

## April 14, 2010

Show Cause Hearing/Regular Meeting

6:00 p.m. Land Use Meeting Room

**Members Present:** Mr. Bedini, Mr. Bohan, Mrs. Hill, Mr. LaMuniere, Mr. Wadelton

**Staff Present:** Mr. Ajello, Mrs. Hill

**Also Present:** Ms. Cheney, Mr. Martino, Mr. Lyon, Mr. Smith, Mrs. Friedman, Mr. Charles, Press

### SHOW CAUSE HEARING

Town of Washington/16 Titus Road/#IW-09-V02/Unauthorized Stockpiling of Material in the Floodplain

Mr. Bedini called the Show Cause Hearing to order at 6:02 p.m.

Mr. Lyon, First Selectman, presented the map, "Preliminary Concept for Restored Town Garage Site," by Mr. Sabin, dated 5/18/07, revised to 5/23/07, which included hand drawn revisions by Mr. Lyon for the 4/14/10 hearing. Mr. Lyon stated that the Town had stockpiled material on the property "forever" and had never ceased to do so. He pointed out on the map the extent of the work done by the Town to date under its 2007 permit and said that it had not yet completed the project. He said part of the project had been to regrade a portion of the property with the existing stockpiled material, but that additional material had been brought to the site since 2007. He said currently there were 300 cubic yards of new material plus the existing stockpiles on site and that silt fence had been installed along the drainage points. He added that there had been almost no siltation from the stockpiles into the river. He pointed out the 100 ft. setback from the river and stated that in the future materials would no longer be stockpiled within 125 feet of the river. He also stated that the permitted work would continue, the stockpiled material would be processed, and then it would be used to rough grade the area within 125 ft. of the river. He briefly discussed how a sediment basin would be formed to collect and filter stormwater and how the emergency access road to the river would eventually be rerouted.

Mr. Bedini asked if the debris in the stockpiles would be removed and the material screened before it is reused.

Mr. Lyon noted that the 2007 permit approved regrading to the elevations indicated on the map. This would require 2200 cubic yards of material within the regulated area plus 900 c. yards of top soil to complete. He said the Town would process the existing materials, but still had no place to deposit construction by products. He pointed out bin areas where any new material would be placed in the future.

Mr. Bedini asked if the daily work operation would change so that large amounts of materials are not again accumulated on site.

Mr. Lyon responded that there was no other place available to the Town to deposit that type of material.

Mr. LaMuniere stressed that no materials are supposed to be deposited in a floodplain and that another storage site must be found.

Mr. Lyon stated that management of these materials would be addressed, but said more would have to be brought to the site to complete the approved plan.

Mr. LaMuniere noted much of the stockpiled material had come from roadside matter that was filled with invasive plant seeds. He asked how the spread of invasives such as Japanese knotweed would be

controlled. He also noted how close the stockpiles were to the river, that they were located in the floodplain, and said that if the Town had applied for a permit, the Commission would have required erosion and sedimentation controls.

Mr. Bedini asked if the Town was trying to find other locations to stockpile this type of material.

Mr. Lyon said it was, but to date, had found no alternative.

Mr. Bedini asked Mr. Lyon if the Town could 1) stop accumulating such large quantities on site, 2) keep the stockpiles as far from the river as possible, and 3) better manage this material and get rid of it gradually.

Mr. Ajello asked if the grading to be done within 125 feet of the river could be completed and stabilized now.

Mr. Lyon thought it would be a good idea to regrade and stabilize this area closest to the river first and then protect it with a barrier that could double as an erosion control measure.

Mr. Smith, Director of the Highway Dept., said if rough grading was done near the river, the stockpiles could be shifted to the other side of the property and the materials consolidated. He pointed out the base floodplain elevation on the site plan and said the floodplain could be remediated first. He said when regarding he would create a sediment basin where runoff could pool and be filtered.

Mr. Bedini asked that the erosion control measures be maintained in case the collected stormwater broke through.

Mr. LaMunier noted the basin would have to be carefully planned so that the water collected would effectively infiltrate.

Mrs. Hill recalled, although she said she had not reviewed the file recently, that the 2007 approval had addressed the entire property, that the stockpiles were to be removed, and no additional material was to be brought to the site.

Mr. Lyon said she was correct, but that the Town had only completed half of the work under that permit. He also noted that additional fill was needed to complete the work as approved.

Mrs. Hill asked if there was a problem with the toxicity of the stockpiled material, which included a lot of asphalt.

Mr. Smith said most of the material had been taken from along the roads and that the asphalt could be separated.

Mr. Bedini said the salt would have dissipated and so should not be a problem in the stockpiles.

Mr. Smith agreed to work first in the floodplain to level off the stockpiles, grade to the proposed elevations, and restore the area. He said he would remove all of the asphalt and concrete products, take them off site, and remediate the regulated area. He stated there were 4700 cubic yards of material on site and another 3400 were needed to completely regrade the entire site. In addition, 900 cubic yards of top soil were needed; 300 c. yards were already on site. He said there would be no new material stockpiled in the floodplain; any new material accumulated from the daily highway department work would be placed outside the 125 ft. barrier. He said that with the exception of completing the emergency access to the river, three months would be enough time to get this work done.

Mr. Ajello noted that an application to correct the violation would not be necessary as the Town's 2007 permit was still valid.

Mr. LaMunier asked Mr. Lyon and Mr. Smith to submit in writing for the record all that they had just agreed to complete, and to include a sequence of operation and a timetable. He also asked Mr. Ajello to

closely monitor the work as it progressed.

Mrs. Hill explained the Commission would decide later in the meeting whether to uphold the cease and restore order.

**MOTION:**

To close the Show Cause Hearing to consider whether the 4/7/10 Cease and Restore Order issued to the Town of Washington for the unauthorized stockpiling of material in the floodplain at 16 Titus Road should remain in effect.

By Mrs. Hill, seconded by Mr. Wadelton, and passed 5-0.

Mr. Bedini closed the hearing at 6:40 p.m.

This hearing was recorded and the audio is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

**REGULAR MEETING**

**MEMBERS PRESENT:** Mr. Bedini, Mr. Bohan, Mrs. Hill, Mr. LaMunier, Mr. Wadelton

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

**ALSO PRESENT:** Atty. Olson, Ms. Cheney, Mr. Martino, Mr. Charles, Mr. Boling, Mr. Sonder, Mr. and Mrs. Condon, Mr. Meyer, Mr. Neff, Mr. Durkin, Ms. Delancy, Mr. Delancy, Mr. Slaymaker, Mr. Carmellini, residents

Mr. Bedini called the Meeting to order at 7:10 p.m.

**Pending Application**

Straw Man, LLC./135 Bee Brook Road (Juniper Meadow Road)/#IW-09-44 Bridge and Driveway

Mr. Wadelton recused himself. Members Bedini, Bohan, Hill, and LaMunier were seated.

Mr. Bedini made the following motion as the basis for discussion and it was seconded by Mrs. Hill.

**MOTION:**

To approve Application #IW-09-44 submitted by Straw Man, LLC. to construct a driveway and bridge at 135 Bee Brook Road (Juniper Meadow Road) subject to the following conditions:

1. The applicant shall submit a Bridge Scour Analysis Report for the proposed crossing that shall include any necessary measures for complete bank/channel stabilization for Chaple Brook, which measures shall be implemented as conditions of this permit,
2. The applicant shall submit a mitigation plan that shows the locations for all of the proposed mitigation plantings,
3. All bridge work related activities including grading, abutment construction, and beam and deck installation shall be restricted to the low flow months (June 30 through September 30,)
4. A final structural plan for the bridge that has been reviewed and stamped by a Structural Engineer shall be submitted to the Commission,
5. All proposed swales shall be lined with an erosion control blanket during construction and after final grading,
6. All outstanding correspondence from the CTDEP Natural Diversity Database regarding this site shall be submitted to the Inland Wetlands Commission,
7. The application is limited to activities proposed in this application and any additional development and/or regulated activity requires that the applicant return to the Commission for consideration, and
8. A bond shall be posted before commencement of any work. Once the proposed driveway and bridge are completed, including conditions 1 through 6, any remaining funds shall be returned to the applicant.

It was noted the first six conditions of approval had been recommended by Mr. Sanford, consultant from Milone and MacBroom.

It was agreed condition #8 should be amended to state a cash bond would be required. After a brief discussion it was also agreed that a \$20,000 would be reasonable and that the condition should state that the bond would be returned upon the satisfactory completion of the project.

Condition #7 was briefly discussed. Mr. Bedini stated it was written to address the fact that there are steep slopes on the property and runoff from any future development would have to be managed properly.

Mr. LaMuniere quoted from the 2/4/10 letter from Mr. Trinkaus, which stated that the driveway and bridge would not be constructed until some final land use for the property is proposed and approved by the Washington land use agencies.

Mr. Bedini asked whether the commissioners' reasons for voting for or against the motion should be stated before or after the vote.

Atty. Olson agreed the reasons for denial or approval should be on the record and this could be done after the vote.

The motion as it is listed above was voted on except condition #8 was changed to: 8. A cash bond in the amount of \$20,000 shall be posted before the commencement of any work. Once the proposed driveway and bridge are completed, including conditions 1 through 6, any remaining funds shall be returned to the applicant.

Vote: 4-0 in favor.

The following reasons for approval were stated for the record.

\* Mr. Bohan voted in favor because the property owner had the right to enter his property, he thought this was the least obtrusive way to do so, the Town's engineer was satisfied, and a bond would be secured. He said he thought the project was a good one.

\* Mr. LaMuniere stated he had considered feasible and prudent alternatives. He noted the access to the property was over the 50 ft. right of way and that the Commission's consultant said a culvert crossing would do much more damage than a bridge crossing. He said he disagreed with the intervener re: the width of the proposed bridge because he thought the difference of the impact from a 2 ft. narrower access was not sufficiently significant to offset the owner's need to come back afterward to make the access wider to accommodate a specific development. He said the difference in the area of impacted wetlands was only 400 sq. ft. and the wetlands to be impacted were not pristine; they had already been compromised by tree cutting and farming. Regarding the seepage envelope in the forested wetlands, the Commission's consultant reviewed the plans and found that although there would be some compaction, the hydraulic function would not be impacted because the pipes to be installed would allow the water to continue to flow through. He said if the applicant had to come back to rebuild the bridge, it would cause more damage to the wetlands to make the base wider so he thought it better to build the 18 ft. wide bridge first. He read a portion of the 2/24/10 letter from Atty. Zizka, which stated, "On the other hand, if the differences in impact would be small, there may be a benefit in approving the 18 ft. proposal to avoid any need for the replacement of the bridge if the applicant later chooses to develop the property more intensively than single-family residential. The impacts related to construction of the replacement may be more significant than the long-term differential impacts of the 18 ft. bridge versus an alternative." Mr. LaMuniere also noted the applicant had stated many times that there would be no construction until the full development of the parcel had been approved and that if only one or two houses were to be built, a 12 ft. wide access would be constructed.

\* Mrs. Hill agreed with Mr. Bohan and Mr. LaMunier. She also stated that the Commission was charged with balancing the need for economic growth with the need to protect the environment, the applicant was seeking a permit to construct what he feels he needs, there is no other access to the property, the applicant had satisfactorily addressed both the Commission's and its consultant's concerns and had modified the plans in response, which had resulted in a lesser impact, the Commission found the impact to be minimal and reasonable, the Commission found that the intervener did not meet his burden of proof, and the Commission had discussed feasible and prudent alternatives, which included a box culvert, but had concluded that the construction of a bridge would have less adverse impact.

\* Mr. Bedini noted there were not many feasible and prudent alternatives due to the limited accessway and the plans for the bridge were done in a way that would result in minimal impact to the area. He said he had been concerned about whether the flood waters from a 100 year storm would cause scouring, but said this matter had been addressed by condition #1. Also, he noted that a mitigation plan for the proposed plantings was now required as a condition of approval. He had also been concerned about the steep slopes on the property and was reassured that condition #7 specified that the applicant was required to review future development plans with the Commission so it could act on any regulated activities and determine whether there would be further impacts to the brook and to the wetlands.

Mr. Wadelton returned and was reseated.

MOTION:

To add the following subsequent business to the agenda:

New Applications: C. Gorman/233 Roxbury Road/#IW-10-13/Inground Pool, Terrace, Fence, Stone Wall, Drain, Landscaping, Etc.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

### **Consideration of the Minutes**

MOTION:

To accept the 3/24/10 Public Hearing-Regular Meeting minutes as written.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

MOTION:

To accept the 3/31/10 Klein site inspection minutes as written.

By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

MOTION:

To accept the 3/31/10 Auth site inspection minutes as written.

By Mr. LaMunier, seconded by Mr. Bedini, and passed 5-0.

MOTION:

To accept the 4/8/10 Special Meeting minutes as written.

By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

### **Pending Applications**

Klein/236 Tinker Hill Road (West Shore Road)/#IW-10-09/Install Stairs and Floating Dock:

Mr. Neff, engineer, noted that the width of the cat walk to the dock had been reduced to 3.5 ft. to meet Zoning requirements. He presented his map, "Proposed Dock Plan," revised to 4/1/10. Mr. Ajello asked if the anchor block was sufficient. Mr. Neff said the boulders would be pinned to the concrete and the

cat walk would rise up and down depending on the water level. Mrs. Hill asked why the dock was needed. Mr. Neff said the owners wanted to use their lake frontage. Mr. LaMunier asked if the DOT had approved the project. Mr. Neff stated the DOT had approved cutting the fence along the road.

**MOTION:**

To approve Application #IW-10-09 submitted by Mr. and Mrs. Klein to install a floating dock and stairs at 236 Tinker Hill Road (West Shore Road) per the plan by Mr. Neff, revised to 4/1/10.

By Mr. LaMunier, seconded by Mr. Waderton, and passed 5-0.

Rosenblatt/229 Calhoun Street/#IW-10-11/Driveway Culverts and Pipes:

Mr. Neff explained two catch basins and a pipe under the driveway would be installed to solve the chronic erosion of the driveway. The pipe would have a rip rapped apron at the outlet. There were no revisions since the last meeting. It was noted that photos had been circulated at the last meeting and it had been decided that a site inspection was not necessary.

**MOTION:**

To approve Application #IW-10-11 submitted by Mr. Rosenblatt to install driveway catch basins and piping at 229 Calhoun Street per the plan, "Driveway Catch Basin Plan, by Mr. Neff, dated 6/17/09, revised to 3/22/10.

By Mr. Bedini, seconded by Mr. Waderton, and passed 5-0.

**New Applications**

Auth/329 West Shore Road/#IW-10-10/Install Dock and Shoreline Work:

Mr. Ajello circulated photos, which showed the difference in the water level of the lake since the commissioners had inspected the site. Mr. Auth submitted a more detailed drawing on graph paper, which Mr. Ajello dated 4/14/10. Mr. Auth proposed to install a rowing dock and to repair what he described as an eroded section of his shoreline. He said the soil had washed away, leaving exposed rocks in the water. He applied to place a large boulder on top of the rocks to use to anchor his dock, to fill between the rocks with soil, to place top soil over the top to bring the shoreline up to the level of his lawn, and to seed the newly filled area. He said this was only a small portion of his total property and that he thought it was the wake action from passing boats that caused the erosion. Mr. Bedini thought the eroded areas should be replaced with smaller stones without dirt and grass, which would erode again. Mr. Auth proposed using 8 tons of 6 inch end tails with a DEP approved water filtration fabric and 4 inches of top soil over that. Instead of depositing soil, Mr. Ajello proposed carefully filling in between the stones with smaller sized rip rap placed by hand so that the rocks would be "locked in." Mr. LaMunier thought the Commission could approve filling by hand behind the ledge of large stones, but could not approve filling to extend the lawn. Mr. Bedini agreed. Mr. Auth argued that he was not proposing to extend the lawn, but only wanted to restore the shoreline that used to exist. A lengthy discussion followed. Mr. Auth stated his contractor would use a machine to put the rocks in place and that he also proposed to install a split rail fence while leaving in place the existing bushes along the road. Mr. LaMunier stressed it was important to keep the bushes to prevent erosion. After it was agreed that Mr. Auth would fit together stones similar to a ramp constructed in Warren and would not deposit any soil or plant grass over them, Mr. Bedini asked him to meet with Mr. Ajello to document all that had been discussed, to work on the list of materials, and to draft the construction sequence. Mr. Bedini advised Mr. Auth that the Commission had consulted a limnologist in the past about the proper method of shoreline repair and the use of the stones as discussed would break up the wave action and keep the water healthy. In response to a question from Mr. Auth, Mr. Bedini said that no soil should be deposited into the lake, not even near the base of the trees.

Gorman/233 Roxbury Road/#IW-10-13/Inground Pool, Fence, Stonewall, Terrace, Drain, Landscaping,

Etc.:

Mr. Sabin, landscape architect, presented his plan, "Site Plan Illustrating Proposed Swimming Pool," dated 4/12/10, which he had drawn on the map, "Property/ Boundary Survey, Lot Line Revision," by Mr. Alex, dated March 2006. He pointed out the location of a "benched area" 5 ft. below the walkout basement where he proposed a 20' X 40' inground pool with terrace, stone retaining wall, and stairs. He also proposed a deck extension, which, he stated, was not in the regulated area. He noted the pool equipment would be 70 ft. from the wetlands and there would be no service backwash. Mr. Ajello advised him that this would have to be moved to within 50 ft. of the pool. Mr. Sabin planned to deposit 70 to 80 yards of material to naturalize the contours and to provide a better medium for the proposed native plantings. He described the proposed drainage system that included level spreaders and energy dissipaters and a diversion swale along the upper lawn to take runoff away from the pool. He stated there were no feasible and prudent alternatives because the rest of the property is so steep. He also noted he would submit an enlarged plan. A site inspection was scheduled for Wednesday, April 21, 2010 at 4:30 p.m. It was noted an additional \$30 for state tax was due.

### **Other Business**

Slaymaker/17 Sunset Lane/Request to Revise Permit #IW-08-13:

Mr. Slaymaker's undated letter to the commissioners and proposed revised landscaping plan were reviewed. Mr. Slaymaker proposed to replace three dead pines with two river birch trees and a red maple and to erect a fence between the lawn and the restored wetland area. The fence would have wire mesh backing and pressure treated posts. He said he would use a mini excavator for both the fence posts holes and to plant the trees. Mr. LaMuniere objected to pressure treated posts in the wetlands. Mr. Slaymaker submitted two MicroPro info sheets, which described how this type of treatment process greatly reduces the release of copper, and stated that what does leach out is in the form of particles. Mr. Bedini noted that the arsenic associated with pressure treatment is essentially gone, too. Mr. Martino advised Mr. Slaymaker about other methods to use when digging the post holes so that not so much material would have to be scooped out. Mr. Bedini and Mr. Bohan agreed a post hole digger would be better to use in wetlands because it would minimize the soil disturbance.

MOTION:

To approve the revision of Permit #IW-08-13 requested by Mr. Slaymaker/17 Sunset Lane for changes in his approved restoration plan.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

### **New Application**

Angell/47 West Shore Road/#IW-10-12/Plant Buffer Vegetation, Construct Stairs, Move Dock and Install New Bulkhead:

Three site plans, a reduced map, "Septic As Built, Proposed Site Plan," by Mr. Neff, dated 1/18/99, "Proposed Buffer Planting Continuation," no signature or date, and an enlargement of a survey map, no signature, title, or date, with plants and stairs drawn in by hand, and a plan for the construction of the stairs, entitled, "Stone Steps," no signature or date, were reviewed. Mr. Ajello explained the applicant proposed to

- 1) extend the buffer plantings along the shoreline, and this would be supervised by the Lake Waramaug Assoc.,
- 2) install large stone slab stairs from the existing porch to the grassed area along the road, and
- 3) to move the existing dock to a more centrally located point on the shoreline. It was noted there is an intermittent stream at the bottom of the proposed stairs and large stones would be installed to cross over it. The 4/7/10 letter from Mr. McGowan of the Lake Waramaug Task Force regarding the planting

plan was noted. It was also noted that the Lake Waramaug Assoc. would comment on the proposed dock location. Questions from the commissioners/missing information included:

- 1) The DOT was reserving judgment on the placement of trees and bushes near the curve. Mrs. Hill did not think a plan should be approved until it had been finalized.
- 2) Mr. LaMuniere asked for details on the new dock anchor.
- 3) Mr. Bedini did not think there was adequate detail provided for the intermittent stream crossing and the construction of the stairs. For example, how would the large stones be placed? Would a pipe be installed? How would the stones be anchored on each side? What was the soil type where the stairs were proposed?
- 4) Mr. LaMuniere thought erosion and sedimentation controls should be installed because the slope where the stairs would be built was so steep.
- 5) Mr. Bedini requested a construction narrative. It was agreed a formal site inspection was not necessary because the commissioners could all drive by the property.

### **Enforcement**

#### Delancy/7 New Milford Turnpike/#IW-09-V04/Clearing in Regulated Area:

The 4/14/10 enforcement report by Mr. Ajello and photos of the site were reviewed. Mr. Ajello described the significant tree clearing and deposition of wood chips in the wetlands near Bee Brook. Mr. Delancy stated that he had not known that a permit was required and that dead trees that had been threatening his wires and parking area had been cut. Mr. Ajello said he had ordered the contractor to stop work. Mr. Bedini asked Mr. Durkin, contractor, why he was not familiar with the Inland Wetland Regulations. Mr. Durkin responded that he had deposited the wood chips over chips that were already on site and had done so in a manner that would prevent erosion. He said Mr. Ajello had stopped work before it had been properly completed, noting that he had spread 6 to 10 inches of wood chips in the area. He said he had researched the benefits of wood chip mulch after Mr. Ajello claimed the chips could poison the water and submitted information on the subject. Mr. Carmellini noted the state had not responded to requests to cut the dead trees. Mr. Bedini noted the chips had been placed next to an intermittent stream. Mr. Durkin said it was a ditch that was running due to the 6" of rain that had recently fallen. Mr. Bedini noted the Commission did not have a problem with the cutting of the trees that threatened a house, but because the work was done in wetlands and near an intermittent stream, a permit was required. He stated that how the work would be done, what machines would be used, where would they operate from, would there be any soil disturbance, what would be done with the wood chips, etc. would be reviewed by the Commission. Mr. Ajello explained that the nitrogen and phosphorous from the decomposition of the wood chips could contribute to the eutrophication of downstream water bodies. Mr. LaMuniere noted the preservation of the canopy to ensure shade in the wetlands is also important. Mr. Delancy said he would remedy the situation per the Commission's recommendations and offered to seed the disturbed soil with a wetland flower mix to restore the area. Mr. Ajello recommended that all but one inch of the wood chips be removed without disturbing the soil and asked the Commission to inspect the site to determine whether any planting should be required. Mr. Bedini directed the property owners to work with Mr. Ajello to draft a clean-up plan and a work sequence to present to the Commission. Mr. Ajello said that once the site is cleaned up, the Commission could determine whether plantings were necessary. Mr. Durkin thought allowing only one inch of wood chips was unreasonable, but Mr. Ajello said it would allow native species to germinate. It was agreed no further work would be done until the Commission reviewed the clean-up plan.

#### Town of Washington/Corner of Slaughterhouse Road and Christian Street/Deposition of Wood Chips:

Mr. Delancy complained that the Town had deposited a huge pile of wood chips by a stream in this area. Mr. Ajello will investigate.

## **Other Business**

### Request for Authorization for General Permits Administered by the Inland Water Resources Division/Mt. Tom State Park/Beach Maintenance:

It was noted the state proposed to spread sand on the beach at Mt. Tom. The Commission had no comments.

## **Enforcement Report**

### Town of Washington/16 Titus Road/#IW-09-V02/Unauthorized Stockpiling of Material in the Floodplain:

Mrs. Hill asked if the 2007 permit allowed the stockpiling of additional materials on site. Mr. Ajello said it did, but not in the floodplain. Mr. LaMuniere stated that the 2007 permit had required the stockpiles of debris to be removed and that he was concerned about the stockpiling of material in the floodplain. Mr. Ajello said that the previous First Selectman, Mr. Sears, had told the Commission the permit to remove the stockpiles did not preclude the Town from using the property should the need arise in the future. He added, however, that the stockpiles had been leveled towards the river and the current situation was "now out of control." Mr. Ajello reviewed the cease and restore order point by point. Mr. LaMuniere thought the stockpiling was in violation of the existing permit, worried that the stockpiling would be a continuing problem, requested a specific written remedial plan with a timetable to correct the violation, and questioned whether the Commission had the authority to agree to filling in a floodplain. Mr. Wadelton noted the cease and restore order did not prevent the Town from cleaning the debris from the site and agreed the area within 125 feet of the river should be restored. After further discussion, the following motion was approved.

#### **MOTION:**

To uphold the 4/7/10 Cease and Restore Order issued to the Town of Washington for the unauthorized stockpiling of material in the floodplain at 16 Titus Road as modified to eliminate requirement #5. By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

### Tomczyk/39 River Road/#IW-09-V03/Clearcutting of River Bank:

Photos of the clearcutting on Town property were circulated. Mr. Ajello read the 4/6/10 letter from Mr. Tomczyk to the Commission. Mr. Ajello recommended the commissioners drive by the site to determine whether they think any further action is necessary and whether letting the banks regrow naturally would be sufficient.

### Weaver/176 East Shore Road:

Mr. Weaver will soon apply to reconstruct the boathouse.

### Hock/Fiedorowicz/49 Mt. Tom Road:

The driveway crossing is currently under construction and erosion controls are in place.

### The Community Grill/223 Litchfield Turnpike:

Mr. Ajello reported that soils had been deposited too close to the wetlands and he had requested the property be cleaned back to the wetlands boundaries.

## **Administrative Business**

### Shoreline Work:

Mr. Ajello asked the Commission to think about what should be the maximum amount of shoreline allowed to be reconfigured and what type of shoreline work should be allowed.

4/8/10 Meeting with Atty. Branse:

It was the consensus that this informational meeting had gone very well and that Atty. Branse's clarity in explaining his thoughts and legal points was appreciated. As a result of what the Commission learned, interveners will be approached differently in the future and legal advice will be sought earlier in the application process. Regarding whether to schedule future meetings of this kind with the other land use commissions, it was thought that each commission had its own jurisdiction and could schedule its own meetings as desired.

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

Mr. Bedini adjourned the meeting at 10:32 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill  
Land Use Administrator

**INLAND WETLANDS COMMISSION  
SITE VISIT REPORT**

**Application:** IW-10-09

**Inspection Date:** 3/31/10

**Time:** 4:00 – 4:30 P.M.

**Applicant:** Klein

**Address:** West Shore Road

**Reason for Application:** Install Floating Dock

**Members Present:** D. Hill, T. Bedini, C. LaMuniere

**Staff Present:** M. Ajello, E.O

**Others Present:** B. Neff, P.E.

**Observations:**

Site walk participants gathered on West Shore Road at the point where the post and steel cable fence along the road is to be opened up by DOT to allow access to the lake shore and the proposed dock mooring. Mr. Neff explained the procedure to be used by DOT to carry out this operation.

Participants then walked down and viewed the sloping, narrow strip of land (approximately 20 feet) between the road and the edge of the lake where the proposed cement dock anchor block is to be cast between two large rocks resting on the lake bottom. A discussion took place regarding the possible need to increase the depth of the anchor block to ensure that it was resting on the solid lake bottom and not sediment.

Mr. Neff confirmed that, as per the plan submitted with the application, the posts supporting the hand rails on the sides of the proposed stairway section would be made of untreated lumber.

Respectfully submitted,  
Charles LaMuniere