

December 12, 2007

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

ALTERNATE PRESENT: Mr. Wadelton

ALTERNATE ABSENT: Mr. Potter

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

ALSO PRESENT: Mr. Lodsins, Mr. Neff, Mr. and Mrs. Klein, Mr. Carusillo, Mr. Coville, Mr. Szymanski

Mr. Hoffman

SHOW CAUSE HEARING

Lodsins/78 Litchfield Turnpike/#IW-07-V12/Unauthorized Excavation in Wetlands

Mr. Picton called the show cause hearing to order at 6:47 p.m. and seated Members Bedini, LaMuniere, Picton, and Thomson and Alternate Wadelton for Mrs. Hill. He noted the purpose of the hearing was to give Mr. Lodsins the opportunity to show cause why the 12/4/07 enforcement order regarding wetlands violations on his property should not remain in effect.

Mr. Lodsins stated the 12/4/07 order had been issued in error. He said that he farms the property, an activity that includes clearing and mowing, that road runoff flows to his property from both Whittlesey Road and Rt. 202, and that the downstream beaver dams cause water to back up onto his property. He noted that although he had talked about these drainage problems at the last meeting, they had not yet been addressed.

Mr. Picton asked about the ditch Mr. Lodsins had dug below the culvert. Mr. Lodsins said he took out material so the runoff would have a place to go; noting he had not dug so near that it would be damaged. Mr. Picton noted that the state directs the runoff off the road and towards the wetlands. Mr. Picton said that by digging out near the culvert Mr. Lodsins had attempted to change the natural flow. Mr. Lodsins said he had to dig out below the culvert because the drain was clogged.

Mr. Picton noted for the record that Mr. Lodsins had ditched approximately 150 feet of marsh, work that went beyond the removal of beaver dams. When Mr. Lodsins said he had only removed the actual dams, Mr. Picton noted there were piles of organic matter along the trench, but no evidence of sticks from a dam. Mr. Lodsins again stated that he had dug up the beaver dams because they had caused water to back up 1000 feet onto his property.

Mr. LaMuniere stated that there was no evidence of a farming operation on the property. Mr. Lodsins said that three sections of trees had been planted and that one section had 15 ft. tall Christmas trees. Mr. Bedini asked if the trees had been deliberately planted. Mr. Lodsins stated that some were only healed in. Mr. Picton noted that an agricultural exemption does not mean that degradation of the wetlands is allowed.

Mr. Lodsins stated that the first work he had done on the property was to remove the junk vehicles that had been left by a previous owner. The commissioners thought there were still many rusty junk vehicles on site, but Mr. Lodsins said he would get them running. Mr. LaMuniere stated there were so many old vehicles that it was really an illegal junk yard, which was polluting the wetlands.

Mr. Picton asked Mr. Lodsins if he had read the enforcement order. Mr. Lodsins said he had and that it was all wrong. Mr. Picton explained it had been based on the observations of the Enforcement Officer and the five commissioners who had attended the site inspection. Mr. Picton again stated that the

commission had found no evidence of a beaver dam in the vicinity where he had dug. Mr. Lodsins said he had taken out the dam on his property and the remaining dams were on downstream properties.

Mr. Ajello circulated photos of the site and said it was important to note there was no justification for the 150 ft. long trench dug down the marsh and/or watercourse. Mr. Lodsins said he had not changed the course of the water and had only excavated the dam.

Mr. Lodsins asked the Commission to help him maintain his property so that he can farm it. He then asked that the hearing be continued so that he could have an attorney present. Mr. Picton responded that the correct notification procedures had been followed and he thought that whether or not an attorney spoke on his behalf, the unauthorized activity was substantial enough so that the Commission would vote to keep the enforcement order in effect. He advised Mr. Lodsins that he could get his attorney involved in the following enforcement proceedings.

Mr. Lodsins said he would get the state involved. Mr. Picton said he looked forward to working together on the resolution of the violation.

MOTION: To close the show cause hearing for Lodsins/78 Litchfield Turnpike/to show cause why the 12/4/07 enforcement order issued for unauthorized excavation in wetlands should not remain in effect. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

At 7:10 p.m. Mr. Picton closed the show cause hearing.

This 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 Regular Meeting to order at 7:11 p.m. and seated Members Bedini, Hill, LaMunier, Picton, and Thomson. He welcomed new Alternate Stephen Wadleton.

MOTION: To add the following subsequent business to the agenda: Other Business: B. Coville/14 Wheaton Road/Revision of Permit #IW-06-30/Addition of Deck and Stairs, C. Draft Procedure for Processing Applications, Communications: A. Approval of 2008 Calendar, and Executive Session to Discuss Pending Litigation. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

The 11/28/07 Minutes were accepted as corrected.

P. 2: Under Barnet: Change: "Mr. Charles" to "Mr. LaMunier."

P. 2: Under Lodsins Site Inspection: 4th line: Change: "overgrown" to "heavily vegetated mounds."

P. 7: Under Bowles: Insert: "apparent" before "wetlands."

P. 7: The correct spelling of Janko and Drakeley were noted.

P. 8: 5th line from bottom: Change: "appraised" to "apprised."

P. 9: Under Peloquin: Mr. LaMunier said he agreed with Mrs. D. Hill that this item should have been added to the last meeting's agenda since the EO was aware of the violation before the meeting.

P. 9: Under Citations: Correct the name to Mrs. J. Hill.

P. 10: 2nd paragraph: End of the last sentence: Add: "...once we have an understanding of the changes proposed."

MOTION: To accept the 11/28/07 Regular Meeting minutes as corrected. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 12/4/07 Potter site inspection minutes as written. By Mr. Bedini, seconded by Mr. Picton, and passed 5-0.

Mrs. D. Hill pointed out that the commissioners should not make decisions in the field. Mrs. J. Hill agreed, noting that due to the Freedom of Information Act, all decisions should be made at Regular Meetings unless properly listed on the agenda of the site inspection notice.

The Reinhardt-Cremona site inspection minutes were accepted as corrected. The inspection date should have been 12/4/07.

MOTION: To accept the 12/4/07 Reinhardt-Cremona site inspection minutes as corrected. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

Pending Applications

Barnet/32 Sabbaday Lane/#IW-07-52/Reconstruct Barn: Mr. Fenn, contractor, submitted a letter of authorization and presented photos of the site. The site plan, "Historic Barn Reconstruction," by CES Engineering, revised to 12/12/07 was reviewed. Mr. Picton noted that at the last meeting the Commission had requested more details on all proposed activities around the construction area in relation to the wetlands on site. Mr. Fenn pointed out the information that had been added to the site development map. 1) Further delineation and measurements for the upper parking area, which would also serve as the staging and work area, were added. 2) Mr. Fenn said the existing foundation would be raised 18" because it is now below road level and must be raised to prevent water damage. Mr. Picton noted that was not included on the plans. Mr. Fenn said the ZBA had approved a variance to increase the height of the foundation by 18" so he would be held to that figure. 3) The reconstructed barn would be 13' shorter than the original and a 13' wide patio was proposed in that area. 4) No changes in contours were proposed. 5) Mr. Thomson asked where the gutter downspouts would be located. Mr. Fenn said they would be installed at both sides of the barn, but Mr. Picton pointed out that the plan showed them at the corners of the patio. Mr. Fenn corrected this on the map. 6) Mr. Picton asked if the limit of disturbance line could be moved so it would be 5' beyond the edge of the patio. Mr. Fenn agreed as there would be no reason for any equipment beyond that line. The 528 contour and stonewall to the south would mark the limit of disturbance except for the proposed septic system shown on the plan. Mr. Fenn also noted that steps to the patio were proposed and shown on the plan. 7) Mr. Ajello noted the issue of underground storage tanks, air conditioners, generators, etc. was covered in Mr. Barnet's 12/11/07 letter. 8) Notes regarding maintenance of the meadow were added as requested at the last meeting. 9) Mr. Picton asked if the driveway would be top dressed with gravel. Mr. Fenn stated it would be topped with crushed stone, but would be maintained at approximately its existing grade. 10) Mr. Fenn noted that piers for the foundation would be dug within the existing walls of the foundation. Mr. Picton noted that the Commission had previously reviewed feasible and prudent alternatives and had determined that either they were not available or they were equally close to the wetlands and would have an equal potential for an adverse impact to the wetlands. It was noted that any changes to the plans as approved would have to come back to the Commission for review.

MOTION: To approve Application #IW-07-52 submitted by Mr. Barnet to reconstruct a barn and convert it to a dwelling unit at 32 Sabbaday Lane per the map, "Historic Barn Reconstruction," by CES Engineering as revised to 12/12/07 by Mr. Fenn, application materials, and Mr. Barnet's 12/11/07 letter, subject to the following conditions: 1. there shall be no new fill below the stone retaining wall to the north of the barn except for the stone steps as shown, 2. the existing driveway and parking area to the south of the barn shall be maintained at the approximate present grade except for surface treatment, 3. the plans as approved show the full extent of the site work approved by the Commission, and 4. a revised map showing the changes made at the 12/12/07 meeting shall be submitted and shall be approved by the Wetlands Enforcement Officer prior to the issuance of the permit. By Mr. Picton,

seconded by Mr. Bedini, passed 5-0.

New Applications

BEC Holdings/204 Wykeham Road/#IW-07-65/First Cut: The map, "Septic System Feasibility Plan," by Mr. Neff, dated 12/5/07, which included wetlands flagged by Mr. Temple, was reviewed. Mr. Ajello noted that although there were wetlands in the rear of the property, there were no activities proposed near them. Mr. Neff, engineer, agreed, saying there were no proposed activities for Parcel B and on Parcel A the area where activities were proposed was between two wetlands outside of the regulated area. Mrs. D. Hill asked if Clark Road was open and maintained by the Town. Mr. Neff said it was open as far as the proposed driveway, but was impassible to the north and was not maintained by the Town. Mr. Ajello said the application was for feasibility only, but Mr. Picton responded that perhaps a division as proposed would necessitate a regulated activity in the future. Mr. Neff thought the lots could be developed without any encroachments in the regulated area. Mr. Picton recommended a site inspection to confirm the conditions shown on the map. Mrs. D. Hill, however, noted that if the Commission voted based on this map with the details shown, if any changes were needed or if it was found to be incorrect, the approval would be invalid. Mr. Picton suggested a provision that no site work may occur without Commission review. There was a brief discussion regarding advisory reviews. Mr. Picton asked why Inland Wetlands would be required to sign a mylar for filing after an advisory review because by doing so it would appear that Wetlands approval had been granted. He will consult with Atty. Zizka on this matter.

MOTION: The Inland Wetlands Commission finds that it appears the first cut proposed by BEC Holdings at 204 Wykeham Road can be accomplished without adverse impact to the wetlands, but requires approval of a detailed site plan and an Inland Wetlands permit prior to any site development on the property. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

Klein-Cannizzaro/285 West Shore Road/#IW-07-66/2 Lot Subdivision: Mr. Neff, engineer, presented the map, "Proposed Site Development Plan," by Mr. Neff, revised to 12/8/07. He noted proposed Parcel A was 63.39 acres with frontage on West Shore, Tinker, and Ash Swamp Roads and Parcel B was 21.56 acres with all of the existing buildings except the pump house. He said the plan was for feasibility only. The only activities shown within 100 ft of Lake Waramaug were the driveway cut and a portion of the driveway. He briefly discussed drainage on Sheet #4 of the plans, stating that there would be several cross culverts under the driveway. He said there was a relatively small drainage area that would flow down a rip rapped swale to the proposed catch basins, which would connect to the existing West Shore Road drainage system. Mr. Picton asked how the driveway might affect wetlands on the adjacent Stiteler-Giddins property and Mrs. D. Hill noted that there had been drainage concerns on the adjoining Weeks property as well. Mr. Picton asked if wetlands had been flagged below the driveway. Mr. Neff said the soils had been taken from the USDA and no on site testing had been done. Mr. Ajello said he had inspected the property along West Shore Road and had not observed any seeps there, but Mr. Picton said an inspection of the land within 100 ft. of the driveway route was needed. Mr. LaMunier also recommended a site inspection, noting that the Commission had found wetlands on the adjoining Stiteler-Giddins property when it had inspected it. Mrs. D. Hill noted it would have been helpful to have a soil scientist's report with the application. When it was suggested that the wetlands be flagged at the time the driveway is installed, Mrs. D. Hill and Mr. Picton said that would be too late because approval now would lock in the proposed driveway route. It was noted there are two other accesses to the property although one would be steep and the other would be approximately 100 feet from wetlands. It was the consensus that the Commission would make a preliminary finding that the proposed subdivision would not adversely impact the wetlands if the WEO and a commissioner inspect the site and determine there are no apparent wetlands near the driveway or near the adjoining Stiteler and Weeks properties. Mr. Picton said the Commission would also stipulate that prior to any on site

construction, detailed construction and stormwater management plans would have to be reviewed by the Commission. Mr. Ajello asked if the driveway could be moved upgrade if wetlands were found. Mr. Neff said that would require the revision of the proposed boundary line. Mr. Thomson noted the driveway cut would be only 60 ft. from Lake Waramaug and so he was concerned about impacts to the lake.

MOTION: The Inland Wetlands Commission finds that it appears the subdivision proposed by Klein-Cannizzaro at 285 West Shore Road per the map, "Proposed Site Development Plan," by Mr. Neff, revised to 12/8/07 can be accomplished without adverse impact to the wetlands subject to a site inspection of the property by the Wetlands Enforcement Officer and one commissioner to confirm there are no apparent wetlands in the vicinity of feasible site development and that if upon inspection they have concerns, then soil testing in the vicinity of the proposed site development will be required before any site work may begin and a more complete plan for the site development and stormwater management will have to be reviewed by the Commission. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Other Business

Colville/14 Wheaton Road/Request to Amend Permit #IW-06-30/Add Deck and Stairs: Colville/14 Wheaton Road/Request to Amend Permit #IW-06-30/Add Deck and Stairs: Mr. Colville presented the map, "Site Analysis Plan," by Mr. Alex, revised to 4/7/06 on which he had drawn in an 8.5' X 8.5' area at the rear of the house, two 3' X 3' air conditioning units on the south side, a wall on the southwest side, and a reconfigured driveway-parking area to the west. He also submitted photos of the current site conditions and explained he needed the rear deck because he could not regrade to bring the ground level up to his sliding glass doors. He did not know the exact dimensions of the proposed back stairs and deck, but said they would meet the building code and would not exceed the 8.5 ft square shown on the map. Mr. Ajello stated that 1) runoff from the house site flows away from the wetlands, 2) all of the changes shown on the map would result in a slight decrease in the amount of impervious surface, and 3) there would be no adverse impacts resulting from the proposed revisions. Mr. Coville said the wall on the southwest side was needed due to the grade change, would be on the uphill side of the driveway, and would not be more than 3.5 ft. high.

MOTION: To approve the revision of Permit #IW-06-30 issued to Mr. Colville to include the construction of a rear deck and stairs, driveway reconfiguration, and front wall at 14 Wheaton Road per the undated hand drawn plans and the "Site Analysis Plan" by Mr. Alex revised by hand by the owner, both submitted at the 12/12/07 meeting. By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Enforcement

Mello/183 Woodbury Road/#IW-07-V11/Unauthorized Bridge and Culvert Work: Mr. Hoffman, contractor, was present, but had no letter of authorization. Mr. Ajello circulated photos of the unauthorized work done along the streambank, explaining that the side walls had been moved out and in front of the culvert so that the sides were no longer flush. He was concerned that this would result in the restriction of the flow of the stream from the culvert. The commissioners read the letter from Mr. Szymanski, engineer, dated 12/12/07. Mr. Szymanski explained that the wing walls installed for the culvert were actually the most efficient way to allow water to flow through the culvert with the least amount of turbulence. He noted, however, that the culvert pipe installed was undersized. Mr. Picton asked if the height of the wall on top of the concrete foundation had been increased. Mr. Ajello said it had. Mr. Szymanski said this could possibly change the driveway height by 6 inches and would mean that a 25 to 50 year storm would probably top the driveway. It was noted the dam was both higher and longer than the original. Mr. Picton asked for flow characteristics and engineering data on the flood waters when they top the driveway. He said he did not want the bank to wash out, said the new wall

would redirect the storm flow, and noted the stormwater would flow with some force due to the change in grade. Mr. Szymanski noted the watershed was over 400 acres and so a box culvert would be needed if a properly sized culvert were installed. Mr. Picton asked for a before and after site plan. Mr. LaMunier asked if the overflow would impact Rt. 47 and asked for a report on how stormwater could be efficiently disposed of without major damage to either the streambank or to Rt. 47. Mr. Picton reminded Mr. Szymanski to bring authorization to the next meeting. Mr. Bedini asked if the Commission could demand that a 4' X 4' box culvert be installed. Mr. Picton said the property owner would have the opportunity to prove that the unauthorized work had not worsened conditions. Mr. Szymanski asked if the Commission would allow the owner to cut off the excess concrete in the wall foundation as he recommended per the drawing in his 12/12/07 letter. It was the consensus that this would be allowed. Mr. Picton asked Mr. Ajello to send the Mellos a citation.

Peloquin/1 New Preston Hill Road/#IW-07-V13/Unauthorized Clearing, Deposition of Material, and Stonework: Atty. Crowe represented Mr. Peloquin, but had no letter of authorization. Mr. Ajello presented photos of the violation and reported that the work had been stopped and the materials removed from the site. Atty. Crowe stated that the owner wanted to get the required Zoning and Inland Wetlands permits and that he now realizes his property is an ecologically sensitive area. He said his client wants to use the property commercially as a garden shop, wants to install a patio, which would cause no increase in stormwater runoff, and is aware of the septic issues on the property. Mr. Picton asked Mr. Ajello if the disturbed soils had been stabilized. Mr. Ajello said that the disturbed area was contained within stonewalls, he had recommended revegetation of the area, and construction of a patio in this location would not be permitted by Zoning. Mr. Picton directed Atty. Crowe to follow Mr. Ajello's recommendation to stabilize and mulch the area, saying the more natural vegetation along the river, the better. He also asked Mr. Ajello to issue a citation. Atty. Crowe asked if the Commission would approve a landscaping plan combining plantings with some stone work as long as erosion controls were implemented during the installation. Mr. Picton responded that a low impact plan with stepping stones and low intensity landscaping with pervious surfaces would probably "work" for the Commission. Atty. Crowe said he realized such a small property could support only limited use and that he would work with the Commission to ensure that use would have a minimal impact on the river. To that end he suggested the installation of a drainage infiltration system. Mr. Ajello cautioned that it might not be a good idea to have groundwater freezing behind the streambank wall. Mr. Picton encouraged streambank buffer plantings to enhance the quality of the river.

Pending Applications

Getnick/237 West Shore Road/#IW-07-62/Repair Stonewall

Madoff/241 West Shore Road/#IW-07-63/Repair Stonewall: It was noted that the Commission was waiting for a report from Milone and MacBroom (M&M) re: walled vs. natural shorelines along the lake. Mr. Ajello said he had received a letter dated 12/11/07, which outlined the scope of the review and provided an estimate. This letter was reviewed by the commissioners. It was noted that per the 12/11 letter M&M would not answer questions regarding specific properties, but would inspect specific sites as examples. Mr. Thomson noted the letter said walls between the high and low water marks would be addressed, but he thought the Commission was also concerned about walls beyond the high water mark. Mr. LaMunier objected to exclusion #4, saying that the Commission needs the consultant to review all the pending applications and enforcement matters and come up with specific recommendations for each. He said the courts would not accept generalities. Mr. Picton disagreed, saying that he thought the Commission needed general recommendations for the entire lakeshore so that the cumulative impacts of walls could be understood and that if the Commission was challenged on a particular site, it could get a specific report from a consultant at that time. Mr. Bedini thought general information could be used in decisions regarding specific sites, but Mr. Thomson thought that specific

information would be required for each site for legal reasons. Mr. Thomson was not sure that the questions submitted to M&M were those that the Commission wanted to ask. It was the consensus that the \$3700 estimate for the M&M report was high. Mr. LaMuniere thought the Commission should ask Dr. Kortmann for further comments. Mr. Bedini did not think the M&M proposed scope for its review specifically addressed the Commission's needs and he said he would consult with state and federal agencies such as the DEP and Army Corps of Engineers. He also thought the burden to prove that a proposed wall would not harm the lake should be the applicant's responsibility. Mr. Ajello was asked to contact Dr. Kortmann for further information and to contact M&M to ask if they could scale down their proposal to provide the Commission with more useful information for less money.

Lautier/56 June Road/#IW-07-64/Thinning, Erosion Controls, Planting: Mr. Ajello recommended that the planting plan discussed at the last meeting be approved. No concerns had been raised at that time.

MOTION: To approve Application #IW-07-64 submitted by Mr. Lautier for thinning of trees, erosion controls, and planting at 56 June Road. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Mrs. D. Hill noted that to be consistent, Mr. Lautier should have been asked for a restoration plan under enforcement rather than for an application because violations should be handled differently than applications.

Enforcement

Anderson/35-45 Gunn Hill Road/Unauthorized Clearing, Trenching in Wetlands: It was noted the Commission was still waiting for Land Tech's report. Mr. Picton asked for it as soon as possible, hoping that it would be in before the next meeting. It was noted that Land Tech had been able to conduct soil tests in the patio area where Mr. Beroz had said the soil was too compacted to test.

Brown/127 West Shore Road/Unauthorized Work Along Shoreline: It was noted the statutory period for an appeal had passed. Mr. Ajello will check to see if the notice of violation was filed on the Land Records.

Carter/292 Walker Brook Road (141 Shinar Mt. Rd.)/#IW-04-V8/Repair of Retaining Wall: Mr. Ajello reported that the work has almost been completed and when done the owner would request the release of the bond.

Crumrine/106 Litchfield Turnpike/Shed: It was noted that an Agent Approval had been granted for the shed. Mr. Ajello said the Crumrines were waiting for the ground to freeze so that the shed could be moved on a skid to its new location.

Janko/11 June Road/#IW-07-V9/Unauthorized Stairs: Mr. Ajello said the hillside had been stabilized and this item could be removed from the agenda.

Kessler/103-105 West Mountain Road/#IW-06-05: Mr. Ajello said he had received a complaint about excessive clearing of the hillside, but when he inspected the site he found no evidence of excessive clearing.

Reinhardt and Cremona/Perkins Road/Execution of Approved Restoration Plan: Nothing more will be done at the site until spring. The planting will require monitoring for two years.

Steep Rock Assn./River Road/Clearing of "McKennee" Field: Mrs. D. Hill noted the field had not been mowed this year. It was also noted that there was no vernal pool on the property.

DiBenedetto/212-214 Calhoun Street/Restoration of Understory: Mr. Ajello reported that the site inspection with Mr. Jontos of Land Tech had not been conducted and that Mr. Jontos did not want to proceed at this time of the year. Mr. Picton suggested that another consultant be hired so that progress

could be made in resolving this matter. It was the consensus of the Commission that the scope of the restoration work should be narrowed down to the violation area. It will be decided at the January 9th meeting whether to hire another consultant.

Lodsin/78 Litchfield Turnpike/#IW-07-V12/Unauthorized Excavation in Wetlands:

MOTION: To keep in effect the 12/4/07 enforcement order issued to Mr. Lodsin for unauthorized excavation at 78 Litchfield Turnpike. By Mr. Bedini, seconded by Mr. Picton, and passed 5-0.

Mr. Picton asked Mr. Ajello if he had contacted the DMV and the DEP. Mr. Ajello said he had left two messages with the DMV, but had not yet contacted the DEP, and noted the enforcement order had been filed on the Land Records. Mr. Picton will consult with Atty. Zizka on the most efficient way to proceed. Mr. Bedini said he would inform the DEP about this matter when he contacts it for information on how walls impact the lakeshore.

Other Business

Potter/Hinkle and Sunny Ridge Roads/Lot Line Revisions: It was noted that a site inspection had been conducted and no wetlands issues were found. It was the consensus that the Commission make a finding that there were no apparent wetlands issues on the property.

Review of Subdivisions, First Cuts, Lot Line Revisions, Feasibility Plans: Mr. Ajello said he had learned that the Commission's role was advisory in these matters and so he thought it would not have to wait for the second meeting before it could approve these plans. Mrs. J. Hill noted, then, that they should not be applied for on regular application forms. It was thought that this should be addressed in the revision of the Regulations and that Atty. Zizka should be consulted about the proper procedure and correct language for the Regs. Mr. Bedini will contact Atty. Zizka.

Revision of the By-Laws: After a brief discussion it was the consensus that the following language would be voted on:

Section 5: An affirmative vote of at least 3 Members shall be required to approve any business.

Section 12: REMOVAL OF MEMBER FOR NON PARTICIPATION: If a Commission member's attendance at Regular Meetings falls below 50% of the scheduled events held over a six month period, without notification and justification satisfactory to the Commission for such absences being provided to the Commission's staff in a timely fashion or if a Commission member fails to complete the DEP's Municipal Inland Wetlands Commissioner Training Program within two years of appointment to the Commission, such Member may be recommended for removal from the Commission's roll by a majority vote of its remaining members. This recommendation shall then be forwarded to the Board of Selectmen for implementation.

MOTION: To approve revisions to the By-Laws: Sections 5 and Section 12 per the 12/7/07 draft and as revised at the 12/12/07 meeting. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

Revision of Ordinance #711: Mrs. Hill noted in her 12/10/07 memo that this ordinance does not cover the Inland Wetlands Commission. Instead, the Commission has its own provisions for collecting consultants' fees for reviews for new applications listed in Section 20, Appendix C of its Regulations. Mr. Bedini suggested that the most efficient way to revise Appendix C so that consultants' fees could also be collected for reviews necessitated in cases of violations and enforcement proceedings would be the following: 1) Change the title, "Schedule of Filing Fees" to "Schedule of Fees." 2) Add under Consultant's Fee and Expenses in A. Upon submission of any of the foregoing applications, "OF IN THE CASE OF VIOLATIONS AND ENFORCEMENT ACTIONS" the Commission.... Mr. Ajello recommended that the language in Section 13 of the Regs match that in Section 20.

Revision of Ordinance #720: The Commissioners reviewed the current versus the proposed language for the Schedule of Fines in Mrs. J. Hill's 12/10/07 memo. She noted she had used the language from the Commission's motion passed in September 2007. Mr. Picton will forward the proposed language to Atty. Zizka for review. Once Atty. Zizka has approved it, Mrs. J. Hill will forward the proposal to the Board of Selectmen.

Revision of the Inland Wetlands and Watercourses Regulations: It was the consensus that when the public hearing is scheduled and the proposed changes made available to the public, both the current text of the Regulations and the complete proposed text will be offered for review. There are so many revisions that can not be compared section by section that it will be impossible to show the proposed additions and deletions using the current text.

Approval of the 2008 Calendar: It was noted that if additional meetings were required during the summer, special meetings could be scheduled.

MOTION: To approve the 2008 Calendar as amended. By Mr. Thomson, seconded by Mr. Picton, and passed 5-0.

Application Review Process: Mr. Thomson asked why the checklist form for processing new applications was not being used. Mrs. D. Hill noted that in the past the Commission would not discuss incomplete applications. Mr. Picton thought the use of this form would save time at meetings. Mr. Ajello said he would begin using the checklist in 2008.

Assigned Task List: It was noted that Mrs. J. Hill had been keeping this list since October. It hangs in the Land Use Office and will be brought to each meeting for anyone who wants to review it. Mr. Ajello was asked to please keep the record for the completion of his assignments up to date.

MOTION: To adjourn the meeting. By Mrs. Hill

Mr. Picton adjourned the meeting at 11:28 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator