

October 10, 2007

MEMBERS PRESENT: Mr. Bedini, Mrs. Hill, Mr. LaMuniere, Mr. Picton, Mr. Thomson

ALTERNATE ABSENT: Mr. Potter

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Rebillard, Atty. Fisher, Mr. Andersson, Mr. Beroz, Mr. Sabin, Atty. Kelly, Mr. Neff, Mr. Carlson, Mr. Titman, Atty. Cava, Mr. Hart, Ms. Martin, Atty. Olson, Mrs. Janco, Mrs. Crumrine, Mr. Matthews, Residents

SHOW CAUSE HEARING

Andersson/34-45 Gunn Hill Road/10/2/07 Enforcement Order

Mr. Picton called the show cause hearing to order at 6:45 p.m. and seated Members Bedini, Hill, LaMuniere, Picton, and Thomson. He then read pertinent portions of the 10/2/07 Enforcement Order, which listed the violations on the property.

Atty. Olson, representing Ms. Martin, adjoining property owner, submitted a copy of a Petition for Intervention, dated 9/23/07.

Atty. Fisher, representing Mr. Andersson, responded to each of the orders in the 10/2/07 document. #1: Atty. Fisher said originally the owner had totally ceased all actions as had been requested, but had since undertaken emergency farm maintenance, each time with the OK of the WEO. #2: Atty. Fisher objected that Mr. Andersson was being required to pay for the cost of the Commission's consultant, particularly because the cost of \$7500 was too high. #3: A soil scientist had been retained to map the wetlands and watercourses, although he had not mapped all the areas on the property referred to in the order. #4: Atty. Fisher maintained this was not relevant to the Andersson property as there had been no steep slopes or streambanks involved, noted that this was the first time he had been informed that a long term plan for the monitoring of invasives was required, and strongly objected to the order that no rocks or soil could be disturbed because this was a farming operation requiring the disturbance of rocks and soil. Mr. Picton clarified that the Commission would discuss only activities in the wetland regulated area.

The alleged unauthorized activities were discussed. 1) Stone Patio: Atty. Fisher stated the stone patio had definitely been located within the regulated area and possibly on compromised wetlands soils. He agreed it should not have been installed without zoning and wetlands permits. 2) Clear Cutting: Mr. Anderson hired Mr. Sabin, landscape architect, and Mr. Beroz, soil scientist, to investigate the charge that he clear cut in wetlands. He stated he had selectively thinned some trees in an area that he was not convinced was wetlands. He said he had done all the work by hand, had used no heavy equipment, and that the existing farm road had nothing to do with the removal of these trees. 3) Trenching Wetlands: Mr. Andersson had dug out sediment by hand from the stream every year except 2006. In 2007 a worker had shoveled it out. He said the maintenance of the stream was part of the farming operation in this field, which had historically been used for agriculture. 4) Filling in Drainage Ditches: Mr. Fisher said that in what was now lawn area there had previously been washed out areas and several ditches that had drained into the pond. When he purchased the property, Mr. Andersson had placed pipes in these ditches and filled them in for easier maintenance of the area. Lawn had been planted and one ditch added in the corner. Currently the lawn is mowed and there is a vegetated buffer zone around the pond. 5) Removal of Material Near the Pond: Mr. Andersson said there had been two mounds of material to the east of the pond, both overgrown with invasives and that they had consisted of a combination of garbage and dredged material. These were removed with a tractor. The sediment was spread in a field and planted with wildflowers and the rocks were used for the patio and for repair of

the stonewalls. He said neither he nor his employees knew this area was considered wetlands.

Atty. Fisher noted that at the last meeting the Commission had focused on a restoration plan. He argued that it did not make sense to restore the area adjacent to the pond to its pre 2000 condition because it was a compromised wetlands at that time. Mr. Picton agreed that it should not be restored to its pre 2000 condition, but he pointed out that the scope of the work went beyond where the old piles were, that there had also been disturbance on the north and possibly south side of the pond. Mr. Ajello agreed there had been soil disturbance, cutting, and wheel ruts on the north side. Mr. Picton said the Commission was interested in the restoration and maintenance of wetlands functions in this area.

Atty. Fisher said he had asked Mr. Sabin for an alternate proposal because he objected to a review by Land Tech because 1) it was too costly, 2) Land Tech was being involved based on inaccurate complaints, and 3) the work being requested of Land Tech was well beyond what was needed. Mr. Picton noted the language in the enforcement order could be modified, especially those sections that used standardized language. He said the purpose of this hearing was to determine whether the enforcement order should remain in effect and details about alternatives and language would be discussed during the meeting.

Mr. Andersson again detailed the work he had done by hand and pointed out the areas in which it was done on the map, "Property/ Boundary Survey," by Mr. Alex, dated October 1998 and revised to 1/25/2000. Mr. Picton said the Commission wanted its consultant to advise it about what kind of top coverage would be appropriate for the restoration of this area.

Mr. LaMuniere questioned whether the field where the trenching had been done had, indeed, been recently used for farming as there were rushes growing there. Mr. Andersson again said the stream had been cleaned out every spring and that Mr. Cherniske, a previous owner, had done so every year until the property was sold. He said the field had been used as a cow pasture, he had plans to use it as a hayfield, and he would keep cattle away from the stream to preserve the water quality.

Mr. Picton noted the Commission had asked the applicant to get recommendations from the USDA regarding which areas would be best for farming and which would be best left as wetlands. He said Mr. Andersson had previously agreed to work with the Commission to restore and enhance the wetlands, but had not followed through. Mr. LaMuniere pointed out a USDA plan had been requested by the end of June, but had not yet been received. Therefore, the Commission would now rely on its consultant, although Mr. Picton hoped that all parties would work together on a solution. Regarding the cost, Mr. Picton said that only necessary work would be done and that some of the bond would be used to cover restoration activities so he did not think that the amount should be reduced. He reviewed Land Tech's estimate of the work it would do and said it focused on the Commission's areas of concern.

Atty. Fisher said he would agree to keep the Enforcement Order in effect with respect to #1, but that he strenuously objected to the balance of the order because the Commission had not yet heard about the mitigation plan proposed by Mr. Andersson. Mr. Picton noted for the record that Atty. Fisher objected to #2 through #4 in the 10/2/07 Order.

MOTION: To close the Show Cause Hearing to consider whether the 10/10/07 enforcement order issued to Mr. Andersson for violations at 34-45 Gunn Hill Road should remain in effect. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

Mr. Picton closed the hearing at 7:37 p.m.

This Show Cause Hearing was 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 7:38 p.m. and seated Members Bedini, Hill, LaMuniere, Picton, and Thomson.

MOTION: To include subsequent business not already posted on the agenda. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

The 9/12/07 Regular Meeting minutes were accepted as corrected.

P. 2: Paragraph under second motion: Change: "inclement weather" to "increasingly heavy rain."

P. 2: Under James Calhoun House: Line 15: Delete: "the change in location of the second pipe."

P. 8: 12 lines from bottom: Change: "referred" to "restored."

P.12: Under DiBenedetto: End of Line 3: Change: "a" to "the."

P.13: Motion under Fine Schedule: last phrase: Change: "Commission" to "Wetlands Enforcement Officer."

P.13: Change: "WEO Job Description and Addendum" to "Draft WEO Procedures" and throughout the paragraph change "addendum" to "draft."

MOTION: To accept the 9/12/07 Regular Meeting minutes as corrected. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 9/18/07 Jackson site inspection minutes as written. By Mrs. Hill, seconded by Mr. Picton, and passed 4-0-1.

Mr. LaMuniere abstained because he had not attended

The 9/18/07 Laffont site inspection minutes were accepted as corrected. The correct address should be: 128 Calhoun Street.

MOTION: To accept the 9/19/07 Laffont site inspection minutes as corrected. By Mr. Picton, seconded by Mr. Bedini, and passed 4-0-1.

Mr. LaMuniere abstained because he had not attended

Pending Applications

Stiteler/262 West Shore Road/#IW-07-43/Boathouse: Atty. Kelly asked for an extension to November 21 to give the applicant time to comply with the requests made by the Commission at the last meeting. He noted the Zoning Commission would hold a public hearing on this application on October 22 and that when the zoning setback issued was resolved it might make the Wetlands application moot. Mr. LaMuniere reminded the applicant that flood elevation data is required.

Sargeant/28 Tinker Hill Road/#IW-07-44/Install Dry Hydrant: Mr. Picton noted that at the last meeting there had been almost no documentation on file. Mr. Ajello said he had asked the Fire Dept. for more accurate maps. Because the 65 day time frame in which to act on the application would expire before the next meeting, it was the consensus to deny the application and to inform the applicant he could resubmit when ready.

MOTION: To deny Application #IW-07-44 submitted by Mr. Sarjeant to install a dry hydrant at 28 Tinker Hill Road due to the lack of adequate information. By Mrs. Hill, seconded by Mr. Thomson, and passed 5-0.

Renick/12 Green Hill Road/#IW-07-47/Replace Retaining Wall: Mr. Neff presented the plan, "Retaining Wall Replacement Plan," dated 9/4/07, which included a sequence of construction. He said

the existing wall would be shorn in place, used as a catchment wall during the hand placement of the new modular wall, and taken out when the new wall was complete. Construction details were discussed. Mr. Picton asked if the old wall had tipped out due to freezing or hydraulic pressure. Mr. Neff stated that the old wall had not been dug into the ground and that the new wall would be dry set with spaces for the ground water to flow through and with returns on both ends. He also noted there were footing drains around the building so there wouldn't be too much space for any water to collect. Mr. Picton asked if the installation would be supervised and Mr. Neff said it would. Mr. Picton asked Mr. Ajello if the construction sequence was adequate, but Mr. Ajello said the map had just been submitted. It was the consensus that conditions of approval should be that Mr. Ajello should review all of the plans and that no loose soil should be placed down slope of the existing wall.

MOTION: To approve Application #IW-07-47 submitted by Mr. Renick to replace the retaining wall at 12 Green Hill Road subject to the EO's review of the revised plans and materials, "Retaining Wall Replacement Plan," by Mr. Neff, dated 9/4/07 and the 10/10/07 discussion with Mr. Neff and with the condition that no loose soil may be placed down slope from the existing retaining wall. By Mr. LaMuniere, seconded by Mr. Bedini, and passed 5-0.

Sutter/251 West Shore Road/#IW-07-49/Renovate Lake House: It was noted the Commission had no questions at the last meeting, that all the proposed work would be on the existing shell, and that there would be no disturbed soil. Mr. Carlson, contractor, stated there would be no resurfacing of outside surfaces. A photo of the structure was circulated.

MOTION: To approve as submitted Application #IW-07-49 submitted by Mrs. Sutter to renovate the lake house at 251 West Shore Road. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

Jackson/55 Old North Road/#IW-07-50/Single Family Dwelling: Mr. Neff, engineer, said the plans would be revised to make the house more compact and to keep the proposed development farther from the wetlands as was discussed at the site inspection. He noted, too, that the driveway route might be changed.

Laffont/128 Calhoun Street/#IW-07-51/Driveway and Conduits: Mr. Titman, architect, and Mr. Neff, engineer, were present. The map, "Proposed Site Plan," by Mr. Neff, dated 8/30/07 and revised to 10/11/07 was reviewed and compared to previous maps dated 1/15/02 and 7/16/02. Mr. Picton said he wanted to determine how the existing driveway got so close to the wetlands. Mrs. D. Hill noted that the Commission had known the location of the wetlands when Mr. Beck had originally applied to create the lot and said the driveway had existed at that time. Mr. Ajello noted the older maps showed "approximate" wetlands locations and said the driveway had been installed closer to them than was shown. It was noted there had also been a lot line revision that appeared to have been approved by the Commission in June 2002 and that had affected the driveway location. The discussion ensued regarding whether the unapproved change in the driveway location adversely impacted the wetlands, and it was the consensus that it had little effect on wetlands protection. It was agreed that the changes in the driveway plans as listed below in the motion should be made conditions of approval. It was noted that 18 inch headwalls for the stream crossing had been previously approved and that the current application was very similar, but would extend them slightly on both sides of the culvert.

MOTION: To approve as submitted Application #IW-07-51 submitted by Mr. and Mrs. Laffont to install a driveway and conduits at 128 Calhoun Street per the site plan by Mr. Neff dated 8/30/07 and revised to 10/5/07 subject to the following conditions: 1. the length of the driveway shall be paved from Calhoun Street to below the first curb and all sections with a grade over 5% shall be paved, 2. the first catch basin at the first curve shall have a 2 ft. deep sump, and 3. the revisions to the map shall be filed on the Town Land Records before the permit is issued. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

New Applications

Barnet/32 Sabbaday Lane/#IW-07-52/Reconstruct Barn: Mr. Ajello recommended a site inspection, which was scheduled for October 16 at 4:00 p.m. The plans and map, "Historic Barn Reconstruction," by CES Civil Engineering, revised to 9/28/07 were reviewed. It was noted the proposal was to reconstruct the barn to use as a dwelling and to pull it slightly back from the wetlands. The barn had been 55' X 30' and the proposed structure 42' X 30'. Mr. Picton asked if the owner had considered moving the barn to another location on the property farther from the wetlands. Mr. Ajello said there were zoning setbacks to consider, also. Mr. Picton thought both could be met elsewhere on the property by moving the building to a more conforming location.

Carron/58 Gunn Hill Road/#IW-07-53/Dredge Pond: Mr. Picton disqualified himself because the property owners were his clients. Mr. Bedini chaired this portion of the meeting. Mr. Sabin, landscape architect, presented his map, "Proposed Pond Maintenance Dredging," dated 10/3/07. He proposed to dredge the pond to the contours shown on the plan unless mineral soils were hit first. The north end of the pond would be deeper for cooler water. 1500 to 1600 cubic yards would be removed, dewatered, spread in the area northwest of the pond, and then planted with wetland vegetation. Mr. Sabin noted some material would be taken off site and he pointed out the temporary construction access. In addition, he proposed a dry channel with a bridge to oxygenate the water as it flows from the wet meadow to the pond. Some excavation for the channel through the meadow would be required. Mrs. D. Hill requested that the silt fence be labeled the limit of disturbance on the map. A landscaping plan, untitled, dated 10/3/07 was also reviewed and Mr. Sabin briefly described the landscaping proposed, which included a 6 ft. buffer around the meadow and selective thinning of trees. A site inspection was scheduled on 10/16 at 5:00 p.m.

Mr. Picton was reseated at 9:04 p.m.

Fisher/66 Calhoun Street/#IW-07-54/Landscaping: Mr. Sabin, landscape architect, presented the plan, "Proposed Wetland Garden and Pond Enhancement," dated 10/2/07. The plans included taking down the weeping willow, creating a stony channel to pick up the seeps in the area, planting native wetlands plants, creating a shrub swamp, providing an upland buffer on the uphill side of the pond, dredging the pond, placing rocks nearby to make it look more natural, and constructing a stone retaining wall. All of the work would be done by hand except the excavation of the channel. Mr. LaMunier questioned whether the proposed channel would drain the wet meadow. Mr. Sabin said it would not be large enough to do so and that it would be fed from a large area. Mr. Picton said the Commission would look at this closely because no dewatering would be permitted. A site inspection was scheduled for 10/16 at 4:30 p.m.

Adams/233 West Shore Road/#IW-07-55/Extend Wall, Plant Hedge, Install Fence: Ms. Zinick represented the property owner. She pointed out the proposed locations of the 4 ft. high, 160 ft. long cedar picket fence and the 4 ft. high hedge on the map, "Site Plan," by Mr. Cheney (no seal), dated January 2007 and revised to October 2007. She said she had found an old photo that showed the stone wall was once extended as proposed. She presented a cross section of the dry wall, noted the stockpile location for materials, said only 5 to 10 yards of stone at a time would be brought to the site, and said it would take 2 to 3 weeks to rebuild. A site inspection was scheduled for 10/16 at 5:30 p.m. Ms. Zinick said she would have stakes up for the inspection.

Other Business

MOTION: To add to the agenda: Adams/Request to Revise Permit #IW-07-10 to relocate the inground pool at 233 West Shore Road because it was inadvertently left off the agenda. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

Adams/233 West Shore Road/Request to Revise Permit #IW-07-10/Pool Relocation: Ms. Zinick reviewed the site plan by Mr. Cheney, revised October 2007. She proposed to move the pool to the rear of the house, noting a retaining wall, stairs, and pool fence were included in the plans. She noted the pool equipment was located inside the house and added this note to the plan. She said the original pool location in front of the house would be returned to lawn. Mr. Ajello noted this would be an overall reduction in impervious surface.

MOTION: To approve the request submitted by Mr. Adams to revise Permit #IW-07-10 to relocate the inground pool at 233 West Shore Road per the plan submitted. By Mrs. Hill, seconded by Mr. Picton, and passed

5-0.

Enforcement

Andersson/34-45 Gunn Hill Road/10/2/07 Enforcement Order: Copies of the 10/2/07 Order were circulated and the Commission discussed whether it should remain in effect and if so, whether it should be modified. Point #1 of the Order had already been agreed to by Atty. Fisher and Mr. Andersson. Atty. Fisher had objected to Point #2, saying that there was an alternate plan that would not require a costly review by Land Tech. Atty. Fisher said he had understood earlier in the meeting that Mr. Sabin would have the opportunity to present this alternative proposal before the Commission decided whether to modify the order and said he wanted Mr. Sabin's report entered for the record. He argued that referral to the Commission's consultant should not be included in the Enforcement Order and that only "reasonable" amounts could be charged to the property owner for this type of referral. Mr. LaMuniere noted that Mr. Andersson had been asked to submit a plan by June and since this hadn't been done, the Commission was now trying to move forward to resolve the matter. Regarding Point #3, the Commission agreed the base map was adequate, but a soil scientist was still required to map the areas of clearing and drainage disturbance and the wood road location. Therefore, #3 did not need modifications. It was agreed to modify the language in Point #4 to change "site" to "wetlands and upland review areas." The discussion returned to Point #2 because the property owner continued to object to its terms. Mr. Picton offered to send Mr. Sabin's full report to the consultant, but Atty. Fisher said he wanted the report on the record now. Mr. Sabin noted he had inspected the site twice, had discussed it with Mr. Beroz, soil scientist, and had studied the aerial photos. He said since the wetlands at the east end of the pond had been impacted for a long period and the area where the patio was built was compromised in terms of wetlands functions and values before it was built, he recommended mitigation. He said invasives were starting to grow in the area that had been thinned in the shrub swamp in the vicinity of wetlands flags #59 and #60. He thought the invasives could be removed and a deep pool created in the upland woods to offset the wetlands lost in other areas and that this mitigated area would exceed the quality of the area impacted. In the area where pipes had been installed and ditches filled he recommended the creation of a wider buffer of herbaceous growth along the wetlands fringe and restricting the mowing here to one or two times a year. He said this mitigation plan would work with the existing wetlands and would be a way for the farmer and Commission to work together to resolve the matter. He thought it would be more prudent and less expensive if this plan was reviewed by Land Tech rather than to have Land Tech develop its own plan. Atty. Fisher stated the owner was aware that the implementation of this plan would require an Inland Wetlands permit. Mr. LaMuniere said the mitigation proposal did not address the area where the hay field had been trenched. Mr. Picton agreed, and said the Commission wanted to hear from a qualified professional whether this field would have more value as a hayfield or as a restored wetlands. Atty. Fisher stated the Regulations allow this kind of agricultural use in wetlands. Mr. Picton responded that Mr. Andersson had stated his intent to work with the Commission and to protect wetland resources. Atty. Fisher then asked why the Commission thought the area to the north of the pond had been clear cut. Mr. LaMuniere noted there

were cut stumps and evidence that machinery had been used there. Mr. Sabin said the trees had been thinned, not clear cut. Mrs. J. Hill suggested that the problem might be that everyone was not using the definition of clear cutting found in the Regulations and Mr. Picton then read that definition. Atty. Fisher said Mr. Andersson had not cut down the majority of the trees, nor had he destroyed the ecology of the area. Mr. Picton noted the commissioners' observations found that the area had been significantly altered and recommended that everyone read the Petition for Intervention as it mentions that two of the functions of the wet meadow were to retain and to store water and to provide continued water for agriculture on the property below. It was agreed that Mr. Sabin should work on more detailed plans to send to Land Tech who would use them in its review. Mr. Sabin asked that the owner submit the plan and Land Tech comment on it, but Mr. Picton said Land Tech would incorporate the plan in its review if it was useful and the two parties would work together. Atty. Fisher again argued that this was beyond the Commission's Regulations. He asked that all the material in the Andersson file going back to March including the photographs, the soil scientist's report, and Mr. Sabin's report and map be sent to Land Tech. Land Tech's cost estimate was reviewed. It was noted the \$7500 estimate was low because it would bond only Land Tech's work and none of the restoration costs. Mr. Picton suggested a bond of \$8000 to cover both. Atty. Fisher objected. Mr. LaMuniere noted the Land Tech review was necessary because the Commission never received the reports it requested from the owner and because there were issues that weren't addressed in Mr. Sabin's proposal.

MOTION: To keep in effect the 10/2/07 enforcement order issued to Mr. Andersson for violations at 34-45 Gunn Hill Road with revisions as discussed to narrow the definition of "site," to require the owner to post an \$8000 bond to cover consulting fees and restoration, and to encourage the Commission's consultant, Land Tech, to receive input from the owner and work to achieve the most efficient solution possible. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

After the vote was taken, Mr. Sabin, who noted he had served on the Commission as well as appearing before it, commented that he thought the Commission had set a bad precedent by asking Land Tech to work concurrently with the owner's consultant to develop a plan because applicants are supposed to present data and the Town is supposed to review that data.

Carter/292 Walker Brook Road (141 Shinar Mountain Road)/#IW-04-V8/ Repair of Retaining Wall: Mr. Hart, engineer, and Atty. Cava discussed the 10/1/07 report by Milone and MacBroom regarding the retaining wall on the Carter property. Mr. Hart summarized the report noting that the issue addressed was that the wall had not been constructed precisely as shown; it was more vertical than the stepped back wall in the approved plans. He noted that the upstream town culvert had been installed "askew" and was aimed at the east bank downstream, which had resulted in erosion problems. The report concluded that the existing wall does not appear to be adversely impacting flood management along Walker Brook, is adequately designed, and will prevent further erosion. Mr. Hart said that an early problem had been that there was not enough protection at the toe of the wall so large concrete blocks had been placed there. The report recommended that these be removed and replaced with natural 12 inch minimum cobbles to slow the flow and recreate a natural stream bottom. Mr. Picton asked him to be specific about which blocks were to be removed. Mr. Hart said that those that weren't tied in should be taken out. Mr. Picton asked for clear written instructions for the contractor and for the exact area where the stones were to be placed, how much stone should be used, what the optimum sizing would be, volume of the area to be filled, etc. He also asked that the work be monitored. The capacity of the channel and stream flow were discussed. Mr. Picton asked if the entire stream corridor had been examined and whether it had been determined there was ample room for the stream flow. Mr. Hart said it had and that no negative impacts had been found. A second recommendation of the report was that top soil should be added on top of the wall and shade tolerant grass planted. Mr. Ajello asked if the removal of the blocks and the deposition of the cobbles could be

done from outside the channel. Mr. Hart thought probably not due the trees and branches on the east bank, but the Commission stipulated that if the work must be done from the brook, the contractor must come back to the Commission for another review. Atty. Cava suggested this could be done more efficiently through the Enforcement Officer and the Commission agreed. Mr. Hart noted that his company has observed more and more cases of streambank erosion caused by larger and more frequent storm events and so recommended the Town put the enlargement/replacement of the upstream Walker Brook culvert on its list of projects to do. After a brief discussion, the Commission set a bond of \$3000 and a dead line for the completion of work by the end of 2007. Atty. Cava agreed to the deadline because the Commission said it would be willing to grant extensions if necessary. Atty. Cava also recommended that regarding the wall construction details that the original permit be amended to clear up the future record.

MOTION: Regarding Carter/292 Walker Brook Road (141 Shinar Mountain Road)/#IW-04-V8/Repair of Retaining Wall, to accept the wall as built and described in the 10/1/07 material submitted by Milone and MacBroom subject to the following conditions: 1. that the owner implement the recommendations by Milone and MacBroom and Mr. Pollack to the extent that their reports do not conflict, 2. that Milone and MacBroom shall provide more specific information regarding the stone size, volume, size of area of deposition, etc. of the cobblestones to be placed in the river, 3. that the owner post a \$3000 bond to secure that the work will be properly completed by the end of 2007, and 4. that no excavating equipment shall operate in the channel. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Janco/11 June Road/Unauthorized Excavation, Stairs/#IW-07-V9: Mr. Ajello circulated photos of the work done. Mrs. Janco stated she was a first time home owner, had not realized an Inland Wetlands permit was required for this work, had put in new stairs because the old ones were unsafe, and presented photos of the unsafe conditions before the "repairs" were done. She said the poured concrete stairs had been repaired, but that platforms were added to store kayaks and for a future Jacuzzi. She also stated the stairs were necessary to get down the steep bank from June Road to the house. Mr. Picton noted a drawing of the proposed improvements and an accurate map were required. Mr. Picton asked Mr. Ajello to look through Town files for a map of the property and to make recommendations regarding stabilization measures. Mr. LaMunier asked if a silt fence was needed. Mr. Ajello said he would inspect the site and make this determination.

Crumrine/206 Litchfield Turnpike/Shed/#IW-07-V5: Mrs. Crumrine stated that tenants had erected a 6' X 8' shed without her knowledge. She noted it was on blocks on the driveway and that the Health Dept. had advised her that as long as it was on blocks and under 200 sq. ft. it could go anywhere on the property. She presented the 9/10/07 site plan on which she had marked the small area on the property where a shed could be located in compliance with the zoning setback requirements. This did not include the present driveway location and all of the area was within 100 feet of a wetlands or watercourse. Mr. Picton asked if the area was in a flood plain. Mr. Ajello said it was not. He also stated there would be no impact to the wetlands if the shed was placed in this area. The Commission asked Mrs. Crumrine to make a diminimis application for the shed.

MOTION: Regarding Crumrine/206 Litchfield Turnpike/Shed/ #IW-07-V5, to authorize the WEO to sign off on a diminimis application for the relocation of the shed in the highlighted area on the map dated 9/10/07 on the basis that the shed is only 6' X 8', it will have no foundation, there will be no ground disturbance, it will not be located in a flood plain, and there will be no adverse impact to the wetlands. By Mr. Bedini, seconded by Mr. LaMunier, and passed 5-0.

Matthews/50 Painter Ridge Road/Unauthorized Excavation, Trench/ #IW-07-V8: Mr. Matthews explained that a cable TV trench had been dug through wetlands along the driveway, that the work was done in three hours, and that the disturbed area was seeded and hayed the same day. Mr. Ajello circulated photos. It was the consensus to send a citation.

Beck/132 Calhoun Street: It was noted that Mrs. Corrigan was satisfied that the invasives had been properly removed from the wetlands on this site. There was a brief discussion regarding whether the EO had the authority to return bonds. It was noted the EO should make a recommendation regarding whether the bond should be released and the Commission would then decide whether to return it.

Brown/127 West Shore Road/Unauthorized Work Along Shore Line: Mr. Picton noted there had been no change on site. Mr. Ajello said he would reissue the enforcement order and time it so the Show Cause Hearing could be held on 11/14/07. Mr. Picton did not think this should wait so long because by then it would be too late to remove the unauthorized work before winter. Later in the meeting this matter was discussed again. Mr. Ajello was asked to notify Mr. Brown immediately that the unauthorized stone wall would have to be removed and then to send the enforcement order out with the correct timing.

DiBenedetto/212-214 Calhoun Street/Restoration of Understory: Mr. Ajello reported that Mr. DiBenedetto had posted a \$10,000 bond; \$6400 for Land Tech's work and the remainder to bond the restoration work.

Aldredge-Daly/300 West Shore Road/Rebuild Lake Shore Wall/ #IW-07-V6: Mr. Ajello and Mr. Thomson had inspected the site and had determined that the reconstruction of the wall was a regulated activity in a regulated area, that the wall had previously existed, and that it had been rebuilt in its original location. Mr. Picton asked if it had been built up by placing fill behind it. Mr. Ajello said it was top dressed only. A citation will be issued.

Howard/99 West Shore Road/Unauthorized Slope Disturbance and Construction of Stairs: Mr. Ajello said he sent Mr. Howard a second citation and that the enforcement order sent had requested that the stairs be removed. He recommended the order be filed on the Land Records and it was agreed that this should be done.

Drakely/59 River Road/Unauthorized Clearing/#IW-07-V1: Mr. Ajello said he had sent two letters, but had received no response. He will send a citation and if there is no response he will file the notice of violation on the Town Land Records.

Reinhardt/Perkins Road/Execution of Approved Plan: Mr. Ajello noted that Mr. Childs was not present as expected and had not sent a report. Mr. Picton asked Mr. Ajello to advise Mr. Childs that if the work was not done by the end of October, the Commission would hire another contractor.

Town of Washington/Titus Road/River Loop Property: Mr. Ajello reported that the Highway Dept. had flushed out its trucks on the gravel road that slopes down to the river and that the sediment had washed into the river. He recommended that the contaminated stone remaining in the driveway be scooped out and replenished with clean stone. Mr. Picton noted that this was an example of how hay bales don't filter out all harmful materials and asked Mr. Ajello to issue written corrective instructions to the Town.

Cornelio/101 West Shore Road/Unauthorized Excavation, Installation of Conduits/#IW-07-V10: Mr. Ajello circulated photos of several new unauthorized trenches dug to the lake. He said the property owner's contractor had gotten permission from the Health Dept. who had failed to notify him that he was also required to obtain an Inland Wetlands permit to redig the water lines. Mr. Thomson noted that the Commission routinely scrutinizes all work near the lake. It was also noted that the Commission had written to the Health Dept. once before to ask that it refer all property owners proposing activities within regulated areas to the Inland Wetlands Commission. A second letter will be sent, this time to the Director of Health with a copy to the First Selectman. The commissioners noted how important it is that all the departments in Town government work together. As for the property owner, Mr. Picton asked Mr. Ajello to assess whether there had been any damage to the wetlands and to then make a

determination about whether a citation should be issued.

Plourde/33 East Shore Road/Unauthorized Clear Cutting: Mr. Ajello said he had filed the notice of violation on the Land Records.

Steep Rock Assn./River Road/Clearing of "McKennee Field": It was noted the Commission had never received a report about whether there is a vernal pool on the property. Mr. Thomson asked Mr. Ajello to follow up on the Commission's previous request to send Steep Rock a letter to remind it that it is required to apply for permits for activities within regulated areas and that its cooperation would be appreciated.

Fowler/138 Nichols Hill Road/#IW-05-58/Remediation Per Order: Mr. Ajello reported that the work had not yet been completed, but the enforcement order had been filed on the Land Records.

Town of Washington/Tunnel Road: Mr. LaMunier reported that the Town had recently cut many trees along Tunnel Road within 10 feet of the river without getting a permit. He noted that Steep Rock was upset with this maintenance work.

Other Business

Revision of the Fine Schedule: It was noted that the motion made at the last meeting had been referred to Atty. Zizka for review. The wording of the motion was since amended and will be forwarded to Atty. Zizka.

Draft EO Procedures: Mr. Thomson said he had received no input from any of the commissioners since the last meeting. Mr. Ajello was directed to start following the procedures and using the forms. Revisions to the new procedures may be made in the future if it is determined they are needed.

Washington Primary School/School Street/Wetlands Issues: Mr. Bedini, Member of the Board of Education, noted the Primary School is located in the 100 year flood plain, a fact agreed upon by both FEMA and the DEP and confirmed by Mr. Szymanski, engineer, when he plotted its location. It was noted that any exterior work or site work for this school would require an Inland Wetlands permit and that the Commission would not rush through any application just because this is a school. Mr. Bedini asked if the Commission would require the applicant to consider feasible and prudent alternatives. Mr. LaMunier responded that for the cost of the proposed renovation the school could be moved out of the flood plain, and said this should be considered.

Revision of the By-Laws/Quorum: Currently the By-Laws require four members for a quorum, but because the Commission is down to only five members and one alternate who rarely attends, and Mrs. D. Hill goes away during the winter, there was a general concern about having quorums for meetings during the winter. It was decided to decrease the quorum to three like most of the other land use commissions. It was also the consensus to revise the By-Laws to state that commissioners may be removed from office for non participation, noting that such a revision would not be used to manipulate political goals.

Communications

A referral was sent to the Commission concerning a Kent application for driveway improvements, a recreation area, and barn within 500 ft. of the Town boundary line at 72 Lake Waramaug Road, Kent. However, since no maps and no detailed description of the work was included, the Commission was not able to comment.

New Application

Washington Club, Inc./8 Golf Course Road/#IW-07-56/Dredge Pond: This application will be discussed at the next meeting and a site inspection scheduled at that time.

MOTION: To adjourn the meeting. By Mrs. Hill.

Mr. Picton adjourned the meeting at 12:10 a.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator