

July 27, 2005

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

ALTERNATE PRESENT: Mr. Bedini

ALTERNATE ABSENT: Ms. Coe

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

ALSO PRESENT: Mr. Tagley, Mr. Fowlkes, Mr. Boling, Mr. Worcester, Mr. Charles, Mr. Papsin, Mr. Neff, Mr. Kappes, Mr. Smith, Ms. Leach, Mr. W. Johnson, Mr. E. Johnson, Mr. Rosiello, Mr. Sabin, Mr. Profita, Mr. Ultermatt, Residents, Press

PUBLIC HEARING

Myfield, LLC./7 Mygatt Road/#IW-05-25/10 Single Family Dwellings

Mr. Picton reconvened the public hearing at 6:02 p.m. and seated Members Hill, Korzenko, LaMuniere, Picton, and Purnell.

Mr. Picton identified the new documents in the file; 1) the 7/15/05 letter to Mr. Ajello from Atty. Ebersol, which listed the reasons for the withdrawal of Plan #2 and submission of Plan #3 as a feasible and prudent alternative, 2) the 7/13/05 letter to Mr. Fowlkes from Mr. Black of Water System Solutions and Design, Inc. in support of locating the well at the high point of the property, 3) the 7/14/05 letter from Mr. Jontos of Land Tech stating the application is not complete enough to conduct a full environmental and engineering review, 4) the 7/25/05 letter from Mr. Hayden of the NW Conservation District with recommendations regarding erosion and sedimentation control measures, 5) Mr. Picton's 7/25/05 memo regarding his observations on the nature of the buffer area between the proposed development envelope and the ravine, 6) "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 7/18/05, 7) the 7/20/05 letter to Mr. Jontos from Mr. Neff with attached erosion control plan and information on the feasibility of the proposed septic systems on site, 8) the 7/5/05 letter to Mr. Sears from a concerned taxpayer, which voiced concerns about the proposal and support for Plan #2, 9) the 7/20/05 report from Mr. Temple of Nutmeg Soil Services (no sketch map attached), 10) a red folder received 7/6/05 containing a "petition" with 34 signatures against the application and other letters to the Commission voicing concerns about building so close to the deeply cut stream, and 11) maps of a proposed plan and alternate plan dated 7/10/05 submitted by the applicant.

Mr. LaMuniere asked if the information on the map matched the information provided in Mr. Temple's 7/20/05 report. Mr. Ajello was asked to determine whether it does.

Mr. Boling and Mr. Worcester represented the applicants. They reviewed the two plans currently under consideration, "Proposed Application Plan," by Mr. Worcester, revised to 7/10/05 and "Proposed Prudent Alternative Plan," by Mr. Worcester, revised to 7/10/05. The revisions included renaming the plans, wetlands delineations, and restoration of the wet meadow. The alternate plan showed the market value houses moved further into the field, which would reduce the amount of regrading required.

Mr. Picton asked if invasives would be removed from the wet meadow. Mr. Boling stated a forester would be consulted, but the proposal was to cull non native saplings and plant the meadow with a wetlands mix grass seed. Mr. Picton noted the Commission would be concerned about the concept of thinning woodlands because it often ends up park-like, so would closely review that aspect of the application. Ms. Purnell asked for more specific information regarding the species and number to be cut and said she was concerned about the potential increase in runoff caused by the clearing. It was noted the recommendations of both Mrs. Corrigan and Mr. Branson would be followed and the

homeowners' association would be committed to a five year maintenance plan to ensure the invasives would not grow back.

Mr. LaMuniere asked why the road to the three affordable units was proposed so close to the sharp curve and to the brook. Mr. Worcester said it would have more impact if moved due to the steep slopes, which would require extensive filling and excavation at the entrance.

Ms. Purnell asked if it would be economically feasible to reduce the project to six market value and two affordable units and move one of the affordable homes away from the ravine. Mr. Boling said that ratio would not work under the Affordable Housing Appeals Act.

The drainage plans were briefly discussed. Ms. Purnell asked for language in the homeowners' assoc. documents to ensure maintenance in perpetuity for all drainage facilities, including infiltration systems and back yard swales. Mr. Boling asked that the public hearing remain open in order to receive the technical review from Land Tech.

Ms. Purnell asked if information had been submitted regarding on site waste water function and the function and value of the wetlands. Mr. Boling said the standards did not require the applicant to provide this information, but Ms. Purnell noted it would help the Commission understand the impacts to the wetlands and to preserve their most valuable functions. She stated the three smaller houses were proposed completely within the upland review area for a perennial watercourse.

Mr. LaMuniere noted Mr. Hayden had found the proposed erosion controls were not adequate. Mr. Boling stated Mr. Hayden's requests were reasonable, but said the applicant would wait for the Land Tech report before responding.

Ms. Purnell asked if the stormwater calculations had been submitted. Mr. Boling said they had, but noted Mr. Neff would not complete the stormwater management plan until all the comments were in from Mr. Hayden and Land Tech. It was also noted Mr. Neff had been asked to add a detention basin to handle the runoff from the driveway near the watercourse. Ms. Purnell asked if the basin would be wet or dry and Mr. Boling responded it would be dry.

The applicant was asked if a planting plan had been submitted. Mr. Boling said the landscaping would be limited, natural areas would remain, and the homeowners' association would have restrictions against planting invasive species. He also noted there would be compact lawn envelopes and an erosion control restoration mix grass seed would be used to stabilize the disturbed areas.

Mr. Picton noted his serious concerns about the location proposed for the three smaller units due to the constricted nature of the building envelopes and their close proximity to both steep banks and to the watercourse. He questioned the adequacy of the proposed buffer areas between the disturbed areas and the wetlands. He pointed out the proposed buildings would be close to the upland wetlands and on steep slopes above the watercourse, noting these two wetlands were only 150 feet apart. He said the slope begins only 7 feet from the stone wall, which would define the limit of the construction site. He stated the proposed driveway would begin on an existing slope of 24% only 25 feet above the wetlands and that the slope down to the wetlands was 32%. He did not think erosion could be easily controlled on such steep slopes. He noted, too, that the water and septic lines would also traverse the steep slope. He noted he had reinspected the site of the proposed detention basin and saw signs of concentrated water flow during storms. He questioned whether the wetlands could contain the water flowing down the hillside and noted, too, runoff would flow across the construction site and would not be limited to the wetlands boundaries. Mr. Picton noted the Commission tried to be consistent in its policies. Although other applicants had had work approved within the upland review area, the work had been activity such as a driveway within 77 feet of the wetlands; nothing as extreme or as close as the three houses and driveway proposed in the current application. He thought there were other flexible and

creative alternatives that the applicants could consider that would result in better protection of the wetlands and watercourses.

Mrs. Korzenko noted the applicant kept moving the location of the large houses, but had not addressed the concerns about the small houses. The applicant was asked if he could remove the affordable units or put them on another property where wetlands aren't a factor. Mr. Boling said the affordable units were an integral part of the application and stated the intermingling of diversified housing is one of the defining criteria of rural character.

Mr. Picton noted the Inland Wetlands Commission must be consistent in how it handles applications, noting this application has much more potential of adversely impacting the wetlands than do most applications it reviews. Mr. Boling showed a detail of the Dodge Farm application approved by the Commission more than ten years ago and pointed out structures were approved in wetlands and an extensive parking area had been approved close to the wetlands due to the social benefit of creating affordable housing. The commissioners noted the circumstances then had been different because the wetlands had been man made and there were no steep slopes involved.

Mr. Picton again stated the three smaller houses were a major concern because they would be located in such "tight quarters" and so close to wetlands and steep slopes. He asked if they could be moved to the end of the driveway. Mr. Boling noted that was where the detention basin was proposed. Mr. Picton asked for a better plan in terms of wetlands protection. Ms. Purnell asked if the number of units could be reduced. Mr. Boling agreed the construction envelope was tight, but stressed the social benefits of the project and that all the wetlands and watercourses would be permanently protected by a conservation easement.

Mr. Tagley asked what key issues the Commission would consider. Mr. Picton responded the key issue was wetlands protection. Mr. Tagley noted that local residents agree with Mr. Picton's assessment of the site conditions and the difficulty of protecting the wetlands. He also noted that in the state's Affordable Housing Appeals Act, comingling of the affordable and market price units was a key factor. He said the current application did not accomplish this and that was a factor the Commission should consider.

Mr. Boling submitted a letter dated 6/27/05 to request the hearing be continued to August 10, 2005.

MOTION: To continue the public hearing to consider

Application #IW-05-25 submitted by Myfield,

LLC. for 10 single family dwellings at 7

Mygatt Road to Wednesday, August 10, 2005

at 6:00 p.m. in the Land Use Meeting Room.

By Mrs. Hill, seconded by Ms. Purnell, and

passed 5-0.

At 7:06 p.m. Mr. Picton continued the hearing to 8/10/05 at 6:00 p.m. in the Land Use Meeting Room.

SHOW CAUSE HEARING

Feola/84 Carmel Hill Road/6/13/05 Enforcement Order

Mr. Picton reconvened the show cause hearing at 7:07 p.m. He noted Mr. Feola was not able to attend tonight and the hearing would be continued.

MOTION: To continue the show cause hearing to provide

Mr. Feola the opportunity to show cause why

the 6/13/05 enforcement order issued to Mr.

Feola for unauthorized work at 84 Carmel Hill Road should not remain in effect to 6:45 p.m.

on Wednesday, August 10, 2005 in the Land

Use Meeting Room. By Ms. Purnell, seconded

by Mr. Picton, and passed 5-0.

At 7:08 Mr. Picton continued the hearing to 8/10/05 at 6:45 p.m. in the Land Use Meeting Room.

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

REGULAR MEETING

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

Election of Officers for 2005-2006

The nominating committee gave its report recommending Mr. Picton and Mrs. Korzenko continue as Chairman and Vice Chairman. There were no other nominations.

MOTION: To elect the following officers for 2005-2006:

Chairman: Mark Picton and Vice Chairman:

Candace Korzenko. By Mrs. Hill, seconded by

Ms. Purnell, and passed 5-0.

MOTION: To include subsequent business not already

posted on the agenda: New Applications:

1) Cohen/62 Calhoun Street/#IW-05-44/Well,

Pond and 2) Cohen/62 Calhoun Street/#IW-05-45/

Deer Fence and Other Business: Gunnery School/

___ South Street/Driveway and Classroom Bldng/

Change in Approved Site Plan of #IW-00-63/

Ruling Re. IWC Jurisdiction. By Mr. Picton,

seconded by Mrs. Hill, and passed 5-0.

Consideration of the Minutes

MOTION: To accept the 6/29/05 Calhoun Street Trust

site inspection minutes as submitted. By

Mrs. Hill, seconded by Mr. LaMuniere, and

passed 5-0.

MOTION: To accept the 6/29/05 Johnson site inspection

minutes as submitted. By Mr. LaMuniere,

seconded by Mrs. Korzenko, and passed 5-0.

The 6/29/05 Special Meeting minutes were accepted as corrected.

Page 1: #2, 6th line: Change "regulated area" to "review area."

#3, 4th line: Change "should" to "could."

#3, 3rd line: Change "2005" to "2004."

Page 2: Mid point in 13th line: Add sentence: Moreover, that part of the parcel is underlined with terrace soils, which allow for an interflow between the waters of Lake Waramaug and underground water flowing down the hill.

Next to last line: Change "regulated area" to "review area."

Page 3: 8th line: Add after "Lake Waramaug:" "...streambelt protection area as defined on a map of the Lake Waramaug" watershed.

19th line: Add after "hill:" "...and adjacent wetlands" would....

MOTION: To accept the 6/29/05 Special Meeting minutes

as amended. By Mrs. Hill, seconded by Ms.

Purnell, and passed 5-0.

It was noted the 6/22/05 Regular Meeting minutes would be accepted at the next meeting.

Pending Applications

Myfield, LLC/7 Mygatt Road/#IW-05-25/10 Single Family Dwellings: The public hearing was continued to August 10, 2005 at 6:00 p.m. in the Land Use Meeting Room.

Calhoun Street Trust/62 Calhoun Street/#IW-05-28/Guest House and Driveway: This application was approved at the last meeting.

Frisbee Farm Estates, LLC./61 Frisbee Road/#IW-05-29/First Cut and Development: Mr. Ajello reported there had been no new information submitted since the June 22 meeting. Mr. Picton stated the Commission had not been comfortable with the plan as submitted. It was noted per state statute the Commission had to act or begin a public hearing within 65 days of receipt of the application, the 65th day being 7/29.

MOTION: To deny without prejudice Application #IW-05-29

submitted by Frisbee Farm Estates, LLC. for a

first cut and development at 61 Frisbee Road

due to insufficient information on the possible

adverse impacts to the wetlands. By Mr. Picton,

seconded by Mrs. Korzenko, and passed 5-0.

Kappes/8 Christian Street/#IW-05-32/Deck: Mr. Kappes compared his original plan, undated, with the revised plan dated 7/27/05, which addressed the concerns raised by the Commission at the last meeting. The deck was shortened and at no point would be closer than 18 feet from the top of the river bank. Mr. Kappes stated pressure treated lumber would be used and the deck would be on sono tubes so the treated lumber would not be in the ground. He noted for the record the lumber would be stained to seal in the pressure treated chemicals. Ms. Purnell asked if a planting plan was proposed for mitigation. Mr. Kappes offered to plant shrubs along the top of the bank.

MOTION: To approve Application #IW-05-32 submitted by

Mr. Kappes for a deck at 8 Christian Street
as amended on the map received 7/25/05 with the
condition that the applicant plant one line of
native woody shrubs on the flat lawn area along the top of the streambank for the full width of
the deck according to guidelines to be provided
by the Wetlands Enforcement Officer. By Mr.
Picton, seconded by Mr. LaMuniere, and passed 5-0.

Calhoun Street Trust/62 Calhoun Street/#IW-05-33/Rebuild Pool Wall, Extend Parking Area: Mr. Rosiello, authorized agent, submitted written statements revised to 7/25/05 and a map revised to 7/27/05, which addressed the concerns raised at the last meeting. The parking area in front of the house was reduced in size to 40' X 35' and the planting bed was reduced to 6' 6". As a result, the parking area was no closer than 77 feet to the nearest wetland. Mr. Rosiello also revised the planting plan for the pool area based on the comments made during the site inspection. The 7/25/05 statement was discussed. Mr. Rosiello added that no trees would be planted closer than 12 feet from the edge of the bank and there would be no change in the existing grade resulting from the proposed landscaping. Mr. Picton again requested a comprehensive site plan for all the ongoing and proposed work on this property.

MOTION: To approve Application #IW-05-33 submitted by
Calhoun Street Trust to rebuild the pool wall
and extend the parking area at 62 Calhoun Street
per the 7/27/05 map and materials submitted on
7/25/05 subject to the following condition:
that a comprehensive site plan be submitted for
this property before other more substantial work
is started. By Ms. Purnell, seconded by Mr.
Picton, and passed 5-0.

Calhoun Street Trust/62 Calhoun Street/#IW-05-37/Pond, Well, and Wetlands Restoration: Mr. Rosiello reported the test pit had been dug and water found at 9 feet. He stated 1) the well would be installed to ensure a steady water supply for the pond, 2) a dry hydrant would be installed, and 3) he would check with the Fire Dept. to make sure the dry hydrant was installed per its specifications. He noted the pond would be reduced in size to minimize the cuts and regrading required. The landscaping plan for the restoration of the wetland was discussed. Ms. Purnell recommended sedges and rushes be included and warned about the possibility of a mono culture developing. She asked for additional information on the amount of typha allowed. Mr. Picton requested the following information: 1) proof there will be no negative hydrological impact including information about whether the construction of the pond would lower the water table in the wetlands, 2) cross sections of the underwater slopes, 3) regrading plans, 4) engineered pond construction plan, including the proposed location for fill material. Further discussion was tabled until more detailed information is submitted.

Cohen/62 Calhoun Street/#IW-05-44/Well, Pond

Cohen/62 Calhoun Street/#IW-05-45/Deer Fence: Mr. Picton noted the pond application was

incomplete because it did not include construction plans for the pond. Regarding the fence application, it was noted that a written description had been submitted, but the location was not indicated on a map. Discussion on both applications was tabled.

Casey/119 West Shore Road/#IW-05-34/Repair Septic System: It was noted this application had been discussed at the last meeting and was ready to be acted on.

MOTION: To approve Application #IW-05-34 submitted by Mr.

Casey to repair the septic system at 119 West

Shore Road as submitted. By Ms. Purnell,

seconded by Mr. Picton, and passed 5-0.

Johnson/30 West Mountain Road/#IW-05-35/3 Lot Subdivision: Mr. W. Johnson and Mr. E. Johnson were present. Mr. Neff, engineer, submitted the map, "Proposed Site Development Plan," by Mr. Neff, revised to 6/30/05, which addressed the issue of runoff along the driveway to Lot #3. Three culverts and a grassed swale were added. Mr. Neff said the culverts would be placed approximately 300 feet apart at the points where the driveway changes direction and that all three would have rip rapped pads for dispersion at the outlets. Mr. Picton noted the land was not excessively steep and was heavily grassed and so stated in this case the proposal addressed the Commission's concerns. He did note, however, that information from the NW Conservation District indicated that 5 to 15 ft. wide spreaders do not effectively respread runoff along steep hillsides.

MOTION: To approve Application #IW-05-35 submitted by Mr.

Johnson for a 3 lot subdivision at 30 West Mt.

Road according to the map, "Proposed Site

Development Plan," by Mr. Neff, revised to

6/30/05 with the understanding that any

subsequent change to the approved plan must be

submitted to the Commission for reapproval. By

Mr. LaMuniere, seconded by Mr. Picton, and

passed 5-0.

Milstein/36 Hinkle Road/#IW-05-36/Installation of Septic System: This application had been discussed at the last meeting. Since then Mr. Ajello had inspected the site and had found no problems. The map, "Subsurface Sewage Disposal System Plan," by Mr. Neff, dated 6/11/05 was reviewed and Mr. Neff reported the Health Department had approved it. Mr. Picton requested a second copy of the map for the file.

MOTION: To approve Application #IW-05-36 submitted by

Mr. Milstein to install a septic system at 36

Hinkle Road as submitted. By Mr. Picton,

seconded by Ms. Purnell, and passed 5-0.

Leach-Smith/115 River Road/#IW-05-38/Dredge Pond: The plan, "Pond Clean Out Plan," by Mr. Neff, dated 6/4/05 was reviewed. Ms. Purnell asked if an instream filter could be installed. Mr. Neff said it could serve as extra protection right before the waterfall, but Mr. Picton said he had never seen an instream filter that trapped much sediment during a storm. Mr. Neff reviewed the project narrative

and the sequence of construction. He noted 200 cu. yards of material would be removed and that a diversion permit from the DEP would not be required because the dredging of the pond was routine maintenance, not a long term diversion. Because the stream has quite a bit of flow and the drainage area is 290 acres, the Commissioners thought it important that the work be done quickly and during the dry time of year. Mr. Neff thought the project would take at least one week to allow time for the dewatering of the spoils. This material would be temporarily stockpiled as shown on the plan before it was moved to the deposition area in the meadow further back on the property.

Mr. Picton requested that only clear water be pumped from the pond into the settling basin. Mrs. D. Hill noted the plans included filling in the swale southwest of the pond. Ms. Purnell asked if placing wetlands soil in this depression would cause it to remain wet. Mr. Neff said this was only a narrow gully with no water.

MOTION: To approve Application #IW-05-38 submitted by

Leach-Smith to dredge the pond at 115 River

Road per the plan, "Pond Cleanout Plan," by

Mr. Neff, dated 6/4/05 subject to the following conditions: 1) the operation be conducted

Between 6/1 and 9/30 during low stream flow and

clear weather, 2) the work be completed quickly,

3) the excavation of sediment from the pond basin

be completed within one day, and 4) the

dewatering operation may pump out only clear

water. By Mr. Picton, seconded by Mrs. Hill,

and passed 5-0.

New Applications

Carter/59 West Shore Road/#IW-05-39/Gazebo: Kehoe Brothers Contractors, authorized representatives, were present. They briefly explained the construction would be low impact because no excavation would be required; the gazebo would be placed on an existing slab. Also the presealed lumber would come in a kit so that no on site cutting would be required. The kit would be delivered by pick up truck and unloaded in pieces in the driveway. Mr. Picton noted it appeared there were no wetlands issues, but asked that the map be amended to include what type of structure would be erected and its location. Action will be taken at the 8/10 meeting.

Dohn/4 Perkins Road/#IW-05-40/Replace Storm Drain: Mr. Worcester represented the applicant. Mr. Ajello stated the Dohn property was directly below the Cavallaro property, which adjoins the Reinhardt and Cremona properties where unauthorized clearing occurred. He noted the existing drainage system was not functioning. Mr. Worcester reviewed the site plan, "Proposed Drainage Improvements to: Dohn Residence," by Mr. Worcester, dated 6/15/05. A solid 8" PVC pipe is proposed. Mrs. Dohn will discuss her application with Mr. Lines, her down hill neighbor who is also having trouble with his drainage system. Mr. Worcester noted the existing intermittent streams on the property are very evident. A site inspection was scheduled for Tuesday, August 9, 2005 at 5:00 p.m. Mr. Worcester encouraged the Commission to look at the Lines property, also. Mr. Picton requested an additional copy of the plan.

Sachs/35 Potash Hill Road/#IW-05-41/Dredge Pond: Mr. Neff, engineer, presented the map, "Pond Outlet Repair Plan," by Mr. Neff, dated 7/20/05. He briefly reviewed the plans to replace the existing

leaking outlet pipe with 15" PVC pipe and to dredge the inlet area on the road side of the pond. Mr. Neff noted the pond had drained itself down due to the leaks. Approximately 500 c. yards will be taken off site after it dewater in the deposition area east of the pond. Mr. Picton thought the pond should not be completely steep sided and recommended part of it remain shallow for emergent vegetation. A site inspection was scheduled for Tuesday, August 9, 2005 at 4:30 p.m.

Bentzen-Silverman/341 Nettleton Hollow Road/#IW-05-42/Relocate Barn, Build Paddock: Mr. Sabin reviewed the plans, "Proposed Horse Barn, Paddocks, and Riding Ring," dated 7/25/05. A

16' X 24' barn would be moved to the property and a frost wall, concrete floor, and floor drain would be built. Mr. Sabin said some second growth would be cleared from a relatively level area for the construction, which would be 30 feet from West Mountain Brook and 45 feet from a pocket wetlands. He had considered feasible and prudent alternatives, but said the barn could not be moved up the hill because the grade was steeper and there were rock outcroppings. Mr. Picton asked if regrading would be required. Mr. Sabin said there would be only surface grading. The Commission requested information on the location of the existing and reserve septic system and on the regrading and grubbing of the top soil. A site inspection was scheduled for Tuesday, August 9, 2005 at 4:15 p.m. Ms. Purnell asked about the long term plans for the management of the horses. Mr. Sabin noted there would be only one horse. Mr. Picton asked that the number of horses and the location for storage of manure be specified in the application.

Profita/246 Litchfield Turnpike/#IW-05-42/Addition to Existing Dwelling: Mr. Ultermatt, engineer, was present to represent the applicant, but it was noted he had no letter of authorization. A 18' X 20' addition was proposed. Mr. Ultermatt reviewed the site plan dated 7/22/05 and noted the wetlands had been flagged and that the edge of the existing lawn is essentially the wetlands boundary. He noted the ZBA granted Mr. Profita a variance for the addition. The excavation for the addition would be done with a small backhoe, which would access the site across the lawn. Silt fencing was proposed down slope of the work site. Mrs. Korzenko asked the applicant to consider planting around the pond for mitigation. Mr. Ultermatt responded the applicant wanted to keep his yard open, but thought a deed restriction or conservation easement might be possible. Mr. Picton thought mitigation could be used to improve the ecological quality of the shores of the pond. Mr. Profita noted most of the area on the far side of the pond was left in its natural state. Mr. Picton asked that the natural area be drawn on the site plan. Mr. Picton asked the Commissioners to inspect the property on their own prior to the next meeting and to think about possible plantings to enhance the streambelt buffer area.

Enforcement

Averill/14 Sunset Lane: Mr. Ajello inspected the property and saw no evidence of ditching to drain the wetlands and no signs of recent work. The Commission asked that he go out again and look more closely.

Holly Hill Farm, LLC./87 Whittlesey Road: Mr. Picton met on site with Mr. Childs to inspect the rip rapped gullies. He noted they had been filled to ground level, but said he would have preferred they had been left lower to accommodate any overflow. He said he also inspected the silt fence, which is now a continuous barrier and is creating a new erosion problem. He noted the owners had abandoned the idea of tilling the hillside to plant flowers and will "plug plant" instead. He asked Mr. Ajello to send a letter to ask that the silt fence be removed as long as there were no plans to disturb the soil or to deposit loose material above it and to advise the owners they may continue with the treatment of the eroded gullies as long as the finished rip rapped surface is left concave. Ms. Purnell suggested the owners be reminded that any changes to the permit must be reviewed by the Commission.

Lavado/11 School Street: Mr. LaMunier said he had inspected the excavated streambank and agreed a citation should have been issued. He noted, however, that directly across the Shepaug River the water

is eroding the base of the concrete wall. He said the Town should be notified that this needs to be stabilized immediately.

Reinhardt-Cremona/10-8 Perkins Road: Mr. Ajello noted Land Tech had inspected the properties on 7/26/05, but had not yet issued a report. He said the report would address down hill impacts and provide recommendations for restoration.

Sarjeant/27 Tinker Hill Road: There was no progress to report.

Fowler/138 Nichols Hill Road: Mrs. Corrigan is working with Mr. Fowler on a planting plan. Mr. Ajello said they were aware of the requirement to restore the original contour.

Carter/292 Walker Brook Road: Mr. Ajello will call Mr. Carter and will remind Mr. Neff to inspect the work done during the low water season.

Other Business

Pinover/Senff Road: Mr. Picton reported the state had issued the herbicide permit over the objections of the Commission. However, he had spoken to the property owners who agreed they would not apply the chemicals unless absolutely necessary.

Washington Montessori School/240 Litchfield Turnpike: In response to Mr. McNaughton's request for the release of the bond, Ms. Purnell wrote a detailed report regarding the school's compliance with Permit #IW-01-08. The Commissioners will study the report for the next meeting. Mr. Picton thanked Ms. Purnell for her work.

Walker Brook Farm Residential Subdivision/Rt. 109, New Milford: Mr. LaMuniere and Ms. Purnell will draft a memo to the Board of Selectmen and the Planning Commission as this application will be submitted to the N. Milford Planning Comm. next. They hope these two boards will follow up. Mr. LaMuniere thought a riverine ecologist was needed to address the issues of water quality and erosion control.

The Gunnery School/ South Street/Driveway and Classroom Building:

It was noted the Commission had approved Permit #IW-00-63 for a driveway and athletic fields, but that the current Special Permit to the Zoning Commission was for a driveway and a small classroom building. Mr. Ajello noted the proposed building was not a wetlands issue. Ms. Purnell stated the Commission had approved the athletic fields and driveway because there was no feasible or prudent alternative and that the approval took into account the use of the property. She thought now that the building was proposed, other feasible and prudent locations should be considered because they might require a different driveway that would result in less impact to the wetlands. She did not think an approximately 800 ft. long by 18 ft. wide driveway was required to access a small classroom building. It was noted Mr. Swain had submitted a letter dated 7/27/05 and this was read by Mr. LaMuniere. After a brief discussion it was the consensus that The Gunnery should apply for a revision of its permit as the current site plan differs from the one Wetlands originally approved in 2000.

Private Mortgage Fund, LLC/South Fenn Hill Road/#IW-05-12-Driveway and #IW-05-18-Lot Line Revision: It was noted the adjoining property owner, Mrs. Mitchell, had appealed the Commission's approval of both applications.

Communications

Roxbury "Fines:" Mr. Picton briefly reviewed the Roxbury Inland Wetlands Commission's policy of negotiating a settlement in advance of likely litigation. The Commission will keep this in mind as a possible tactic in the future.

Land Use Fees: The Board of Selectmen had requested all Land Use Commissions to review their fee

schedules. It was noted the Inland Wetlands Commission's fees are in line with those in most other surrounding towns and it was the consensus that an increase was not warranted.

Memo to First Selectman from Mr. Picton: Mr. Picton said he had sent a memo regarding the Wetland staff's workload and informed the First Selectman either an expansion of the EO position or in the number of staff hours might be required in the future. Ms. Purnell said this was an issue that should be discussed at the Special Meeting for administrative matters in October.

Possible Seminar: Mr. Ajello reported Mr. Jontos of Land Tech offered to conduct a seminar on application requirements. Mr. Ajello is trying to set it up for the Town of Warren and if successful, Washington may be able to participate.

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

Mr. Picton adjourned the meeting at 10:25 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator