

August 9, 2006

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

ALTERNATE PRESENT: Mr. Potter

ALTERNATES ABSENT: Ms. Coe, Mr. Thomson

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

ALSO PRESENT: Mr. Sabin, Atty. Fisher, Mr./Mrs. Lloyd, Mr. DiBiase, Mrs. Beck, Mr. Taylor, Mr. Neff, Mr. Rosiello, Mrs. Branson, Mr. Humes, Mr. Corbo, Mr. Volpe, Mr. DePecol, Mr. Nelson, Atty. Kelly, Mr. Boling, Press

PUBLIC HEARING

Lloyd/149 Whittlesey Road/#IW-06-29/Demolish Existing House, Build New House

Mr. Picton reconvened the hearing at 6:32 p.m. and seated

Members Bedini, Hill, LaMuniere, Picton, and Purnell.

Atty. Fisher noted Land Tech raised no significant concerns in its 7/25/06 review, but said Mr. Sabin had revised his plan to address some minor points raised.

Mr. Sabin, landscape architect, presented his map, "Site Plan for Jill and Michael Lloyd," revised to 8/4/06 and submitted the 8/9/06 letter from Mr. Neff, which confirmed the biofilter basins have sufficient capacity to handle the runoff from a one inch rainfall. He reviewed the revisions, which included: 1) addition of notes re: protection of large trees within the construction envelope, required use of construction fence to more visibly mark the limit of disturbance boundary, and keeping extra silt fencing on site for emergency repairs, 2) addition of recharge galleries for the roof and terrace runoff, and 3) addition of a septic reserve area. He noted the Health Department had approved the construction plans on 7/5/06.

Mr. Picton asked if the footprint of the proposed house had changed. Mr. Sabin said it had not.

Mr. DiBiase, architect, presented the plan, "Foundation Plan Showing Flood Vent Locations," sheet SK-33, by Dibiase Filkoff Architects, dated 7/26/06 and the 8/8/06 letter from Mr. DeBartolomeo, PE, which stated the number of vents proposed was adequate and the proposed modifications would not have downstream adverse impacts. The letter also indicated the addition of terraces had been considered and would not "present any significant adverse impact to flooding." Mr. DiBiase noted calculations had been done, but were not included in the engineer's letter. Mr. Picton asked, then, how the Commission could be sure the correct calculations had been done. Ms. Purnell thought downstream scouring could be an issue.

Ms. Purnell asked if the terraces would be composed of solid fill. Mr. DiBiase said they would be compacted gravel.

It was noted the Building Official would review the plans for compliance with the Building Code for flood plain construction.

Atty. Fisher again stated that Land Tech had found there would be no significant adverse impacts caused by the proposed construction and noted 3400 sq. ft. of existing lawn would be converted to natural buffers.

In response to a question from Mr. LaMuniere, Mr. Sabin pointed out the locations of the five recharge galleries.

Ms. Purnell questioned how it could be guaranteed that the proposed natural buffers would be maintained in perpetuity. Mr. Sabin responded they were shown on the final map and recommended the Commission require that map to be filed on the Town Land Records. Atty. Fisher agreed this would be an effective way to make the maintenance of the buffers binding. Mr. Lloyd asked if this was a normal requirement. Ms. Purnell responded the Commission had done it in the past and had also required that permanent markers be installed to delineate buffer areas on site. It was the consensus of the commissioners that the filing of approved maps on the Town Land Records should become standard procedure.

The widths of the proposed natural buffers were discussed. Mr. Sabin noted they ranged between 40 to 60 feet wide. Mr. Picton asked Ms. Purnell if there were any specs regarding the recommended widths for forested buffers. Ms. Purnell noted the width requirements varied depending upon the resource to be protected and the slope of the land, but said generally within 100 feet was the important buffer area. Mr. Picton noted he was not satisfied with the lack of information regarding what constitutes a functional forested buffer. He thought since the new house was being reconfigured, it was appropriate for the Commission to consider the quality and character of the site. Ms. Purnell noted several publications from the Center for Watershed Protection, including "Site Planning for Urban Stream Protection," and the "CAWS White Paper on Vegetative Buffers," by Mr. Jontos and Mr. Picton asked that they be included in the record.

It was the consensus of the commissioners to close the public hearing.

MOTION: To close the public hearing to consider Application #IW-06-29 submitted by Mr. and Mrs. Lloyd to demolish the existing house and construct a new house at 149 Whittlesey Road. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Mr. Picton closed the public hearing at 7:09 p.m.

REGULAR MEETING

Mr. Picton called the meeting to order at 7:10 p.m. and seated Members Bedini, Hill, LaMuniere, Picton, and Purnell.

MOTION: To add the following subsequent business to the agenda: 1) Enforcement: P. Franco/ 25 River Road/Unauthorized Disturbance in Upland Review Area, 2) Consideration of the Minutes: D. Executive Session - 7/10/06. By Mr. Bedini, seconded by Ms. Purnell, and passed 5-0.

Consideration of the Minutes

The 6/28/06 Public Hearing - Regular Meeting minutes were accepted as corrected.

Page 5: Under Zelman-Defendorf: 15th line from bottom: Add that Mr. and Mrs. Touroczi are Earth Tones, LLC.

Page 6: In motion: 7th line: Change: "the" to: to.

Page 10: 1st paragraph: 3 lines from bottom: Insert: wetlands after "mowed."

MOTION: To accept the 6/28/06 Public Hearing - Regular Meeting minutes as corrected. By Mr. Picton, seconded by Mrs. Hill, and passed 4-0-1. Ms. Purnell abstained because she had not attended the meeting.

MOTION: To approve the 7/5/06 Cohen Site Inspection minutes as written. By Mrs. D. Hill, seconded by Mr. Picton, and passed 4-0-1. Ms. Purnell abstained because she had not attended the meeting.

MOTION: To accept the 7/10/06 Executive Session minutes as written. By Mr. Picton, seconded by Mr. Bedini, and passed 4-0-1. Ms. Purnell abstained because she had not read the minutes.

Pending Applications

Potter/220 Old Litchfield Turnpike/#IW-06=14/Site Development: Mr. Ajello noted no new information had been submitted since the last meeting. The map, "Site Analysis Plan," by Mr. Alex, revised to 3/27/06 with a hand drawn line depicting the extent of the cleared land was reviewed. Mrs. D. Hill noted the Commission had asked for the location of the most recent soil tests. Mr. Ajello pointed out the location of the unauthorized activities on the property in relation to the wetlands on site, noted the area between those activities and the wetlands was approximately 50 ft., and asked if the Commission was satisfied there had been no damage to the wetlands caused by the clearing. Ms. Purnell noted the canopy had been opened and the light would dry the wetland areas. She asked if there were any wetlands within 100 feet of the southern boundary. Mr. Ajello said there were none. Mr. Picton asked Mr. Ajello if any further enforcement action was needed. Mr. Ajello said the cleared areas were filling in, but noted the understory had been trampled in the test pipe area to the east of the driveway entrance. He recommended the current limit of clearing be maintained as the new limit of disturbance line in the current application, but Ms. Purnell did not agree because she thought this would set a bad precedent. There was a brief discussion regarding whether to deny the application because the additional information requested had not been submitted. Mr. Picton noted the Commission wanted the extent of the clearing shown on the site development map. Mr. Potter said there was no application for site development and agreed there would be no further activity within 100 feet of wetlands, no further surface disturbance, and no more clearing until another application was submitted.

MOTION: Regarding Potter/220 Old Litchfield Road/ Application #IW-06-14/Site Development, to accept the extent of the clearing depicted on the hand drawn map with the green line dated 6/14/06 with the stipulation that any areas within 100 feet of wetlands and watercourses are not to be disturbed and shall be allowed to revegetate. By Mr. Picton, seconded by Mr. LaMunier, and passed 5-0.

Lloyd/149 Whittlesey Road/#IW-06-29/Demolish House, Construct New House: Mr. Picton asked whether the Commission was ready to act or needed time to review the file. The commissioners each briefly stated their opinions about the application. Ms. Purnell stated Land Tech's recommendations had been fully addressed and if the plans were approved, additional infiltration would be gained. She recommended that in order to ensure the perpetual maintenance of the mitigation for the increase in impervious surfaces, a condition of approval requiring the approved map to be filed on the Town Land Records. She said she would prefer impervious terraces, but thought the installation of a basin in the terrace would be OK. Mr. LaMunier said he had also been concerned about the increase in impervious surfaces, but thought the proposed galleries would handle the drainage. He also thought all of Land Tech's points had been addressed and that the mylar should be filed on the Land Records. Mrs. Hill and Mr. Bedini agreed with the above remarks. Mr. Picton thought this was a property where there should not be building in proximity to the rivers. He noted the applicant proposed to increase the size of the house and the area of hard landscaping, but were opposed to resiting the house so that the buffers could be increased. They also had not realigned the driveway to reduce its surface along the river and approach the house more directly. Ms. Purnell agreed the rivers were two of the Town's most cherished resources, but pointed out the property currently has a limited ecological function and said she saw the proposed mitigation as a net benefit.

MOTION: To approve Application #IW-06-29 submitted by Mr. and Mrs. Lloyd to demolish the existing house and construct a new house at 149 Whittlesey Road per the plans submitted this evening and revised to 8/14/06 subject to the following condition: that a note be added to the site plan that the motion of approval and revised site plan be filed on the Land Records in the Town Clerk's Office and that this be done accordingly. By Ms. Purnell, seconded by Mr. Bedini, and passed 4-1. Mr. Picton voted No for the following reasons: 1) the size of the house had increased, 2) the amount of hard landscaping had increased, 3) the applicant refused to reroute the driveway so it would approach the

house more directly, and 4) the applicant did not resite the house in a location that would have enabled the size of the buffers to be increased.

Potter/253 Old Litchfield Turnpike/#IW-06-32/2 Lot Subdivision: The map, "Proposed Site Development Plan," by Mr. Neff, dated 6/23/06 was reviewed. Mr. Picton noted the driveway would come within 60 feet of the wetlands, which were mowed already. Ms. Purnell suggested a condition requiring vegetation be planted on the north side of the driveway to help intercept the driveway runoff, but the other commissioners did not think this was necessary. Mr. Ajello noted this was a feasibility plan, that all future proposed activities would require an application, and the drainage could be considered at that time.

MOTION: To approve Application #IW-06-32 submitted by John and Timothy Potter for a 2 Lot Subdivision and development feasibility plan at 253 Old Litchfield Road. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Steep Rock Association/147 Sabbaday Lane/#IW-06-33/Replace Bridge: Mrs. Branson, Director, and Mr. Humes, O and G project manager, were present. Mr. Humes presented preliminary plans, but did not submit them. Mr. Picton noted many questions remained unanswered since the last meeting and asked Mr. Humes if he had written responses to them all. Mr. Humes responded an engineered plan that would take the 100 year flood plain into account was still in the design stage. Mrs. Branson noted the date for the bridge dedication ceremony had been moved back to October 15. She and Mr. Humes wanted an approval as soon as possible so that the construction materials could be ordered. Mr. Picton thought the Commission should wait to further discuss the application until written information was submitted. Mr. LaMunier agreed, saying the engineered specs and written information on materials, access, and equipment were required. Mr. Humes said the only changes to what had been previously discussed were 1) use of a center pier and 2) consideration of the 100 year flood plain. Mr. Potter thought approval based on the submission of stamped engineered plans should be sufficient, but Mr. Picton thought it would set a bad precedent to act before plans and written answers were submitted. Mr. Humes made the following points about the proposed construction:

- The bridge would be constructed of fiberglass. The pressure treated wood discussed at the last meeting was changed to ipe, a renewable resource. Galvanized bolts would be used.
- No widening of or improvements to the access would be needed.
- No additional armoring would be required.
- The work would be done during a low water period and would take five days.
- The center pier would be pre cast off site and then anchored into existing rock with large bolts. Mr. LaMunier asked what kind of rock it was and whether it could withstand the bolts. Mr. Humes said an engineer had inspected it and would determine how to attach the bolts.
- Heavy construction equipment would not operate in the river.

Conditions of approval were discussed.

MOTION: To approve Application #IW-06-33 submitted by Steep Rock Association to replace the bridge at 147 Sabbaday Lane (Hidden Valley) subject to the receipt of a written narrative by the applicant to answer all of the questions raised in the 6/28/06 minutes pertaining to this application and the written response shall be subject to approval by either the Commission or the Enforcement Officer and shall be approved prior to the issuance of the permit. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Mr. Picton noted in the future, written documentation would be required prior to action by the

Commission.

Corbo Associates/40 Nettleton Hollow Road/#IW-06-34/First Cut and Driveway: Mr. Neff, engineer, submitted his revised map, "Proposed Site Development Plan," revised to 8/7/06, which included the addition of 1) a limit of disturbance line for the construction of the house and driveway, 2) a blow-up of the driveway entrance where the stone pillars are proposed, 3) erosion control and sequence of construction notes concerning the installation and monitoring of the silt fence, 4) notes on the regrading and proposed cuts and fills in the steep areas of the driveway, 5) catch basin details, 6) driveway sections, and 7) swale details. Ms. Purnell suggested the house be moved to a more central location to eliminate some of the driveway and get it away from the wetlands. Mr. Corbo said the driveway was proposed along the existing wood road because it was stable and if routed up the hill it would be difficult to get the grades to work. Mr. Volpe stated this was the best area on the lot on which to locate the house. Also, Mr. Neff noted there was a pond and wetlands on the other side of the property so that most of the lot was within the regulated area. Ms. Purnell asked for calculations on the percentage of the lot that was wetlands and upland review area. The driveway construction was briefly discussed. Mr. Neff stated there would be a 12 inch base over geofabric and gravel. Mr. Picton asked for cross sections of the cut and fill areas within the 100 ft. review area and on the steep slopes along the wetland boundary. Mr. Picton reviewed the questions raised on the 7/5/06 site inspection. He asked if the pond had an emergency overflow. Mr. Neff said there didn't appear to be one. Mr. Picton asked that he design one to accommodate the pond overflow across the driveway. Mr. Neff pointed out the proposed stockpile locations and the proposed drainage system on the east side of the driveway. It was the consensus the driveway should be kept as far from the wetlands as possible and at least 10 feet from the bank at the edge of the wetlands. Mr. Ajello thought the wood road should be used when at all possible. Mr. Picton thought that should be the general objective when the driveway would be within 3 feet of the bank above the wetlands. Ms. Purnell anticipated the driveway would cause a continuing adverse impact to the wetlands and watercourse and noted an alternative would be not to divide the property into two building lots. Mr. Picton stated more details were needed before the Commission could act on the application. Ms. Purnell asked for a written discussion of feasible and prudent alternatives. Possible conditions of approval were discussed: 1) where possible, maintaining 10 feet of existing vegetation between the driveway and the wetlands and 2) not permitting any disturbance on the slopes exceeding 20 percent grade on the wetlands side of the driveway. Mr. Corbo stated he understood the proposed development would be a two stage process: 1) first cut and ground work improvements this fall and 2) construction of the house next year. Mr. Corbo and Mr. Volpe submitted a request for a 30 day extension.

New Applications

Mr. Ajello noted the first five of the new applications had been received prior to July 26 and so could be acted on at this meeting if the Commission thought they were complete.

Beck/3 Perkins Road and West Shore Road/#IW-06-35/Replace Dock, Piers

Mr. Neff, engineer, submitted photos of the existing dock and his map, "Dock and Cabin Foundation Repair," dated 7/12/06. Mrs. Beck proposed to remove the part of the concrete dock that is cracked and to repair the existing piers.

Mr. Picton asked if pressure treated wood and poured concrete would be used. Mrs. Beck said cedar would probably be used and that the steel brackets would be reused to hook up the new section. Mr. Picton advised her that if poured concrete was necessary a revision of the permit would be required. He asked if the rocks underneath the dock would be removed. It was noted only the rocks with concrete attached would be removed.

Mr. Neff amended the application form to state the dock would be "reinstalled."

Mr. Ajello recommended the work be done during low water conditions.

Mrs. Hill asked if there were any concerns about sedimentation. Mr. Neff said the concrete would be broken up and taken out by hand and then the piers would be reset and the wood anchored to them.

MOTION: To approve Application #IW-06-35 submitted by Mrs. Beck to replace the dock and piers at 3 Perkins Road (West Shore Road) subject to the following conditions: 1) hand held tools shall be used; no excavation equipment is permitted, 2) no pressure treated wood may be used, and 3) the work shall be done during low water conditions. By Mr. Picton, seconded by Mr. LaMuniere, and passed 5-0.

Ingrassia/252 Bee Brook Road/#IW-06-36/Underground Utilities

Mr. Neff, engineer, represented the applicant. He presented his plans, "Underground Utility Wetlands Crossing," dated 7/13/06. He described the route from the utility pole on the east side of Bee Brook Road, noting the conduit would cross the brook under the bridge, not in the streambed. He noted there would be a 3' X 3' concrete vault on each side of the brook and a third outside the regulated area. Mr. Picton asked if there would be any digging on the steep banks along the brook. Mr. Neff said there would not. It was noted the conduit would be along the driveway shoulder and only minor clearing would be required. Ms. Purnell voiced her concern about possible clearing in the upland review area. Mr. Neff stated the proposal did not require cutting any large trees and the area to the east of the driveway was already relatively clear. The specifications in the construction sequence were briefly reviewed.

MOTION: To approve Application #IW-06-36 submitted by Mrs. Ingrassia to install underground utilities at 252 Bee Brook Road. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Shepaug Realty, LLC./46 June Road/#IW-06-37/Rebuild Steps, Add Rail and Fence

Representing the property owner, Mr. DePecol said he wanted to discuss the proposed driveway realignment. Mrs. J. Hill noted this activity was not included on the application form, but Mr. Ajello said Mr. Farmer had written in his 8/7/06 letter about improving the driveway.

Ms. Purnell thought the Commission should inspect the site and compare what had previously been approved with what was now proposed.

Mr. DePecol said he had asked the Town if he could realign the driveway entrance because it is too steep. Mr. Cannavaro said it would be OK, but it required a driveway permit, which was applied for in April. He said it had been held up since then due to its proximity to Lake Waramaug. The driveway entrance is 240 feet from the lake, but the drainage flows towards it.

Mr. Potter noted it looked like there had been erosion because the banks of the driveway had not been seeded. Mr. Ajello did not think there was an erosion problem on the first 50 feet of the driveway.

A site inspection was scheduled for Tuesday, August 15, 2006 at 4:00 p.m.

The parking area on East Shore Road was briefly discussed. Mr. Farmer had indicated the state was OK with it, but Ms. Purnell read from a previous WEO report that it would be removed. This area will also be viewed during the 8/15 site inspection.

The work along the shoreline was discussed. Mr. Ajello said he would like the Commission to inspect it. Mrs. D. Hill noted an after the fact application fee should be submitted and Mr. Ajello agreed to contact the applicant.

Cohen/62 Calhoun Street/#IW-06-38/Construct Retaining Wall, Dry Stone Wall, and Accessway

Ms. Purnell recused herself.

Mr. Rosiello, landscaper, presented the map, "Site Plan," by Mr. Neff, revised to 8/10/06. As had been

discussed at the site inspection, a note that there could be no disturbance within the limit of landscaping line had been added to the map.

On an enlargement of a portion of the site plan Mr. Rosiello pointed out the location of the two proposed walls and 10 ft. wide accessway.

Mr. Picton asked about the change in grade for the retaining wall. Mr. Rosiello stated an average of 2 ft. would be removed, 4 ft. at the highest point; approximately 50 yards total. He said there would be no fill deposited behind the freestanding wall, which was to limit the caretaker's access to the natural areas and protect the wetlands.

Mr. Picton reviewed the narrative on the application form, which included the following activities: 1) leveling off the driveway, 2) pouring footings for the concrete retaining wall, 3) constructing two stone walls; a 120 ft. long, 4 ft. high, 2-3 ft. wide retaining wall and a dry stack wall, 4) installing a lawn "farm" accessway, 5) constructing stairs at the retaining wall, and 6) constructing pillars. It was noted the pillars would be constructed at the driveway entrance to the property and would be in the upland review area.

Mrs. Hill noted there were other walls on the property that had been constructed without the required permits.

Mr. Picton indicated he wanted the location of the limit of disturbance line settled before additional changes were acted upon. Mr. Rosiello described the mitigation outlined on the revised plan. It was noted that in addition to the requirement that all areas outside the limit of landscaping line shall remain in their natural condition the area to the west of the guest house near wetlands flags #229 - #234 shall be mowed only once a year.

MOTION: To approve Application #IW-06-38 submitted By Mr. Cohen, 62 Calhoun Street, to construct a retaining wall and a dry stone wall and for an access "road" with removal of up to 3 ft. of fill in the access area and with the understanding that the approval includes all the landscaping walls as shown on the mitigation plan, revision #2, as amended to 8/7/06, with the condition that a note be added to the map, "Site Plan," (mitigation plan) by Mr. Neff, revised to 8/7/06 stating the areas shown in purple hatch beyond the limit of landscaping area line are to remain in their natural condition and the permit shall not be issued until the Commission receives the revised map with the notation added. By Mr. Picton, seconded by Mr. Bedini, and passed 4-0. Ms. Purnell had recused herself.

Ms. Purnell was reseated.

Knudsen/236 Nettleton Hollow Road/#IW-06-39/Dredge Silt Pond, Build Retaining Wall

Mr. Nelson, contractor, submitted his 7/26/06 letter and retaining wall information.

The proposed cleaning of the silt ponds was discussed first. Mr. Nelson stated the two upper silt ponds were completely filled. He said the dredging could be done in one day and all the excavated material would be immediately trucked off site. Ms. Purnell noted the ponds are lined with concrete so there would be no ecological impact.

A site inspection was scheduled for Tuesday, August 15, 2006 at 4:45 p.m.

Mr. Nelson explained the proposed 50 ft. long retaining wall along the bank of the intermittent stream that is only 4 feet from the driveway was a "time sensitive" proposal. He thought the work should be done in August during the dry season because the stream had such a large watershed. He feared the driveway would wash out in September if there were heavy rains. He also noted he had applied previously to armor the entire streambank, but had been denied. Ms. Purnell noted a retaining wall could cause eddying and asked if Mr. Nelson had considered stabilizing the bank with a bio

engineering mat and/or plant materials. Mr. Nelson said those measures would not be applicable here due to the large volume of water the stream handles.

Mr. Nelson did not think either of the proposed activities could wait for approval at the next meeting in September. Mr. Picton noted the Commission would have to inspect the site of the proposed wall before acting on the proposal. It was decided to act on the cleaning of the silt ponds only.

MOTION: To approve part of Application #IW-06-39 submitted by Mr. Knudsen to clean the silt basins at 236 Nettleton Hollow Road with the stipulation that the dredged material be trucked off site as specified. By Ms. Purnell, seconded by Mr. Bedini, and passed 4-0-1. Mrs. Hill abstained because she did not think the Commission should act on only half the application.

Hannibal/80 Sunset Lane/#IW-06-40/2 Lot Subdivision - Feasibility

Mr. and Mrs. Hannibal and Mr. Neff, engineer, were present.

Mr. Neff submitted the map, "Proposed Site Development Plan," by Mr. Neff, dated 8/1/06. Mr. Picton asked if there were any activities proposed in the regulated area. Mr. Neff said there were not. Mr. Hannibal noted also, there were no activities proposed near the steep slope.

Ms. Purnell asked if there were any wetlands on the adjoining property to the southwest. Mr. Picton asked for the soil scientist's report and sketch map.

A site inspection was scheduled for Tuesday, August 15, 2006 at 4:45 p.m. The Knudsen site inspection was changed from 4:45 to 5:30 p.m.

Meyers/5 West Church Hill Road/#IW-06-41/Dredge Silt Basin and Pond Inlet

Mr. Neff, engineer, submitted his map, "Silt Basin/Pond Cleanout Plan," dated 8/2/06.

Mr. Ajello noted the main pond had been cleaned out last year.

Mr. Neff explained there were two watercourses flowing into the pond. The southernmost pond has no silt basin and flows directly into the pond where sediment collects at the inlet. The other watercourse does have a functioning silt basin, but it is full. He proposed to remove approximately 60 c. yds. of material and to temporarily stockpile it in an area in the northwest section of the property accessible from West Church Hill Road.

Ms. Purnell asked if it would make sense to construct a silt basin outside the pond itself. Mr. Neff responded that would be tough to do due to the steep terrain.

Mr. Ajello noted the Commission could not act on the application until the September meeting. Mr. Picton asked the commissioners to inspect the site on their own.

Possible conditions such as doing the work during the dry time of year and pumping only clean water from the pond were briefly noted.

Walberg/113 West Shore Road/#IW-06-42/Install Surface Drain

Mr. Ajello noted the contractor, Mr. Wyant, could not attend tonight's meeting, but had asked the Commission to review the proposal and contact him with any concerns. The map, "Property/Boundary Survey," by Mr. Alex, dated August 1999 and a sketch map by Mr. Wyant of the work proposed were reviewed.

It was noted the purpose of the surface drain was to prevent the driveway from washing out. Ms. Purnell asked why an infiltration system could not be installed. Mr. Ajello said there was too much ledge on site, but Ms. Purnell thought there must be pockets where infiltration would be possible.

The proposed work was discussed and Mr. Ajello read the specifications on the application form. It was

noted additional information such as the depth of the trench, materials to be used, and construction sequence were required.

Enforcement

Reinhardt/10 Perkins Road/Unauthorized Clearing: Atty. Kelly presented the map, "Existing Conditions," by Mr. Howland, dated 6/20/06 on which he had drawn in by hand the locations of cut logs, undisturbed land, silt fence, and wood chip pile and had attached photos and had indicated where and from what direction they had been taken. He noted a soil report from Mr. Temple had been submitted that confirmed the existence of wetlands soils on the Cremona property. He said Mr. Temple did not believe there was a watercourse where the Commission claimed, but had located it on the map. Discrepancies between the soils sketch map and the survey map were noted. Atty. Kelly noted he represented Mrs. Reinhardt, but not the Cremona estate. He said only five trees had been cut on the Reinhardt property and he asked that the enforcement matter for Reinhardt be resolved separately from the Cremona matter and as soon as possible due to the upcoming sale of the property. Mr. Picton thought the Commission should reinspect both properties now that the wetlands had been flagged and the above referenced map submitted. A site inspection was scheduled for Wednesday, September 7, 2006 at 4:00 p.m.

Taylor/11 Sunset Lane/Unauthorized Excavation in Wetlands: Mr. Taylor reported his wife was still working on a planting plan and that he had not been able to meet with Mr. Ajello and the NRCS representative or to give them permission to inspect the site on the day Mr. Ajello had requested. Mr. Picton noted that Mr. Ajello had gone out of his way to schedule this inspection so that Mr. Taylor would not have to pay for a consultant. It was the consensus the Taylors should call the NRCS on their own to schedule a site inspection. Mr. Picton advised Mr. Taylor there must be some progress toward a resolution by the next meeting. If there is no progress the Commission will fine him again and file a notice of violation on the Town Land Records.

Other Business

Myfield, LLC./7 Mygatt Road/Permit #IW-05-54/Request to Revise Conditions of Approval: Mr. Boling noted Land Tech had sent a favorable report regarding the modified site plan (13 houses with smaller footprints.) He submitted a letter dated 8/9/06 to request three revisions to the conditions of approval: 1) permission to concurrently construct four houses instead of two because the footprints and disturbance envelopes are now substantially smaller, 2) permission to excavate a small amount of additional material due to an error in calculations, and 3) regarding the boundaries of the conservation easement, permission to mark only the southern, eastern, and western edges of the development envelope because the rest is already marked by town roads, property lines, and the driveway. The letter contained detailed information regarding the proposed changes and Mr. Picton thanked him for providing clear written specifications. Mr. Picton suggested the Quarry Ridge boundary line be marked, too.

MOTION: To approve revisions to Permit #IW-05-54 for Myfield, LLC./7 Mygatt Road regarding 1) construction sequencing, 2) additional excavation, and 3) marking of the conservation easement boundaries as specified in the 8/9/02 letter to the Commission from Mr. Boling. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

Enforcement

Carter/292 Walker Brook Road/#IW-04-V8/Repair of Retaining Wall: Ms. Purnell brought in the letter for Mr. Picton to sign. It will be copied and mailed out as soon as possible.

Franco/25 River Road/Unauthorized Soil Disturbance: Mr. Ajello noted the clearing had expanded and there had been sedimentation onto the road near a catch basin resulting in an impact to the Shepaug

River. He asked the Commission to inspect the site and recommended either a citation or an enforcement order. Ms. Purnell noted that in the past the Commission had issued citations only when the work done was in wetlands or resulted in a direct adverse impact to wetlands or watercourses. Mr. Ajello will issue a citation and send a letter advising the property owner that further encroachment toward the river will result in further enforcement action.

Zelman-Defendorf/16 Tompkins Hill Road: Mr. Picton asked Mr. Ajello if he had been routinely inspecting the property. Mr. Ajello said he had been on site once a week.

Moore/25 Litchfield Turnpike/Unauthorized Filling, Clear Cutting: The wetlands have now been flagged and Mr. Ajello recommended a site inspection. The survey map, "Site Analysis Plan," dated July 2006 and soil scientist's sketch map were briefly reviewed. Mr. Picton asked if the soil scientist could determine what soil types were under the MA (disturbed) soils. Mr. Ajello noted some of the cleared land was wetlands and that Mr. Moore was claiming he was using the land for agriculture. Ms. Purnell noted that even for agricultural uses there are guidelines that must be followed. It was noted a notice of violation had been written and an enforcement order should now be issued. A show cause hearing will have to be conducted. The Commission will consider the wetlands functions that may have been impacted or lost and may decide to order the filled and cleared areas restored to their previous undisturbed condition.

Wright/59 Scofield Hill Road/Unauthorized Clearing, Filling, Soil Disturbance: Mr. Ajello read the 7/25/06 letter from Mr. Szymanski, engineer, recommending three measures for stabilizing/ restoring the intermittent watercourse. Mr. Ajello agreed with the recommended techniques, while Ms. Purnell asked if there was "softer" engineering that could be used. Mr. Ajello will ask Mr. Szymanski about alternate techniques. The next step will be a meeting with the Selectmen and Mr. Cannavaro to see whether the Town will do the required work.

Martin/35 Nichols Hill Road/Unauthorized Clearing and Soil Disturbance: Mr. Ajello noted this included an unauthorized stream crossing. He said what first appeared to be a dirt bike trail is actually a hiking trail. He will continue to monitor the situation.

Other Business

Election of Officers

The nominating committee noted Mr. Picton had agreed to serve another term as Chairman and Mr. Bedini would run for Vice Chairman. There were no nominations from the floor.

MOTION: To elect Mr. Picton Chairman and Mr. Bedini Vice Chairman of the Commission for 2006 - By Mrs. Hill, seconded by Mr. LaMuniere, and passed 5-0.

Brose/213 Roxbury Road/Request to Revise Permit #IW-05-56: The air conditioning unit and its concrete pad had inadvertently been left off the original map. The pad is located on the north side of the house approximately 30 feet from wetlands. Mr. Ajello said the silt fences have been maintained and it was the consensus the pad would have no adverse impacts.

MOTION: To approve the revision to Permit #IW-05-56 for Brose/213 Roxbury Road to install a utility pad. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

MOTION: To go into Executive Session at 11:27 p.m. to discuss pending litigation: Kessler and Spring Hill Farm, LLC. By Mr. Picton, seconded By Mr. Bedini, and passed 5-0.

MOTION: To come out of Executive Session at 11:36 p.m. By Mr. LaMuniere, seconded by Ms. Purnell, and passed 5-0.

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

Mr. Picton adjourned the meeting at 11:37 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator