

May 9, 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, Mrs. J. Hill

ALSO PRESENT: Mr./Mrs. Abella, Mr./Mrs. DeJulia, Mr. Papsin, Mrs. Johnson, Atty. Fisher-Bruzzi, Mr. Neff, Mr. Charles, Ms. Zinick, Atty. Fisher, Atty. Anderson

PUBLIC HEARING

Abella/44 Scofield Hill Road/#IW-07-06/3 Lot Resubdivision

Mr. Picton called the public meeting to order at 6:00 p.m. and seated Members Bedini, Hill, LaMuniere, and Picton and Alternate Thomson for Ms. Purnell. He read the legal notice published in **Voices** on 4/25/07 and 1/2/07. He noted a site inspection had been conducted 3/21/07 and a recommendation had been made to the applicant at that time to reconfigure the driveway to reduce the impact on the wetlands and watercourses.

Mr. Szymanski, engineer, presented the map, "Overall Site Development Plan," by Mr. Szymanski, revised to 5/7/07. He briefly summarized the proposal for two additional lots with house sites on the north side of the watercourse. The feasible house sites shown were at least 200 feet from adjoining properties. The revised map showed a new driveway route further east than had originally been proposed, which, he said, would result in less impact to the wetlands and watercourse. Two wetlands crossings were proposed. The first would cross a 6 to 8 ft. channel with a clear span bridge with concrete abutments. The second crossing proposed was a concrete box culvert set 1 ft. below the existing watercourse with the bottom foot filled with native stream material. Both crossings had been designed to accommodate a 100 year storm. Mr. Szymanski stated he had addressed the downhill neighbors' concerns about increased stormwater runoff. He noted that 75 feet in on the lower side of the driveway, a swale would catch surface runoff and direct it to a modified energy dissipater to slow its velocity to make it less erosive. He also proposed a swale on the upper side. He noted runoff from the driveway to Lot #3 would sheet flow to the existing wetlands. The proposed driveway grades would reach the maximum 15% allowed for a short length, but in several areas had been reduced to minimize potential erosion. Mr. Szymanski also stated the driveway cuts and fills had been reduced to decrease the potential for erosion during construction. He detailed the significant erosion control measures proposed. To help prevent driveway washouts, he proposed 9 inch water bars to redirect the runoff to the sides of the driveway where staked hay bales would be installed. He noted specifications and a detailed construction sequence had been included in the plans.

Mr. LaMuniere asked if the swale would direct runoff to the stream. Mr. Szymanski said it would, but noted rip rap would be installed to slow the flow.

Mr. LaMuniere asked if specifications for the bridge had been provided. Mr. Szymanski said they had, noting it would be steel beam construction with concrete decking. No pressure treated wood would be used.

Mr. Picton noted some storms exceed the 100 year storm event and asked how the overflow would be handled in those cases. Mr. Szymanski said the bridge would be the overflow path and agreed to add a 20 ft. paved apron on both sides of it.

Mr. Picton noted the Commission prefers to keep runoff spread out and not concentrated as in the

proposed swale. He asked if it could empty at frequent intervals. Mr. Szymanski thought the swale would best address the concerns of the downhill neighbors and said a swale with one outlet would be easier to maintain. Mr. Picton said concentrated flows increase velocity and asked Mr. Szymanski if he would look into a driveway drainage plan that would accomplish both objectives.

The proposed conservation easement area was discussed. Mr. Szymanski pointed out the wetlands on the property and asked for guidance regarding suitable mitigation. Mr. Picton noted that the Comm. has considered conservation easements to be mitigation and said it was important to protect the natural wooded buffers along streams. He said even though the Conservation Commission does not want conservation easements to include wetlands, which are already protected, the Inland Wetlands Commission considers the inclusion of wetlands in conservation easement areas a valuable second layer of protection. Mr. Szymanski offered to extend the easement to the stone wall to the south. Mr. LaMuniere asked if land along the northern boundary could be included in the easement to increase the width of the buffer along the deeply cut stream. Mr. Picton agreed this would be important stream protection. Mr. Ajello read a portion of the 4/4/07 Conservation Comm. minutes, which recommended a fee in lieu of open space. Mr. Picton thought it was worthwhile to protect wetlands to a greater extent than they are currently protected. Mr. LaMuniere agreed that it was extremely important to protect wetlands.

Mr. LaMuniere asked if the pipe on the east side of the existing septic system on Lot #1 would be removed. Mr. Szymanski said it would remain and would be tied in to the swale. Mr. Picton asked that the flow from the pipe be spread out, infiltrated, and dissipated.

Mr. LaMuniere suggested a condition of approval that no clearing would be allowed within 50 feet of the wetlands and watercourses. Mrs. D. Hill noted, however, that open fields that are mowed only once a year can be valuable habitat, too.

Questions and comments from the public were taken.

- Atty. Fisher-Bruzzi asked if there were any provisions for the spring rights of the adjoining property owner. Mr. Szymanski stated a title search did not find any spring rights. Atty. Fisher-Bruzzi said she would send him a copy.

- Mrs. Johnson, Scofield Hill Road, stated there is a pipe running along the brook, which connects her property to the spring. She was concerned the construction of the bridge might damage it.

- Mr. DeJulia, Mygatt Road, said the stream at the north end of the property has washed out Mygatt Road three times. Mr. Picton noted there was no work proposed in the vicinity of that stream. Mr. DeJulia explained he was concerned because he has watercourses on both sides of his property that have been affected by uphill development. Mr. Picton answered that was the reason the Commission wanted to keep the water dispersed instead of concentrating it into new channels.

- Mrs. DeJulia said the new lawns that would be put in would have an adverse impact on the downhill property owners and gave the impact a new lawn on Scofield Road had on several downhill Mygatt Road properties as an example. Mr. Szymanski said the sheet flow would be to the west, not to the north towards the DeJulia property. Mrs. DeJulia said it would wash out the stand of pines to the west. Mr. Picton asked Mr. Szymanski to address how extensive the clearing, landscaping, and installation of lawn would be and how much of the lots would remain woodland. Mr. LaMuniere agreed this was important because much of the current runoff is absorbed by the existing vegetative cover. He also noted the velocity of the runoff should not increase.

-Mrs. DeJulia asked that the public hearing be continued. She said the Abella property was a habitat for flying squirrels, which are protected by the state. Mr. Picton said squirrels were not a wetlands issue and asked Mr. Szymanski if he had checked the Natural Diversity Data Base. Mr. Szymanski responded

he had and there was nothing about squirrels on it. Mr. LaMunier asked for some documentation that the state requires this habitat to be protected.

- Mr. Ajello read part of the 4/26/07 letter from the Conservation Commission in which it opposed the inclusion of wetlands in the fulfillment of the subdivision open space requirement and voiced its concern about this proposed development on the steep hillside.

- Mr. DeJulia stated the area proposed as Lot #3 was a shrub ecosystem that would be affected by runoff and clearing. He said it was valuable because it was the only ecosystem of this kind in the area. Mr. Picton noted that except for how it affects the physical quality of the wetlands, this was not under the jurisdiction of the Commission.

- Mr. DeJulia noted there were wetlands downgrade of the resubdivision, which were not indicated on the map. He asked Mr. Abella what kind of houses would be built and whether they would fit in with the area. Mr. Szymanski the feasibility plan showed 4 BR houses, 35' X 60', with garages. Mr. Picton advised Mr. DeJulia that the Commission would review any future changes to the plans.

- Mr. DeJulia recommended that the Commission inspect the wetlands to the north of the stone wall along Lot #3. Mr. Szymanski noted the plans respect the upland review area in this vicinity. Mr. DeJulia gave the commissioners permission to walk his property.

- Mr. Papsin, Mygatt Road, asked if the driveway swale would be maintenance free or if it would fill up over time. He noted how he must dig out silt by hand from the swale on his property whenever there is one inch of rain. He gave the commissioners permission to walk his property during a storm. He also noted how wet the Abella property gets when there is one inch of rain. Mr. Picton asked that provisions for maintenance of the swale be added to the plans.

- Mr. Papsin and Mr. DeJulia were skeptical that the proposed swale and culvert were adequately sized to handle the stormwater runoff. Mr. Papsin noted the Town has a grant to repair Mygatt Road and asked if an increase in runoff could affect these repairs. Mr. Picton said it would not if the peak flow did not increase. Mr. Szymanski noted 18 acres would drain to the box culvert and 120 acres to the bridge.

- Mr. DeJulia noted the problems he has had with the maintenance of his shared driveway and asked if this had been addressed.

- Mr. Thomson asked if there would be further development on Lot #1. Mr. Szymanski said there would not.

- Mr. DeJulia noted when the Armstrong house on Mygatt Road had been built, they had hit "arctic clay," which resulted in a "mess." He asked if this clay had been found at the proposed development sites. Mr. Szymanski said test pits had been dug and no clay was present.

Mr. Picton noted the Conservation Commission's opinion that the open space should not include any wetlands, but said he did not think it would object so strongly if the open space also included some of the upland review area.. He asked for a comprehensive plan for a conservation easement that would protect the wetlands and contribute to the ecological balance of the site. Mr. LaMunier said the wetlands and two watercourses on the property were very important to protect. Mr. Picton agreed a good conservation easement would add protection over and above the Inland Wetlands Regulations.

It was noted the application would be referred to an engineer for review. Mr. Szymanski asked that his comments be in a week prior to the next session of the hearing so that he would have adequate time to address them.

MOTION: To continue the public hearing to consider Application #IW-07-06 submitted by Mr. and

Mrs. Abella for a 3 lot resubdivision at 44 Scofield Hill Road to Wednesday, May 23, 2007 at 6:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct. By Mrs. Hill, seconded by Mr. LaMuniere, and passed 5-0.

At 7:02 p.m. Mr. Picton continued the hearing to 5/23/07 at 6:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

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

Ms. Purnell arrived at 7:02 p.m.

REGULAR MEETING

Mr. Picton called the Regular Meeting to order at 7:08 p.m. and seated Members Bedini, Hill, LaMuniere, Picton, and Purnell.

MOTION: To add the following subsequent business not already posted on the agenda: New Application: Peloquin/15 East Street/#IW-07-20 Construct Wall and Enforcement: Andersson/35-45 Gunn Hill Road/Trenching and Clearing of Wetlands. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

The 4/25/07 Regular Meeting minutes were accepted as corrected.

Page 1: Under DiBenedetto: End of 1st paragraph: Add: and watercourses after "wetlands."

Page 2: Beginning of 3rd paragraph: Add: regulated before "activities."

Page 2: 3rd paragraph: 2nd line: Delete: "...he had not used heavy equipment..." and insert in its place: in implementing his approved pilot program he had not cut down....

Page 4: 1st paragraph: Put quotation marks around "no" and "indication."

Page 9: Under Walsh: 6th line: Change: "too bad" to: very disappointing.

Page 10: Under Parsell: 8th line: Insert somewhat before "poorly drained...."

Page 11: Under Paggioli: 12th line: Change: "stated" to suggested.

MOTION: To accept the 4/25/07 Show Cause Hearing -Regular Meeting minutes as corrected. By Mr. Bedini, seconded by Mr. LaMuniere, and passed 5-0.

MOTION: To accept the 5/3/07 Malamed site inspection minutes as written. By Mr. LaMuniere, seconded by Mr. Picton, and passed 5-0.

MOTION: To accept the 5/3/07 Andersson site inspection minutes as written. By Mr. Bedini, seconded by Ms. Purnell, and passed 5-0.

Pending Applications

Abella/44 Scofield Hill Road/#IW-07-06/3 Lot Resubdivision: It was noted the public hearing had been continued to 5/23/07 at 6:30 p.m. Mr. Picton asked that the minutes be sent to Land Tech so the Commission's consultant will address the questions raised as well as do a normal review of the application.

Hochberg/15 Couch Road/#IW-07-09/Driveway: Mr. Szymanski, engineer, presented his revised map, "Proposed Driveway Plan," 3 pages, revised to 5/2/07 to include a note regarding the seepage envelope and specifications. He noted that an over flow pipe that would drain onto the Hochberg property was also proposed and said the hydrological character of the area would be maintained. He

noted, too, that the wetlands disturbance near wetlands flags #10 and #11 had been reduced and a note had been added regarding the limit of disturbance and limit of clearing. He pointed out that erosion control measures would be installed on the down hill side of the driveway with checks at an angle every 15 feet to slow the runoff. Mr. Picton noted the reason for the driveway was to serve a separate lot, so said the applicant must demonstrate the second lot was viable. Mr. Szymanski indicated the location of the proposed lot line and said the Health Dept. had signed off. He said, however, that because no building was proposed at this time, a site development plan had not been done. Ms. Purnell stated the Comm. had to consider feasible and prudent alternatives such as building on the portion of the property near Rt. 202 to determine whether there are ways to achieve what the applicant wants to do with less impact on the wetlands. She said the current proposal with a potential house site above the head waters of Bee Brook would impact the wetlands in perpetuity and that it was difficult to approve an application that was speculative. Mr. Picton noted the proposed lot line revision made the wetlands crossing necessary even though a building lot was not proposed. Mr. Szymanski said Mr. Hochberg wanted to access his rear property. Mr. Picton responded that if the lot line revision were not proposed, there would be another access available that would not require the crossing. Mr. Szymanski said 1) the owner did not want to go to the expense of developing plans until it was proven the lot could be accessed, 2) Mr. Hochberg intended to retain the house and sell the rest of the land, 3) he did not intend to put in the driveway himself, and 4) he could not show the house site because he did not know the location the future owner would select. Mr. Picton stated the applicant had opted for a lot line configuration that requires a wetlands crossing even though there were alternatives so it was required that he show a purpose for the crossing, such as it was the only way to access a particular building site. He said the Commission was not authorized to approve a crossing when there were alternatives. Ms. Purnell stated the Comm. was charged with eliminating impacts to wetlands and watercourses, making approval of the current proposal difficult because there were other locations where a house could be placed that would result in less impact to wetlands and with less environmental impact to the property. Mr. Szymanski argued there were court cases that held that just because you have an alternate site, you aren't prevented from using the rest of your land. Several of the commissioners thought potential buyers could view the rear property without the construction of a driveway. Mr. LaMuniere did not think the crossing would damage the wetlands as they were already mowed three times a year. He also said the Commission had previously allowed owners to access lots for sale. The discussion continued at great length. While he said Mr. Szymanski had done a good job to minimize the impacts due to the crossing, Mr. Picton noted if the driveway was installed first and then it was proven the lot was not feasible for development, the wetlands would have been disturbed for no reason. He asked for plans showing house and well locations and the feasibility of soils for a septic system. Ms. Purnell thought a subdivision application should be required. Mr. LaMuniere noted the Comm. had asked for feasible and prudent alternatives, the applicant had written there were none for the proposed lot, and so thought the Comm. should approve the application. Mr. Szymanski noted the area where a house could potentially be located was at least 200 ft. from wetlands flags and so asked for a letter from the Comm. to the applicant to explain exactly what is required.

MOTION: To approve Application #IW-07-09 submitted by Mr. Hochberg to construct a driveway at 15 Couch Road as submitted per the plan, "Proposed Driveway Plan, by Mr. Szymanski, dated 3/12/07 and revised to 5/2/07, 3 Sheets. By Mr. Picton, seconded by Mr. LaMuniere. Vote: 1-4 Application denied Mr. Picton voted No because it had not been sufficiently demonstrated with a feasibility plan that there was a need for the wetlands crossing Mrs. Hill voted No because there was apparent access elsewhere to a building site and she wanted more concrete plans to show where the house would be located and that it would work there. Ms. Purnell voted No because there was another location for a house site with lesser impact than the proposed crossing and she was concerned about the potential long term impacts to the area due to the scope and scale of the proposed development. Mr. Bedini voted

No for the reason given by Mr. Picton.

Mr. Szymanski asked if the application were resubmitted, if the fee would be waived. Mr. Picton said yes because the denial had been due to insufficient information.

Adams/233 West Shore Road/#IW-07-10/Renovations, Reconfigure Driveway, Inground Pool, Etc.: Mr. Neff, engineer, and Ms. Zinick, agent, were present. The map, "Grading and Erosion Control Plan," by Mr. Neff, revised to 5/7/07 was reviewed. In addition to the map, Mr. Neff noted he had revised the sequence of construction to add the replacement of the sumps. The existing sumps were only 6 inches deep and 2 ft. deep sumps are usually recommended. Mr. Neff said the owner was not willing to install a rain garden in the NE corner of the property where the runoff ponds, but said the lawn would continue to act as a sediment trap. Ms. Purnell noted that without the rain garden, fertilizers and herbicides would wash into the catch basin and into the lake. She asked for a lawn that was not manicured. Mr. Neff said lawn maintenance had not been discussed. Mr. Picton said since the proposed activities would not result in new adverse impacts and the temporary impacts would be dealt with using erosion controls and a settling basin, he did not think mitigation was necessary. It was noted with the latest revisions, the percentage of impervious surface on site had been reduced from 22% to 17%. The driveway construction was discussed. Mr. Neff said a cross section had been provided and there would be no fill on the down hill side nearest to the water. Also a note had been added to the map that the area between the driveway and the eastern stream would remain a wooded buffer. Regarding the stockpiling of stone on site to use for emergency stabilization work, Mr. Neff said a note had been added that the stockpile would be maintained through all phases of the project. Construction of the boathouse deck was discussed. Ms. Zinick read an undated document containing information on construction materials, procedure, and sequence. Ms. Purnell asked what "compliant" pressure treated lumber was and Ms. Zinick said it was not CCA treated lumber. Ms. Purnell was concerned about chemicals from the lumber leaching into the lake. Mr. Ajello recommended the lumber used on the deck be pre treated with an alkyd stain off site or on the asphalt area of the property. Mr. Picton asked if pressure treated wood would be used over the entire pier, but Ms. Zinick was not sure if it would or if it would only be used for the one section that would be leveled. After a brief discussion regarding the construction specifications for the deck, Mr. Picton asked that a drawing be submitted to the Comm. for review before the dock was repaired.

MOTION: To approve Application #IW-07-10 submitted by Mr. Adams for renovations, driveway reconfiguration, inground pool, etc. at 233 West Shore Road per the map, "Grading and Erosion Control Plan," by Mr. Neff revised to 5/7/07 and per the "Proposed Sequence of Construction," by Mr. Neff, submitted on 4/23/07 and revised to 5/8/07 subject to the following conditions: 1. a stockpile of 1.25 inch stone must be maintained through all phases of construction to use for erosion control measures if necessary, 2. a \$5000 bond shall be posted with the Town, 3. the pressure treated members of the boathouse deck shall be prestained with alkyd sealer off site or on the asphalt on the opposite side of the boathouse; the Commission encourages the applicant to seek alternatives to the use of pressure treated lumber in areas adjacent to or over the lake, 4. before work on the concrete pier is approved, a construction plan with specifications for the decking that show the use of pressure treated wood has been minimized shall be submitted and approved by the Commission, and 5. the mature trees growing along the waterfront shall not be cut down except for the one on the Getnick border that was allowed to be cut at the 4/25/07 meeting. By Ms. Purnell, seconded by Mr. Picton, and passed 5-0.

Lewinter/86 Roxbury Road/#IW-07-12/Construct Barn: Mr. Neff noted Mr. Temple, soil scientist, had reevaluated the wetlands on the property as requested and did find there were wetlands closer to the proposed building site than he had originally thought. His report dated 5/8/07 was submitted. Mr. Neff said he would continue to look for alternate sites for the barn.

Paggioli/1 Tinker Hill Road/#IW-07-15/Replace Floating Dock: Mr. Neff, engineer, presented his

plan, "Floating Dock Replacement Plan," revised to 5/7/07. Notes had been added regarding the sealing of pressure treated wood and keeping it out of continuous contact with the water. He circulated a photo of the type of dock to be constructed to show the elevation above the water line. Mr. Picton noted it was clear from the photo that no pressure treated wood would be sitting in the water.

MOTION: To approve Application #IW-07-15 submitted by Mr. Paggioli to replace the floating dock at 1 Tinker Hill Road per the plans. "Floating Dock Replacement Plan," by Mr. Neff, revised to 5/7/07 with the condition that the dock construction be similar to the photo submitted, which shows the pressure treated wood above the water. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Steep Rock Assn./147 Sabbaday Lane/#IW-07-16/Replace Culvert: Mr. Gifford and Mr. Neff, engineer, were present. Mr. Ajello said it was clear that rocks had fallen and had blocked the culvert. He had seen no evidence of soils or sediments, but he recommended a plunge pool be installed. Mr. Neff said there was already a basin there to collect sediment. Mr. Ajello also recommended some heavier stone be brought in to cover the new pipe. Mr. Neff agreed to do so. Ms. Purnell asked that care be taken to make sure it was only stone and no soil with contaminants that would be placed over the culvert.

MOTION: To approve Application #IW-07-16 submitted by Steep Rock Assn. to repair a culvert at 147 Sabbaday Lane based on the recommendations of the WEO and with the stipulation that 2 inch stone be used to lock in and fill over the pipe. By Ms. Purnell, seconded by Mr. Bedini, and passed 5-0.

Anderson/15 River Road/#IW-07-17/Reconstruct House: The map, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 4/23/07 was reviewed. Mr. Neff, engineer, said there had been no revisions since the last meeting. The proposal was to take the existing house down to the foundation and to rebuild a slightly smaller house. He pointed out the existing driveway, which, he said, would provide adequate access for construction vehicles, and the limit of disturbance line. Erosion control measures were proposed between the work site and Canoe Brook.

MOTION: To approve Application #IW-07-17 submitted by Mrs. Anderson to reconstruct the house at 15 River Road per the plan, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 4/23/07 as submitted. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Malamed/115 River Road/#IW-07-18/Inground Pool: Mr. Neff, engineer, submitted his map, "Soil Erosion and Sediment Control Plan," revised to 5/7/07, which included a note requiring water bars and a temporary hay bale barrier near the entry of the construction access because he was concerned about the potential for runoff onto River Road. Ms. Purnell asked if the access would be hardened. Mr. Neff said it would be gravel. Ms. Purnell asked how much vegetation would be cut. Mr. Neff responded a 16 ft. strip, an 8 ft. wide access with a 4 ft. shoulder on each side, along the route to the pool site would be cut. Several commissioners thought this was overly wide. Ms. Purnell said she would abstain from voting because she had not attended the site inspection.

MOTION: To approve Application #IW-07-18 submitted by Mr. Malamed to install an inground pool at 115 River Road per the plan, "Soil Erosion and Sediment Control Plan," by Mr. Neff dated 4/23/07 and revised to 5/7/07. By Mr. LaMuniere, seconded by Mr. Picton, and passed 3-0-1.

New Applications

Fisher/66 Calhoun Street/#IW-07-19/Basement Drainage: Mr. Fisher was present. It was noted the property was located just north of the Cohen property. Mr. Ajello explained the owner proposed a curtain drain that would empty into an upland review area. Mr. Fisher said in order to get the right pitch, it would extend to a point 20 ft. from the wetlands. Ms. Purnell asked if contaminants from the driveway could make their way to the curtain drain. Mr. Fisher said the portion of the driveway nearest to the proposed drain was paved. Ms. Purnell asked if a subsurface spreader had been considered. Mr.

Ajello noted the roof drains would also run to the curtain drain. Mr. Picton said it was conventional wisdom that roof drains should not be tied into curtain drains because that would increase the amount and velocity of the flow. He said roof drains should be shallower than curtain drains and that the water should be directed further from the wetlands. Mr. Fisher was not sure this would be possible because there were other wetlands on the property. Mr. Ajello recommended the roof drains use the same trench, but be installed at a higher level. Ms. Purnell said she would inspect the property and check for vernal pools before the next meeting.

Peloquin/15 East Street/#IW-07-20/Construct Wall: Mr. Picton asked if the application was complete. Mr. Ajello said it was not. Mr. Ajello noted the location of the property on the corner across the street from the Boys Club and said the proposal was to build a wall where the existing picket fence is and to stain the rear deck. Mrs. J. Hill asked if the proposed work was in the state right of way. Mr. Ajello said it would be along New Preston Hill Road. Mr. Picton noted there had not been a lot of information submitted. He asked Mr. Ajello to make sure the application was completed and scheduled a site inspection for Wednesday, May 16, 2007 at 5:00 p.m. The applicant will be asked to stake out the proposed location of the wall and to complete the application prior to that date or the site inspection will be cancelled.

Enforcement

DiBenedetto/212-214 Calhoun Street/Unauthorized Clearing: Mr. DiBenedetto submitted two maps; 1) "Site Analysis Plan," by Mr. Alex, dated April 2000 to which he added color coded symbols to represent wetlands, intermittent streams, seeps, and upland review areas and 2) the same map showing the pilot area, the area just cleared, and the area where clearing is proposed in the future and the locations where the photos submitted at the last meeting had been taken from. He also submitted a series of photos dated 5/8/07, which showed the regrowth of both native and invasive plants in the cleared areas and invasives in the areas that had not yet been cleared. He said they also showed that live trees were not cut. Mr. Picton asked that the photos be indexed. It was noted Mr. Jontos, the Commission's consultant, had inspected the site and it was hoped a report would be ready for the next meeting. Mr. DiBenedetto said Mr. Jontos was very knowledgeable and thought this would be a good opportunity to develop a working plan for the property, which would satisfy both the owner and the Commission. He noted what a massive project the elimination of all invasives would be. Mr. DiBenedetto said there had been an informative article in the **Litchfield County Times** on the removal of invasives. Mr. Picton commented that the correct method is to remove the invasives selectively, leaving the native species in place.

Andersson/35-45 Gunn Hill Road/Trenching and Clearing of Wetlands: Mr. Ajello passed out copies of a brochure about agriculture and wetlands protection in Ct. and the 5/3/07 and 5/8/07 letters from Atty. Hanlan. Atty. Fisher represented Mr. Andersson and Atty. Anderson represented the adjoining property owner. Atty. Fisher stated that Mr. Andersson already grows hay and corn and that he intends to restore the property to a productive farm. He said that the next step would be to remove rocks from the fields not near wetlands so they can be mowed and cows pastured there. Atty. Fisher said he had reported the comments made at the site inspection to Mr. Andersson who intends to come up with a farm plan as requested. He also stated that no fill had been brought in for the new patio/fire pit built near a wetlands; an old farm dump in that vicinity had been cleaned up and the rocks used for the patio had come from the dump. He admitted, however, the patio/fire pit was not part of the farming operation and it had been installed without a permit. He also noted Mr. White had inspected the site and had found no evidence of silt flowing from the new trenches to Weantinogue property. Ms. Purnell was concerned there might be changes to the hydrology resulting from the grading for the patio area. Mr. Bedini listed the activities done without a permit: 1) patio, regrading, and fire pit, 2) new fences, 3) clear cutting in wetlands, 4) tracking through wetlands to reach areas of more clearing, and 5)

trenching. He asked why no permits had been applied for. Atty. Fisher responded that it had not occurred to Mr. Andersson that wetlands permits were required. He added that the trenching was done in a field that had been hayed for years and Mr. Andersson's goal was to keep the area drained so it could continue to be hayed. Mr. Picton asked for documentation that the field had always been hayed as the adjoining property owner had said this was not so and the wetlands vegetation growing there was well established. Mr. LaMuniere agreed that it takes decades for a wetlands to establish itself. Ms. Purnell noted it would be possible for Mr. Andersson and the Commission to work together and she suggested a compromise where the focus of the farming operations would be away from the wetlands. Mr. Picton noted Atty. Hanlon's letters provided clarification that there are constraints to the adverse impacts to wetlands that may be caused by agricultural activities and that the draining of wetlands was excluded from the list of permitted agricultural activities. Ms. Purnell explained that Mr. Andersson should have applied for an agricultural exemption. Mr. Thomson and Mrs. D. Hill pointed out that there were major problems such as clearing in and the filling of a swamp that must be addressed. Atty. Fisher noted Mr. Andersson offered to contact NCD who would help him draft a plan for both farming and the preservation of the wetlands that could then be reviewed by Land Tech. Ms. Purnell recommended that Mrs. Johnson of NRCS also be consulted. Mr. Picton encouraged Mr. Andersson to contact both agencies to develop both an agricultural plan and a plan for wetlands protection and restoration. Atty. Anderson noted his client did not want to restrict farming on the Andersson property, but did want the following issues to be addressed: 1) determination of the extent of the regulated areas, 2) determination of exactly what disturbances/violations have occurred, and 3) determination of what is needed to restore the disturbed areas. Mr. Picton said Mr. Hayden, a soil scientist from NCD, would be consulted as it appeared wetlands had been filled. He will be asked to investigate recent apparent and possible filled and altered wetlands and to make recommendations on their management and restoration. Mr. Picton and Mr. Thomson noted there was evidence of subsurface drains north of the pond where they saw a drain pipe, filter fabric, and new grass. Mr. LaMuniere thought a new channel had been dug on the east side of the pond. A letter will be sent to both NCD and NRCS to request their involvement and it will include the site inspection minutes, Atty. Hanlon's letters with reference to the third paragraph on page 2 of the 5/8 letter, which gives suggestions on how to work productively to address this matter, and all other letters in the file. Ms. Purnell asked whether the wetlands would be reflagged or redelineated. Mr. Picton said they would be redelineated. He asked the property owner for copies of the property survey for the consultants to work with. Mr. Picton asked that Mr. Andersson refrain from any more clearing in the marsh until the studies requested have been completed. It was agreed that Mr. Andersson should have his agricultural plan prepared by June 30th.

Carter/292 Walker Brook Road/#IW-04-V8/Repair of Retaining Wall: It was noted Mr. MacBroom, a fluvial geomorphologist, had been hired by Mr. Carter.

Fowler/138 Nichols Hill Road/#IW-05-58/Remediation: Ms. Purnell asked if Atty. Kelly was encouraging his client to complete the restoration work this year. Mr. Ajello said Atty. Kelly would not let the Commission tell him the work had to be done this year. Mr. Ajello read the permit letter that had been sent to Mr. Fowler informing him that he had 5 years in which to complete the work. It was the consensus that Mr. Ajello send Atty. Kelly a letter to encourage Mr. Fowler to complete the required work, filling of the ditch and planting of vegetation, as soon as possible.

Greenfield/12 Ives Road/Invasive Plant Control: Mr. Ajello recommended a long term comprehensive management plan be submitted to the Commission for review.

Hochberg/15 Couch Road: Mr. Ajello will send a letter as soon as possible to advise Mr. Hochberg of the minimum information required to prove he has a legitimate building site on the proposed new lot.

Moore/25 Litchfield Turnpike/Unauthorized Filling, Clear Cutting: It was noted that progress was being made on the resolution of this violation.

Spring Hill Farm, LLC./69 Whittlesey Road: It was noted the EO had approved a minor revision to the approved plan. A fireplace will be moved away from the pond and placed next to the patio.

Steep Rock Assn./147 Sabbaday Lane/#IW-07-16/Replace Culvert: Ms. Purnell asked if crushed stone would be deposited in the streambed. Mr. Ajello said it would fill in around the pipe.

Yourwith/259 New Milford Turnpike/Unauthorized Excavation and Installation of Drain: Mr. Ajello reported that Mr. Hayden of NCR will meet soon with Mrs. Yourwith.

CaCo/16 Flirtation Avenue/Unauthorized Clearing, Filling: Mr. Ajello said he had not yet called Mrs. Caco, but planned to do so and walk the watercourse in the near future.

Steep Rock Assn./River Road/Clearing of "McKenney" Field: Mr. Ajello said Mrs. Corrigan had not yet inspected the site to check for vernal pools. Mrs. D. Hill noted the Comm. had been waiting for months and asked if there was someone else who could make the inspection.

Reinhardt-Cremona/Perkins Road/Restoration of Disturbed Areas: Mr. Ajello said he had asked Mr. Childs for estimates so that purchase orders could be submitted to the Selectmen's Office, but he had not heard from him. Mr. Picton noted the work must be done as soon as possible and asked Mr. Ajello to contact Mr. Childs to ask him if he will actually be able to accomplish the work that needs to be done.

Feola/84 Carmel Hill Road/Restoration of Vernal Pool: Mr. Ajello reported that the Feolas had not paid their citation and their Land Records had been attached.

Bransfield/21 Walker Brook Road: Ms. Purnell reported Mr. Bransfield had done additional clearing without a permit. Mr. Picton asked Mr. Ajello to compare the site conditions from previous files with the existing site conditions to determine whether unauthorized work had been done.

Other Business

DEP Aquatic Pesticide Permit Application Process: Mrs. J. Hill sent a letter to the DEP to inform it that Washington now requires a local permit for this activity.

Revision of the By-Laws: After a brief discussion it was the consensus to eliminate Section 3 regarding term limits for Comm. officers. A notice will be sent to all commissioners 5 days prior to the next meeting and this item will be placed on the 5/23 agenda so a vote may be taken. Mrs. D. Hill also noted that Section 7 should be amended to include June.

Revision of the Regulations: It was agreed this committee would resume work as soon as possible.

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

Mr. Picton adjourned the meeting at 10:50 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator