septic System:** Mr. and Mrs. Parsell and Mr. Baker, engineer, were present. The map, "Proposed Subsurface Sewage Disposal System," by Curtis Jones, revised to 4/11/07 was reviewed. Mr. Baker noted that wetlands had been flagged along the southern property border, at the culvert outlet beyond the northern boundary line, and on the adjacent property to the west. He proposed a 2 bedroom apartment addition with breezeway and enlarged garage and the installation of an additional septic system. Ms. Purnell asked if the septic tank and pump chamber could be moved out of the 100 ft. upland review area. Mr. Baker noted the limitations on the property due to the required setbacks from the proposed building and the existing septic system and well. He also noted the grade runs west to east so that if the tank were moved it would be upgrade of the fields, which would increase the required setback and make it more difficult to maintain. Ms. Purnell asked for a written analysis of feasible and prudent alternatives such as siting the addition on the side of the property away from the wetlands. Mr. Ajello noted a kitchen addition to the existing house was also proposed, but was not shown on the map. Mr. Baker submitted a copy of the soil scientist's report. A site inspection was scheduled for April 18, 2007 at 4:45 p.m.

## Enforcement

**Andersson/35-45 Gunn Hill Road/Unauthorized Trenching of Wetlands:** Mr. Andersson, owner of the farm, was present. Mr. Picton noted Mr. Ajello had stopped the ditching in the wetlands and said the Commission would protect them from being drained. Mr. Andersson presented some photos of the fields and described the measures he had taken over the years to control the invasive species on the property. He said his goal was to keep the meadow dry so that it can be mowed once a year with a brush hog. Ms. Purnell suggested a sickle mower could be used instead. Mr. Picton noted the clearing of invasives in and around wetlands, the ditching to keep the meadow dry, the soil disturbance below the big pond, and the clearing farther back on the property closer to the larger wetlands in the rear appeared to be regulated activities and the Commission was justified in checking them out. Ms. Purnell asked if Mr. Andersson had received a citation. Mr. Ajello said he had not. Mr. Picton stated if the areas in question were found to be wetlands and the work had been done without permits, it was likely a citation would be issued. A site inspection was scheduled for April 18, 2007 at 5:15 p.m.

**DiBenedetto/212-214 Calhoun Street/Restoration of Understory:** Mr. DiBenedetto said he disagreed with the first paragraph of the 4/4/07 site inspection minutes and he submitted several sheets of undated, unlabeled photos. He said for the record the site report was inaccurate and not factual. Mr. Picton noted, however, that five commissioners had approved it. Mr. DiBenedetto said there were piles of debris where the Commission said there were none and that he had left eight dead trees uncut. He said the Commission's claim that he removed the understory and cut down saplings was not true. He also stated it had been the recommendation of the Commission to use seed to stabilize the disturbed areas. He said he removed the invasives by hand, sodded the area, and then mowed it. Mr. Picton asked Mr. Ajello if the permit for the pilot area specified how the wetlands area was to be treated. Mr. Ajello said a rough and varied border around the wetlands was to remain, a buffer was to be left around the intermittent stream, and 10% of the dead trees were to remain. A colored site plan showing the flagged wetlands was reviewed. Ms. Purnell read the 2/03 approval, which included provisions that no work should be done in the marked wetlands, the buffer areas were to remain, the trees to be removed first had to be OK'd by Mr. Ajello, and the Commission would evaluate the effectiveness of the work done. She also read from the 3/03 enforcement report and noted that although photo documentation had been required throughout the project, there were only before photos in the file. Mr. DiBenedetto said vines were removed from the trees and the trees were pruned and fed and added he had the right to express his opinion, which was based on scientific data. Mr. Picton agreed the Commission permitted the removal of invasives in the pilot area, but asked if it had approved the planting of grass. Mr. Ajello said the Commission did not recommend planting grass and Ms. Purnell pointed out the wetlands plants in that area in the before photos. Mr. Picton asked Mr. Ajello if he had confirmed that Mr. DiBenedetto had done no work in the wetlands areas shown in red on the map. Mr. Ajello said he had been unable to do so because it was difficult to determine where the wetlands were on site. Mr. Picton said it was obvious from the photos taken that the streambelt had not been left uncut. Ms. Purnell suggested several times that the first step in the enforcement process should be the reflagging of the wetlands. Mr. Picton noted there had been new clearing in the interior of the property. Mr. Bedini noted the problem with the photos taken by Mr. DiBenedetto was that they did not indicate where they were taken from or what direction they were facing and so he suspected the Commission and Mr. DiBenedetto were not talking about the same areas. Mr. Picton read from the 4/4/07 minutes regarding the condition of the interior of the property where almost all of the understory and wetlands species had been cut along several intermittent streams. Ms. Purnell pointed out these were areas #9, #8, and #6 on the map. Mr. DiBenedetto maintained he had cut only dead ash trees in these areas. The commissioners maintained they saw evidence that large live trees had been cut and also many plants in addition to invasives. Mr. Picton suggested the Commission retain a consultant to advise it how the wetlands areas should be restored to maintain their function and quality and how to restore the understory according to the

objectives of the pilot program. He said the restoration work would be bonded. He advised Mr. DiBenedetto that no more work could be done until this matter had been resolved and that the Commission's consultant would be hired at the owner's expense. Mr. DiBenedetto said he would hire his own consultant and "go further if need be." The Commission said it was prepared to do the same. Mr. Picton asked Mr. Ajello to contact a consultant to evaluate the work done, to determine whether the work done complied with the permit granted, and to determine the restoration work to be required and the amount of the bond that should be posted to cover the cost of the work to be done. Ms. Purnell pointed out that in terms of orientation it was imperative to replace the wetlands flags in the field so that exact locations could be identified. She then noted that only two of the current commissioners had seen the site before the pilot project began. She said the character of the understory was very different now; that it used to have a thick duff layer and that Mr. DiBenedetto had extended the clearing into area #4. Mr. DiBenedetto again said his only activity had been to remove invasives and he had done nothing improper. Mr. Picton asked Mr. Ajello to issue a legal enforcement order so that a show cause hearing could be held at the next meeting. Mr. Ajello said the order would include the requirement that the wetlands be reflagged. Mr. LaMuniere and Mrs. D. Hill stressed that the soil scientist hired must be respected by the Commission. It was the consensus that Mr. Jontos should be hired and that he should be asked to flag the wetlands and address wetlands character and function issues.

**Rubler/240 Wykeham Road/Driveway Washout:** Mr. Neff, engineer, and Mr. Esker, contractor, were present. The map, "Site Drainage Plan," by Mr. Neff, revised to 4/10/07 was reviewed. He detailed the additions to the plan; a cross section of the proposed swale, a note that the inside driveway embankment is to be stabilized with vegetation; planting plan to be prepared later, and details of the proposed retaining wall on the east side of the house. He said he was revising the drainage calculations and was working on drainage plans on the south side of the house. He also noted that progress was being made with the stabilization of the site and that the washout had occurred under unusual weather conditions.

He explained some of the driveway would be narrowed, a crown would be installed so runoff would not channel down the center, and a swale would be installed on its south side. Mr. Picton asked for a construction narrative on how the swale would be constructed without additional disturbance during storms. He asked if Mr. Neff had found the culvert opening and asked him to make sure it was functioning properly. Mr. Picton observed it looked like the proposed terraces were to extend the yard rather than to reduce the grade of the slope. Mr. Neff said the grades existed prior to the Rubler's purchase of the property, the excavation had occurred at the top of the slope, and silt fence had been installed at the bottom. Mr. Picton said the question of how to stabilize the 2:1 slope had to be addressed because the large cracks in the new material were indicative of slope failure. He recommended that a bond be posted to ensure the stabilization work would be done without mishap. Mr. Esker, new project manager, said the previous problems were due in part to lack of supervision, which he would now provide, so asked that be considered in lieu of a bond. Mr. Picton explained bonding is routine, is not punitive, and secures the proper completion of the work. It was the consensus to require a \$10,000 bond.

**MOTION:** To set a \$10,000 bond for Rubler/240 Wykeham Road. By Mr. Picton, seconded by Mr. LaMuniere, and passed 5-0.

Mrs. D. Hill read the 4/11/07 letter from Mr. Rubler in which he disagreed with Mr. Ajello's assessment of the situation. Mr. Picton asked for details of the proposed swale and how it would be stabilized until the grass grows. Mr. Neff stated turf reinforcement matting would be used. Mr. Picton asked for information on the anticipated flow through the swale so the Commission could determine whether the matting would be adequate. He also asked for an application once the bond has been posted. Mr. Esker agreed to work on the stabilization of the site first and then to apply for the additional activities

proposed. He said a well driller would soon be ready to begin drilling for the relocation of the well and that he wanted to begin work on that and repiping the water to the house as soon as possible. Mr. Picton asked for plans on how the drilling mud will be controlled. Mr. Esker asked if Mr. Ajello could approve the plans. Mr. Picton noted the out of control soil conditions on site and asked that the proposed stabilization measures be drawn on a plan to be reviewed by the Commission at the next meeting. Mr. Ajello noted there was no letter of authorization from the Rublers for either Mr. Neff or Mr. Esker. Mr. Picton stated if there were still outstanding issues at the next meeting, he would recommend that the plans be referred to a consulting engineer.

**Moore/25 Litchfield Turnpike/Unauthorized Filling, Clearing:** Mr. Ajello noted Mr. Moore had submitted the required \$400 bond and had signed a letter to ensure his cooperation with the work ordered. He also informed the Commission that he had attached the Land Records and had issued a \$500 citation. Mr. Bedini asked if any of the required work had been done yet. Mr. Ajello said he was waiting to find a soil scientist to oversee the work, which would have to be done around his schedule. He asked the Commission to recommend a soil scientist. He was advised to call someone with no potential conflict of interest and who doesn't appear often before the Commission.

**Fowler/138 Nichols Hill Road/#IW-05-58/Remediation Per Order:** Mr. Picton noted Atty. Kelly had been correct when he said at the last meeting that Mr. Fowler had been granted a permit, which stated that he had five years to complete the work applied for. It was the consensus of the commissioners, however, that the remediation should have been done during the last growing season. Mr. Picton suggested a bond be posted so that if the work were not done this year, the Commission could have it completed. Mr. Ajello noted the letter, which served as Mr. Fowler's permit, did not specify when the work had to be done.

**MOTION:** To direct Mr. Ajello to send a letter to Mr. Fowler/138 Nichols Hill Road to reiterate the original enforcement order and to direct him that the restoration must be completed by the end of June 2007. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

Mr. Picton did not think a show cause hearing would have to be conducted as this was ongoing enforcement of a previous order. Ms. Purnell suggested the letter state that the Commission had expected the work would be done last year, but was holding off on further enforcement action at this time.

**Carter/292 Walker Brook Road(141 Shinar Mt. Rd)#IW-04-V8/Repair of Retaining Wall:** No additional information had come in since the last meeting.

**Collins/323 West Shore Road/Unauthorized Clear Cutting and Soil Disturbance:** Mr. Ajello said the citation had been issued and the letter to Mr. Collins written as requested at the last meeting.

**Corbo/Nettleton Hollow Road/Driveway:** Mr. Ajello said he anticipated a request to release the driveway bond soon. Mr. Picton said it would not be released until the vegetation had grown in and the disturbed areas were stabilized.

**DiBenedetto/212-214 Calhoun Street/Restoration of Understory:** It was regretted that earlier in the meeting the discussion of this matter with Mr. DiBenedetto had become confrontational. In the future Mr. DiBenedetto may attend the meetings, but not participate in the Commission's discussion. It was noted the Commission would make the determination what must be done and then send him an order to do so. It was the consensus that the photos submitted by the property owner had to be properly identified; the location where they were taken and the direction they were pointing must be marked on the site plan. Ms. Purnell noted it was critically important to have photo documentation, which was currently missing from the file. It was also agreed that the reflagging of the wetlands on site was a priority. Mr. Picton asked Mr. Ajello to draw up the list of questions and issues for the consultant to



address. The consultant will also set the amount of the bond to be posted.

**Feola/84 Carmel Hill Road:** There were no further enforcement actions to be taken at this time.

**Reinhard and Cremona/Perkins Road/Restoration Plan:** Mr. Picton asked if the restoration work had begun. Mr. Ajello said he had obtained permission from Mr. Cavallaro to enter the Reinhardt property through his if necessary. He was also working on getting purchase orders to the Board of Selectmen. Mr. Childs will act as the project manager.

**DEP Aquatic Pesticide Permits:** Mr. Ajello reported that Mr. Gambino, pesticide applicator, will address the Commission on this subject at the next meeting. A letter was also received from Mr. Robinson who thought the treatment of his pond should be grandfathered because he had signed a multi year contract with the pesticide company. It was the consensus that he was not grandfathered and must apply for an Inland Wetlands permit prior to each pesticide application. Mr. Ajello noted that four property owners had been notified that they must apply, but no applications had been received.

**Plourde/33 East Shore Road/Unauthorized Clear Cutting:** None of the information requested by the Commission at the last meeting had been submitted. Mr. Ajello was asked to file the enforcement order on the Town Land Records.

**Steep Rock Assn./River Road/Clearing of "McKennee" field:** Mr. Ajello is still trying to set up a meeting with Mrs. Corrigan on site.

**Puertas/72 Horse Heaven Road/Unauthorized Clearing:** Mr. Ajello said a map that clearly defines the cleared area had been submitted as requested by the Commission.

Other Business

Mr. Picton noted Verizon's cell tower application to the Ct. Siting Council is on file for anyone who wants to review it.

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

Mr. Picton adjourned the meeting at 11:16 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator