

August 15, 2007

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

Mr. Picton

ALTERNATE PRESENT: Mr. Thomson

ALTERNATES ABSENT: Ms. Coe, Mr. Potter

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

ALSO PRESENT: Mr. Reich, Mr. Kimball, Mr. Papsin, Mr. Neff, Mr. Szymanski, Mr. Aragi, Mr. Clark, Mr. Egan, Mr. Lecher, Mr./Mrs. Gutierrez, Mr. Lufkin, Mr. Sears, Ms. Rabinowicz, Mr. Underwood, Mr. Fowlkes, Mr. Wilson, Atty. Fisher,

Mr. George, Atty. Coploff, Residents

SHOW CAUSE HEARING

Howard Family Trust/99 West Shore Road/Unauthorized Wall and Lake Shore Work

Mr. Picton called the Show Cause Hearing to order at 6:22 p.m. and seated Members Bedini, Hill, LaMuniere, and Picton and Alternate Thomson for the vacant seat. Mr. Picton noted Mr. Howard had constructed stone stairs on the lake shore and had been ordered to remove them and to stabilize the bank. He reviewed the 8/9/07 enforcement order and explained the purpose of the hearing was to give the property owner an opportunity to explain why the enforcement order should not remain in effect. Mr. Howard was not present and it was noted he had not signed a certified mailing receipt. Mr. Ajello said the DOT had also contacted Mr. Howard because the unauthorized stairs were located in the state right of way. Mr. Ajello circulated photos of the work done. Mrs. D. Hill noted Mr. Howard had not yet paid his citation.

MOTION: To close the Show Cause Hearing for Howard Family Trust/99 West Shore Road/Unauthorized

Work Along Lake Shore. By Mr. LaMuniere, seconded by Mrs. Hill, and passed 5-0.

Mr. Picton closed the hearing at 7:27 p.m.

PUBLIC HEARING

Abella/44 Scofield Hill Road/#IW-07-35/3 Lot Resubdivision/Con't.

Mr. Picton reconvened the Public Hearing at 7:30 p.m. and seated Members Bedini, Hill, LaMuniere, and Picton and Alternate Thomson for the vacant seat. Mr. Picton read the list of documents, which had been submitted since the last session of the hearing.

Mr. Szymanski, engineer, described in detail all of the points in his 8/7/07 letter, which addressed Land Tech's 7/6/07 review of the application. These included measures to provide additional protection from potential erosion and sedimentation and clarification of construction details. Mr. Szymanski noted the conservation easement had been extended along the western and the northeastern boundary and he reviewed the Deed of Conservation Restriction, dated 8/10/07. Mr. Picton noted that the right to conduct agricultural activities such as planting vegetables and orchards, haying, and constructing barns and paddocks in the conservation easement area would be counter to the objective of preserving the wooded buffer. Mr. Szymanski deleted these uses and initialed the revisions. The commissioners agreed the other uses listed as permitted and prohibited in the conservation easement were appropriate. Mr. Szymanski said he added a note on the Record Resubdivision Map, R.1, regarding the water rights of

others and had referenced the documents submitted by Mrs. Johnson's attorney. He also stated a detailed construction sequence, which includes a preconstruction meeting on site, had been submitted. Mrs. D. Hill asked if the Town had accepted the conservation easement. Mr. Szymanski said the Planning Commission would ultimately decide this matter. Mr. LaMuniere thought the conservation easement language should come back to the Inland Wetlands Commission for a final review after action by the Planning Commission. Mr. Picton stated the proposal included mitigation as well as protection from direct impacts to wetlands and said the Commission must consider whether that mitigation and protection were adequate. Mr. Szymanski discussed feasible and prudent alternatives. He said the 12 buildable acres of upland soils could be accessed only by crossing two watercourses. He said that two box culverts could have proposed, but instead a bridge would span the first crossing to lessen the chance of adverse impacts downstream. Mr. Picton pointed out, however, there still would be direct impacts to the wetlands. Mr. Szymanski responded that a seepage envelope had been proposed for the second crossing, the open space proposed was double the amount required by the Subdivision Regulations, the concerns of the downhill neighbors had been addressed, and the entire wetland area and steep upland areas were proposed to be protected. Mrs. D. Hill asked if a note had been added to the map that there could be no activity within 100 feet of wetlands and watercourses. Mr. Szymanski said this was covered in the conservation easement, but he offered to add a note: "See conservation easement language." Mr. Picton noted the map should be referenced both in the conservation easement language and the driveway agreement. He asked that the Site Development Plan be filed on the Land Records because that is the document that governs the use of the land. Mr. Szymanski agreed to file the following maps on the Land Records; SD.1, SD.2, D.1, and OSD.1 as well as the conservation easement and driveway agreement. Mrs. D. Hill asked if all of the maps show the 100 ft. line for the upland review area. Mr. Szymanski said they did. Mr. Kimball, adjoining property owner, asked if there were feasible and prudent alternatives to disturbing the wetlands. Mr. Picton said that had been discussed and there was not any other way to reach the buildable portion of this property. Mr. Kimball asked how much open space was proposed. Mr. Szymanski said 7.7 acres of the 18 acre parcel would be open space. Mr. Kimball asked how far from the boundary lines the new homes could be built. Mr. Szymanski pointed out the feasible building sites and Mrs. J. Hill noted that future owners could apply to locate the houses elsewhere. Mr. Kimball asked if a new house could be built 50 feet from his property line and he was informed this would be possible under the Zoning Regulations. Mr. Szymanski was asked again to add a note on the map that there may be no activity within 100 feet of wetlands without a permit from the Inland Wetlands Commission. He did so and initialed and dated the revision. Mr. Kimball said there was an intermittent stream flowing to the corner of his property that was not shown on the map. Mr. Szymanski and Mr. Ajello said they had walked the property and this was not so. Mr. Kimball gave Mr. Szymanski permission to inspect his property and it was agreed that if evidence of an intermittent stream or other wetlands was found, it would be added to the map. Mr. Papsin, downgrade property owner, asked who would determine whether the driveway required maintenance under the driveway agreement. Mr. Szymanski said it would be by mutual agreement of the two property owners. Mr. Picton asked if the detention basins along the driveway could be made permanent. Mr. Szymanski said this was possible and crossed out the references to temporary basins on the plans. It was noted the Commission wanted corrected maps and grantee approval for the file.

MOTION: To close the Public Hearing to consider Application #IW-07-35 submitted by Mr. and Mrs. Abella for a 3 lot resubdivision at 44 Scofield Hill Road. By Mr. LaMuniere, seconded by Mrs. Hill, and passed 5-0.

Mr. Picton closed the public hearing at 7:27 p.m.

These hearings were recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Picton called the meeting to order at 7:28 p.m. and seated Members Bedini, Hill, LaMuniere, and Picton and Alternate Thomson for the vacant seat.

MOTION: To add the following subsequent business to the agenda: Other Business: G. Shepaug Realty, LLC./46 June Road/Request to Release Bond, H. Administration 1. EO Job Description, 2. Commission Objectives, and 3. Procedures for New Violations. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

The July 11, 2007 Public Hearing - Regular Meeting minutes were accepted as corrected.

Throughout: The spelling of Mr. DiBenedetto's name was corrected.

P. 1: The spelling of emptying was corrected.

P. 2: 14th line: Change: "in spring" to: "in the spring season."

P. 2: The spelling of confirmation was corrected.

P. 2: Bottom paragraph: It was noted Ms. Purnell had not resigned; she had declined to be reappointed.

P. 4: Top motion: 4th line: Add: "passed" after the vote.

P. 4: Sullivan: Line above motion: Change: "berm" to "pond."

P. 5: Hochberg: 3rd line: Insert: "building" before "area."

P. 5: Allen: 4th line: Change: "being" to "is."

P. 6: Lecher: 5th line: Change: "to the brook" to "from the brook."

P. 6: Brown: 4th line: Insert: "new stone wall" before "work."

P. 6: Brown: 7th line: Insert: "for that slope" after "equations."

P. 8: Pasquale: 3rd line: Change: "proposed" to "proposal."

P. 8: Andersson: 6th line: Insert: "in wetlands" after "mowing."

MOTION: To accept the 7/11/07 Public Hearing - Regular Meeting minutes as corrected. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

The following site inspection minutes were accepted as corrected: 1) Aragi/7/16/07 - No time of departure was given. 2) Allen/7/16/07 - No time of departure was given and in paragraph 2, "agreed" was changed to "commented," 3) Lecher/7/16/07 - It was noted that in paragraph 2, "level with North Shore Road" should have been, "the north side of the property on West Shore Road." 4) Brown/7/16/07 - 5th line: "NE corner" should be "SE corner." Add the following sentence to the end of paragraph 1: "It was also observed that some of the fill placed behind the wall appeared to have eroded between the rocks and wall into the lake." 4th paragraph: 1st line: Change: "new wall" to "unapproved wall." 2nd line: Delete: "which." 3rd line: Change: "right edge" to "east edge."

MOTION: To accept the 7/16/07 Aragi site inspection minutes as corrected. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 7/16/07 Allen site inspection minutes as corrected. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 7/16/07 Lecher site inspection minutes as revised. By Mr. Picton, seconded by Mr. LaMuniere, and passed 5-0.

MOTION: To accept the 7/16/07 Brown site inspection minutes as corrected. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Pending Applications

Walsh/95 Roxbury Road/#IW-07-32/Clean Out and Maintain Pond, Install Thermal Heating System: Mr. Neff, engineer, submitted plans revised to 8/10/07, which deleted the proposed thermal heating system. He explained the simplified proposal was to dredge the pond to 8 feet deep without expanding it in size. Mr. Picton asked if there were provisions for the maintenance of a biologically varied shoreline. Mr. Neff said a 1:3 side slope was planned so that natural vegetation would establish itself. Mr. Neff noted the 500 yards of excavated material would be dewatered in an area south of the pond and then trucked off site. He reviewed the work sequence and construction details, which included draining the pond first, installing a temporary settling basin at the west end, and capping off the inlet pipe. Mrs. D. Hill thought it was good that a planting plan was included, but questioned why only larger trees and no smaller understory were proposed. Mr. Picton suggested it would be better for the ecology of the pond if one third was left at the existing depth. Mr. Ajello recommended that one third of the shoreline be left in natural vegetation.

MOTION: To approve Application #IW-07-32 as submitted by Ms. Walsh to Clean Out the Pond at 95 Roxbury Road per the plan, "Pond Cleanout Plan," by Mr. Neff, revised to 8/10/07 subject to the following conditions: 1. one third of the basin shall not be deepened and will only be cleaned of accumulated organic matter and the side slopes shall be no greater than 1: and 2. one third of the shoreline on the south side of the pond shall be left with native vegetation within 10 feet of the pond and there shall be no lawn in that area. By Mr. Picton, seconded by Mr. Bedini, passed 5-0.

Abella/44 Scofield Hill Road/#IW-07-35/3 Lot Resubdivision: Mr. Picton noted that Mr. Szymanski, engineer, would update the maps to reflect the changes made during the public hearing. It was noted that the grantee for the conservation easement was not known at this time, but that 1) if there was no grantee the conservation easement would not be valid and 2) if there was no satisfactory grantee, the Planning Commission would not approve the resubdivision application. Mr. Picton noted the following factors had been considered by the Commission as it had reviewed the application: 1) potential environmental impact, 2) feasible and prudent alternatives, 3) the relationship between short term and long term impacts, and 4) mitigation. He said the engineered plans minimized potential downstream damage, the proposal would not threaten other properties, wetlands, or watercourses, and the function of the stream corridor was protected by both the engineering and the conservation easement. Mr. LaMuniere agreed the engineering minimized the potential adverse impacts and noted that given the nature of the property, there were no feasible and prudent alternatives.

MOTION: To approve Application #IW-07-35 submitted by Mr. and Mrs. Abella for a 3 lot resubdivision at 44 Scofield Hill Road per the plans submitted by Arthur H. Howland & Assoc., P.C., 11 sheets, EC.1 - dated 2/13/07, R.1 - revised to 5/7/07, OSD.1 - revised to 8/3/07 with additional revisions made at the 8/15/07 meeting, SD.1 - revised to 8/3/07 with additional revisions made at the 8/15/07 meeting, SD.2 - revised to 8/3/07, DR.1 - revised to 8/3/07, DR.2 - revised to 8/3/07, SES.1 - dated 2/13/07, D.1 - revised to 8/3/07, D.2 - revised to 8/3/07, and D.3 - dated 8/3/07 and per the Deed of Conservation Restriction, dated 8/10/07 and revised at the 8/15/07 meeting and the Driveway Easement and Maintenance Agreement, dated 8/10/07, and revised at the 8/15/07 meeting subject to the following conditions: 1) that the Deed of Conservation Restriction and the Driveway Easement and Maintenance Agreement shall be revised as agreed upon at the 8/15/07 meeting and the responsibility for the enforcement of the conservation restriction accepted by the Town of Washington, 2. a bond of \$10,000 to ensure wetlands protection during construction shall be submitted prior to the commencement of construction, 3. 40 scale site plan drawings with construction details; OSD.1, SD.1, SD.2, and D.1, the revised Deed of Conservation Restriction, and the revised Driveway Easement and

Maintenance Agreement shall be filed on the land records in the Town Clerk's Office, 4. the sediment basins shall be permanent features and this and other revisions agreed upon at the 8/15/07 meeting shall be included on the revised site plan, which shall be resubmitted to the Commission for final review, 5. the applicant's engineer shall reinspect the adjoining property to the east for wetlands and regulated features and if necessary, amend the maps accordingly, and 6. condition #5 must be completed before the permit is issued. By Mr. Picton, seconded by Mr. Charles, and passed 5-0.

Allen/158 Popple Swamp Road/#IW-07-38/Construct Pond: Mr. Neff, engineer, noted the repair of a 50 ft. section of a stone wall in the regulated area had been added to the application. He also proposed to add an indoor pool addition to the south side of the dwelling near the soil stockpile area. The addition was approximately 150 ft. from existing wetlands, but only 80 ft. from the proposed pond. Mr. Picton noted the Commission had only reviewed plans for the pond and had no details such as final grading lines, the amount to be excavated, and the extent of the construction activity for the addition.

MOTION: To approve Application #IW-07-38 submitted by Mr. Allen to construct a pond and repair a 50 ft. section of the stone wall at 158 Popple Swamp Road per the plan, "Proposed Pond Plan," by Mr. Neff, revised to 7/20/07 with the condition that the proposed addition to the dwelling requires a separate application. By Mr. LaMunier, seconded by Mr. Bedini, and passed 5-0.

James Calhoun House, LLC./156 Calhoun Street/#IW-07-39/Drainage Improvements: The plan, "Drainage Improvements," by Mr. Neff, revised to 8/13/07 was reviewed. Mr. Neff, engineer, proposed to replace the existing stone culvert that directs runoff from the road to the wetlands because it is partially collapsed. The existing stone box culvert would be removed and replaced with a similar sized culvert pipe, which would exit at the same point it does now. Mrs. D. Hill asked if this would accelerate the runoff. Mr. Neff said the runoff is not able to flow through the pipe now. Mrs. Hill asked if the runoff would cause erosion at the discharge point. Mr. Neff replied that the area is well vegetated. He noted the flow could be accelerated through the smoother pipe, but added the flow was dependent on the Town culvert. Mr. Picton noted the existing stone culvert creates an opportunity for recharge and that the goal should be wetlands protection, not efficiency. He asked whether measures such as a level spreader, rain garden, or infiltration system could be installed. Mr. Bedini asked why it was necessary to change rather than just repair the existing drainage system. Mr. Neff said there was a series of holes in the ground where the runoff comes up out of the ground. Mr. Picton noted the discharge point was only 12 feet from the wetlands and so asked that alternatives be considered. He also noted that the property owners had maximized their use of both the non regulated area and some of the regulated area. He recommended a site inspection so that the Commission could better understand the objectives of the proposal. A site inspection was scheduled for Tuesday, 8/21/07 at 4:00 p.m. Mr. Neff noted there were two other places where the culvert could discharge; 1) above the manmade pond in the wetlands or 2) into the more natural wetlands area to the east. Mr. Neff described other work proposed. The driveway apron would be crowned to handle the runoff from the Town road and the driveway would be constructed with a more permeable material, a washed gravel bed with a pea stone cover, to allow as much infiltration as possible. Mr. Neff stated the driveway would need a catch basin and that it would have an oil separator collect oil and grease.

Aragi/9 Wilbur Road/#IW-07-40/8 Lot Subdivision: Mr. Aragi and Mr. Clark, engineer, were present. A site plan entitled, "Woodridge Estates," was reviewed. Mr. Clark reported the Planning Commission had expressed concern about the proposed layout and had denied the application without prejudice. Mr. Clark asked the Commission for recommendations on how to proceed. The commissioners noted they had not been able to see much on the site inspection due to the thick vegetation and because there were no precise markers on site. Mr. LaMunier said they had found an intermittent stream that had not been shown on the map and he asked for more information on the proposed drainage system. Mr. Picton noted the applicant proposed to redirect water that would have been dispersed over the entire site and

asked what the impact of concentrating the flow would be. He asked if any mitigation would be proposed. He also noted that an open space subdivision would impact less of the property. Mr. Ajello noted the current drainage problems on Couch Road and said work done on this property could have impacts down grade. Mr. Bedini asked the applicant to consider the use of rain gardens and rock lined swales for infiltration. Mr. Clark noted that many town road ordinances require curbing and don't permit open swales for drainage. The applicant said he would withdraw the current application in order to consider a different subdivision configuration. Mrs. J. Hill advised him the withdrawal must be submitted in writing. Mr. Picton said he appreciated the applicant's willingness to decrease the scope of the development footprint to leave more areas undisturbed, especially on steep slopes above wetlands.

Etherington/49 Wheaton Road/#IW-07-41/Dry Hydrant: Mr. Ajello reported the application was for a typical dry hydrant installation and that he found no problems with the proposal.

MOTION: To approve Application #IW-07-41 submitted by Mr. Etherington to install a dry hydrant at 49 Wheaton Road on the basis of the WEO's recommendations and with the condition that the WEO supervise the work. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Lecher/47 West Shore Road/#IW-07-42/Garage Addition, Resurface Dock, Rebuild Stairs: Mr. Lecher reviewed his plans, "Proposed Three Car Attached Garage," revised to 8/15/07. The revisions included the addition of a swale behind the top retaining wall, arrows to show the direction of the drainage flow, and a stone diffuser at the discharge point. He said the diffuser would prevent the runoff from eroding the end of the wall. Mr. Bedini noted the Commission had previously asked for the following additional information: 1) depth, width, slope, and direction of water, 2) cross section of the swale, and 3) a detailed sequence of construction. Mr. Lecher said that all of this information except the cross section was already on the plan; he said he had not been advised that a cross section was required. Mr. Lecher left to draw the construction details that had been requested and said he would return later in the meeting.

Mr. Thomson left the meeting at 9:00 p.m.

Stiteler/262 West Shore Road/#IW-07-43/Boathouse: Mr. Coploff represented the applicant. It was noted an 8 ft. X 8 ft. shed without a foundation to be anchored with two 24 inch augers and a bike chain was proposed. A portion of the map, "Site Analysis Plan," by Mr. Alex, dated June 2007 with the boathouse drawn in by hand was reviewed. Mr. Ajello circulated current photos of the site and it was noted that they showed the approved planting plan had not been carried out. Mr. Picton noted that at the last meeting the Commission had asked for a more accurate plan. Mr. Copland said the owners wanted the shed to be located on the beach, but that it could be located anywhere and could be frequently moved. He said the owners wanted the boathouse located between two existing trees. Mr. Picton said there was a more detailed plan done for the 2000 landscaping application and asked that that map be reviewed to make sure that approval was properly carried out. The map, "Proposed Shore Front Improvements," by Mr. Sabin, dated 7/20/2000 was reviewed. Mr. Picton asked that the proposed location of the boathouse be shown on the map to scale. He noted that no disturbance of soil was proposed, but asked if the property was located in a flood plain. He said the Commission did not normally approve new buildings in wetlands or on land subject to flooding. Mr. Coploff said the shed would be on skids so there could be some flow underneath. Mr. Bedini noted the Commission was concerned about the use of pressure treated materials near the lake. Mr. Ajello noted that fuels might be stored in the shed and Mr. Picton thought this was a good reason why it should not be located in an area that floods. Mr. Ajello presented a photo dated 10/05 that showed the property flooded up to the road. Mr. Picton asked if there was a portion of the site not subject to flooding where the shed could be located. Mr. Ajello said there was a high water level along the entire property and asked if it could be built on stilts with free flowing water underneath. Mr. Bedini pointed out that the problem with stilts is that excavation would be required and he also noted that if the property is in a flood plain there are

Town ordinances that would apply. Mr. Picton asked if the Lake Waramaug Task Force had any applicable guidelines and noted if a public hearing was held the Commission would have the opportunity to receive input from experienced residents. He recommended the Commission consult with Mr. McGowan of the Task Force and Mr. Frank of the Lake Waramaug Assoc. for guidance. It was noted that if a public hearing was held, it should commence at the September 12th meeting. Mr. Ajello suggested that the applicants request an extension of time for the scheduling of the hearing to give themselves time to provide all the necessary information. Mr. Bedini noted the information needed included: 1) exact location shown to scale on the map, 2) distance to shore, property lines, and road, 3) flood plain elevation in relation to proposed building elevation, and 4) specifics on the proposed building materials. Also needed was information about the Town Floodplain ordinance and a consultation with FEMA. It was noted this same information would be required for the zoning application. Mr. Coploff said he would not request an extension at this time because the applicant might decide to apply for a permanent structure instead.

Lecher/47 West Shore Road/#IW-07-42/Garage Addition, Resurface Dock, Rebuild Stairs/Con't: Mr. Lecher noted he added the following information to the plans revised to 8/15/07: 1) labeled the footing drain outlet, 2) added a note that the slope varies, 3) specified the slope for the retaining wall, and 4) provided specifications for the drainage swale; a) 12 inches deep, 18 inches wide, b) added a note that it follows the existing grade, c) added an arrow to indicate direction of flow. He initialed and dated all revisions and reviewed the construction sequence. Mr. Picton recommended a \$3000 bond for erosion control protection.

MOTION: To approve Application #IW-07-42 submitted by Mr. Lecher for a garage addition, dock resurface, and stair repair at 47 West Shore Road per the plan, "Proposed Three Car Attached Garage," by Mr. Lecher, as revised by hand at the 8/15/07 meeting with the condition that a \$3000 bond be posted prior to the start of construction. By Mr. Bedini, seconded by Mrs. Hill, and passed 4-0.

New Applications

Sarjeant/28 Tinker Hill Road/#IW-07-44/Install Dry Hydrant: Mr. Ajello noted the hydrant would be installed in the lake near an area where there is a natural spillway off the road. It was noted that no action could be taken until the next meeting.

Charvillat/96 Roxbury Road/#IW-07-45/Repair Dam: Mr. Neff, engineer, presented his map, "Dam Repair Plan," dated 7/22/07 and submitted photos of the site. He proposed to repair the 18 ft. long, 2.5 ft. wide, 2 ft. 8 in. tall dam, saying the purpose was to create backwater to feed into a 4 inch pipe. A typical cross section was included in the plans. Less than 50 yards of material would be excavated and the pipe was already in place. Mr. Picton asked Mr. Ajello to make sure the application was complete and to inspect the site and report to the Commission at the next meeting.

Palone/84 West Morris Road/#IW-07-46/Construct House: Mr. Neff, engineer, noted the lot was an existing subdivision lot and presented the map, "Soil Erosion and Sediment Control Plan," dated 8/3/07. He reviewed the plans for a house to be located in a former sand and gravel pit and a driveway using the existing access, which is approximately 20 feet from wetlands. Photos of the site were circulated to show the area in the vicinity of the wetlands. A site inspection was scheduled for Tuesday, 8/21/07 at 4:30 p.m.

Renick/12 Green Hill Road/#IW-07-47/Replace Retaining Wall: Mr. Neff, engineer, explained the existing pressure treated wood retaining wall next to the Shepaug River bridge is failing. He noted it was located in an area, which drops steeply and is very close to the river. A sketch map was reviewed. Mr. Neff proposed to leave the old wall in place, dig out behind it, install a 3 ft. high wall of small precast concrete blocks, and then take down the old wall. Mr. Neff noted there was a footing drain pipe nearby and a gutter drain that would be rerouted. He said all of the work would be done by hand. Mr.

Picton asked for a cross section and for a detailed written description of the work to be done. The commissioners will inspect the site on their own prior to the next meeting.

Town of Washington/5 East Shore Road/#IW-07-48/Aesthetic Improvement: Mr. Underwood, agent for the Village Improvement Society, and Ms. Rabinowicz, soil scientist, were present. Mr. Underwood said he had consulted with Ms. Rabinowicz and Mr. Hayden of NCD to draft a plan to open up a view of the falls. The map, "The Town of Washington, 5 East Shore Road," by Mr. Alex, revised to 6/6/07 to show the location of the wetlands was reviewed. Ms. Rabinowicz submitted her "Soils and Wetland Delineation Report," dated May 2007, which included a baseline evaluation of the site and a plan for aesthetic improvements. Mr. Underwood pointed out on the map the extent of the proposed work; 1) removing invasives, 2) cutting off lower branches to provide a view of the falls, 3) planting native species, and 4) maintaining the work done. He noted a tree must be removed from the dam and that he hoped the maintenance work could be done as needed without having to reapply to the Commission. Ms. Rabinowicz explained that not all of the invasives would be removed because that would cause the slopes to erode. She said herbicides would be used by a licensed applicator only in areas that were not close to the water. A site inspection was scheduled for Tuesday, 8/21/07 at 5:00 p.m. There was a brief discussion regarding whether a public hearing was required. A hearing was not set at this time.

Enforcement

Andersson/35-45 Gunn Hill Road/Unauthorized Clearing, Trenching in Wetlands: Atty. Fisher reported that Mrs. Johnson of NRCS had inspected the property four weeks ago, but had not yet submitted a report, and that the survey map would be updated and a soil scientist would investigate the areas about which the Commission was concerned. He said Mr. Andersson would conduct no further regulated activities until the matter had been resolved. Mr. Picton noted that both wetlands restoration and farm management plans were needed. He said, too, that if the plans were not received soon, the Commission would have to proceed independently.

Other Business

Brown/127 West Shore Road/Request to Amend Permit #IW-06-25: Mr. Wilson, engineer, explained the request was to allow a portion of the unauthorized work, construction of a wall from the stone stairs to the east end of the property that had exceeded the work approved in #IW-06-25, to remain in place. He submitted photos of the completed work and described how the work actually done compared to what had been approved. The site plan, "Lake Wall Renovation," by Mr. Wilson, revised to 5/10/06 was reviewed. He noted that 65 ft. of the unauthorized work had been removed. Mr. Picton said he had observed that the new fill behind the new wall had eroded into the lake because the work had been done without an approved plan and no sediment barrier had been installed. Mr. Wilson stated there had been limited migration and that the new vegetation had not been established at the time the erosion occurred. Mr. Wilson said the unauthorized work that had been done was not in wetlands soils, was entirely above the water surface and, therefore, not subject to wave action, and the grade changes that resulted had flattened the slope, which would slow the velocity of any runoff. Mr. LaMunier and Mr. Bedini noted the lake was a sensitive area and that while building a dry wall on an existing foundation did not seem serious, the resulting sedimentation was an environmental concern. Mr. Picton noted the new wall did not duplicate the original sloped rough boulder shoreline, resulting in a different habitat and a change to the character of the watercourse. He recommended: 1) a new map be submitted showing both the dock base location and where the stairs were built and that 2) the lake shore east of the dock be restored to a rough bouldered, sloped shoreline. He noted this would mean that 44 ft. of stone wall could remain although only 30 feet had been approved. Mr. Ajello asked Mr. Wilson if he would consider mitigation. Mr. Wilson responded that extensive work was being done to the house across the street; that all roof water would be infiltrated and the driveway heated to eliminate the need for salt and chemicals, but there was no place for mitigation on the lake side of the property within 20

feet of the road. Mr. LaMuniere agreed the water dynamics of a straight wall differed from that of a natural shoreline and said the Commission must be consistent.

MOTION: To deny the request for a revision of Permit #IW-06-25 issued to Mr. Brown to rebuild a retaining wall at 127 West Shore Road and to instruct the EO to require the lake shore to be restored to its condition prior to this activity; the area to be restored runs from 5 feet east of the center of the dock to the east end of the property. By Mr. Picton, seconded by Mr. LaMuniere, and passed 4-0.

Mr. Ajello noted the previously issued enforcement order was invalid because a show cause hearing had not been held within 10 days of its issuance. Mr. Picton asked him to reissue the order, reschedule the hearing, and to work with the property owner in the meantime.

Enforcement

Gutierrez/13 Dark Entry Road/#IW-07-V1/Unauthorized Deposition: Mr. Ajello noted he had sent Mr. Gutierrez a notice of violation and he circulated photos of the site. Mr. Gutierrez presented a map of his property and pointed out the area behind his stone wall where there was a 2 foot drop and where he had deposited 2 or 3 yards of material. He said he removed the material when he received the notice of violation and did not propose to do any additional work. Mr. Ajello recommended the Commission issue a citation because although the work was minor, it had been done within 100 feet of a wetland. Mr. Picton noted that until now the Commission had only issued citations when the work was done in wetlands or when it had resulted in a direct impact to the wetland. It was agreed a citation would be issued. Mr. Gutierrez asked if he could extend his stone wall 20 feet. He was advised to submit an application.

Other Business

Berger/392 Nettleton Hollow Road/Request to Amend Permit#IW-02-07: Mr. Egan, contractor, and Mr. George, engineer, were present. The map, "Drainage Plan," by CCA, dated 8/13/07 was reviewed. It showed the work done on site did not comply with the approved permit. Mr. George noted that most of the driveway drainage work that had not been approved was out of the regulated area, although the drainage discharged into the brook. A retaining wall with yard drains discharging to a 12 inch pipe with a rip rapped apron was constructed along the east edge of the driveway and a small catch basin was installed. Also HVAC units were installed within 75 ft. of wetlands and retaining walls were constructed in back of the house. The approved drainage swale along the driveway was not constructed. The map of the work actually done was compared with the plan that had been approved. Mr. George pointed out an area where there is a minor erosion problem, but said this would stop when the driveway was paved. He submitted calculations regarding the velocity of the discharge from the pipe installed. Mr. Picton noted there would have been recharge in the approved grassed swale and a slower path to the stream. He recommended sending the revisions to Land Tech for review because the Commission was not qualified to judge whether the two drainage systems were equivalent in terms of water management, infiltration, increase in peak runoff, and other categories of water issues. Mr. Ajello noted resolution of this matter was holding up the C of O for the house. After a brief discussion about posting a bond, it was decided the revised plan would be sent to Land Tech to determine whether it was comparable to the approved plan.

Myfield, LLC./7 Mygatt Road/Request to Amend Permit #IW-05-54: Mr. Ajello explained the road design originally approved for this project included hardened shoulders with cellular block pavers, but crushed stone shoulders were installed instead. Mr. Picton noted the purpose of the pavers was to reduce the impervious surfaces as much as possible. The 8/9/07 letter from Mr. Neff, which stated the crushed stone was more absorbent, was read. Mr. Fowlkes, applicant, noted the road would remain processed gravel, the crushed stone would not pack, and that grass was already growing up through the crushed stone on the shoulders. It was the consensus that the crushed stone would function as well as

the pavers.

MOTION: To approve the request by Myfield, LLC. to amend its Permit #IW-05-54 issued to construct 13 dwellings at 7 Mygatt Road to permit road shoulders of crushed stone. By Mr. Picton, seconded by Mrs. Hill, and passed 4-0.

Sears/43 Cook Street/Request to Revise Permit #IW-07-24: The map, "Brook Bank Stabilization Plan," by Mr. Neff, revised to 8/10/07 was reviewed. Mr. Sears reported that Mr. Neff, engineer, recommended that an additional 24 feet of blocks be installed along the streambank to prevent erosion behind the existing boulders. The new section of wall would tie in with the previously approved section. Mr. Bedini noted that during the site inspection the commissioners thought the wall should have been extended. Mr. Sears advised the commissioners that the disturbed area would be limited because it would be accessed from the existing driveway.

MOTION: To approve the request by Mr. Sears to amend Permit #IW-07-24 issued for streambank stabilization at 43 Cook Street to extend the work 24 feet. By Mr. LaMunier, seconded by Mr. Bedini, and passed 4-0.

Adams/233 West Shore Road/Resurfacing-Remodeling of Concrete Dock: Mr. Ajello circulated a photo to illustrate that the resurfaced dock was now larger than the Commission had anticipated. He said the plans indicated the dock overhang would vary, but did not specify there would be a large overhang on the float. Mr. Picton noted that while the Commission requires an applicant to build according to the permit issued, in this case there was no adverse impact to the lake, in fact, the additional shade was a good thing. It was the consensus that Mr. Ajello should send Mr. Adams a letter telling him he has exceeded his permit and issue a citation.

DiBenedetto/212-214 Calhoun Street/Restoration of Understory: Mr. Ajello noted that Mr. DiBenedetto had paid the consultant's bill. He said he had discussed bond requirements with him, but there had been questions about the scope of the work the bond was to cover. He also noted that Mr. DiBenedetto had contacted the DEP and his own consultants and had learned that there are state grants available for removing invasives. Mr. Picton noted the bond would ensure the restoration per the approved plan and the supervision of the work by the Commission's consultant. Mr. Ajello thought the \$8500 estimate from Mr. Jontos was for the development of the restoration plan, but did not include supervision or the work itself. Mr. DiBenedetto had also questioned the specific area to be covered by the plan. It was agreed that intensive management was needed and so the commissioners thought a \$20,000 bond should be posted to secure the development of the restoration plan by their consultant, the restoration work itself, and the overseeing of the execution of that plan by the consultant. Mr. Ajello was directed to send an enforcement order to Mr. DiBenedetto to order him to correct the damage done. A show cause hearing was scheduled for 6:45 p.m. on 9/12/2007.

Howard Family Trust/99 West Shore Road/Unauthorized Work on Lake Shore: It was noted a show cause hearing had been conducted earlier in the evening. Mr. Howard will be ordered to remove the stairs and will be issued two citations.

MOTION: To keep the enforcement order issued on 8/9/07 to the Howard Family Trust for unauthorized work on the lake shore in effect. By Mr. Picton, seconded by Mr. LaMunier, and passed 4-0.

Enforcement

The following items are detailed in the 8/15/07 Enforcement Report:

King/14 New Preston Hill Road: Mr. Ajello said he did not identify any wetlands concerns and will make sure the owners take the proper precautions.

Drakely/59 River Road/Unauthorized Clearing/#IW-07-V1: The notice of violation was not claimed and so was mailed a second time.

Moore/25 Litchfield Turnpike: Mr. Moore had removed half of the unauthorized fill, but has not yet paid his citation.

Tulkoff/48 Hinkle Road/Unauthorized Clearcutting/#IW-07-V2: Mr. Ajello circulated photos of the clearcutting. Mr. Picton noted the work stopped 70 ft. from wetlands, there is not much slope, and efforts to stabilize the area have already begun. Mr. Ajello recommended a citation and it was agreed it should be issued.

Reinhardt/Perkins Road: Mr. Ajello noted Mr. Childs has not returned his calls. A site inspection was scheduled for Tuesday, 8/21/07 at 5:30 p.m.

Rubler/240 Wykeham Road: The owner will request a revision of his permit to eliminate the tennis court and put the pool where the court was going to go. The commissioners asked that this item remain on the Enforcement agenda.

LeVande/137 West Shore Road/Unauthorized Trench, Installation of Pipe/#IW-07-V4: Mr. Ajello circulated a photo of the unauthorized work. A citation was issued on Mr. Ajello's recommendation.

Administrative Issues

Mr. Picton noted due to the late hour these would not be discussed in detail at this time.

1) The revision of the fine schedule to increase fines was considered. Mr. Bedini recommended the schedule used by Roxbury; fines up to \$500 for unauthorized work in upland review areas and up to \$1000 for unauthorized work in wetlands. It was thought the Commission has enough good judgment and expertise to differentiate between major and minor violations and to set the fines accordingly. Atty. Zizka will be asked to review this proposal. Since the fines are governed by ordinance, the proposed revision would have to be approved at a Town Meeting.

MOTION: To pursue adoption of the Town of Roxbury model for fines; up to \$500 for unauthorized work in the upland review area and up to \$1000 for unauthorized work in wetlands. By Mr. Picton, seconded by Mr. Bedini, and passed 4-0.

2) The EO Job Description and Addendum were circulated. Mr. Bedini explained that the Job Description is a more general document requiring input, review, and approval by many Town officials, whereas, the Addendum included details pertaining to the Inland Wetlands Commission and could be more easily revised whenever the Commission thought it was necessary. Mr. Picton noted the Commission's past inability to effectively communicate to the EO what it wants done and how it should be done and thought the Job Description and Addendum would be helpful. Mr. Picton asked the commissioners to study these documents so they can be discussed at the next meeting.

3) Procedures for new violations are being worked out. The commissioners asked that orders be sent out immediately to violators to ask that violations be corrected rather than waiting for the Commission to discuss these matters first.

Shepaug Realty/46 June Road/Request for Release of Bond: Mr. Ajello will inspect the property with Mr. LaMuniere to determine whether the area is stable and the bond should be released.

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

Mr. Picton adjourned the meeting at 12:16 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator