

## July 14, 2010

Show Cause Hearing – Regular Meeting

6:30 p.m., Land Use Meeting Room

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

**ALTERNATES PRESENT:** Mr. Papsin

**ALTERNATES PRESENT FOR MEETING ONLY:** Ms. Cheney, Mr. Martino

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

**ALSO PRESENT:** Atty. Sconyer, Mrs. Wang, Mr. Herman, Mr. Rosiello, Mr. Clark, Mr. Talbot, Mr. Neff, Mr. Allan, Mr. Lyon

### SHOW CAUSE HEARING

Wang/110 Blackville Road/#IW-09-V07/Unauthorized Clearing, Driveway

Mr. Bedini called the Show Cause Hearing to order at 6:34 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton. He offered to read the enforcement order, but Mrs. Wang said she had already read it. Copies of the 7/6/10 order were circulated.

Mrs. Wang stated she had paid her fine, all of the bushy vegetation that had been cut had now grown back, the stone deposited on the “driveway” had been removed, maple trees would be planted in the fall, and she would restore the area to what it had been before it had been cleared.

Mr. Herman, contractor, said the maple trees would be planted in the open 60 ft. gap on both sides of the stream to restore the canopy.

Mr. Bedini noted points #4 and #5 in the enforcement order and asked Mrs. Wang if she had prepared a map showing a restoration plan and if she had addressed all of the other points in the order. He noted a Class A survey map would not be necessary, but a planting plan was required.

Mrs. Wang responded that all of the plants had grown back except for the trees.

Mr. LaMuniere explained the order had been clearly written and restoration plans and a written proposal had to be submitted for the Commission’s review.

Mrs. Wang asked how many trees the Commission wanted her to plant and said they could not be planted until the fall.

Mr. Bohan said he had observed that a section of the ground had been grubbed and there had been no root structure remaining.

Mrs. Wang said the plants had only been cut, they had grown back, and the Commission was welcome to inspect. She said she would restore the site to what had been there before, but would not do any work beyond that. She said she would not sketch the plants already growing back on a plan, but would take a photo. She also said she would ask her landscape architect to show on a plan exactly where the trees would be planted.

Mr. Bedini noted the cease and desist order would remain in effect until a restoration plan is submitted. He asked that it include the outline of the property, the location of the stream, where the trees would be planted, how many trees would be planted, how large they would be, when they would be planted, etc.

Mrs. Hill asked what kind of plants were growing back; she thought they might be invasives. She asked that the landscape architect identify what is now growing and recommend what should be planted. She thought this could be an opportunity to get rid of the invasives.

Mr. Herman said it was mostly prickles and vines that were now growing.

Mrs. Wang again stated that what was growing back was what had originally grown there and she was adamant that she would do no work beyond restoring what had been growing before the area had been cleared.

Mr. Ajello arrived at this point.

Mr. Herman offered to seed and mulch the section of bare dirt and said he would work on a sketch map and would get a letter of authorization for the next meeting.

Mr. Ajello said he had inspected the site and it was filling in, although he had not identified the plants. He recommended that a one to two year monitoring plan be incorporated in the restoration plan.

Mr. Bedini again stated the Commission required a planting plan. As there were no further questions, he continued the Show Cause Hearing to 6:30 p.m. on Wednesday, August 11, 2010 in the Land Use Meeting Room.

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

## **REGULAR MEETING**

Mr. Bedini called the Meeting to order at 7:00 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton.

### **MOTION:**

To add the following subsequent business to the agenda:

V. New Applications:

D. Town of Washington/10 Blackville Road/#IW-10-27/ Driveway, Storage Area, Stormwater Management,

E. Ernhout/289 West Shore Road/#IW-10-28/ Drainage Improvements,

F. Schoellkopf/300 Nettleton Hollow Road/#IW-10-29/Repair Dam.

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

### **Consideration of the Minutes**

The 6/9/10 Regular Meeting minutes were accepted as corrected.

Page 3, Line #3: Change "plains" to "planes."

Header throughout: Correct the date to 6/9/10.

### **MOTION:**

To accept the 6/9/10 Regular Meeting minutes as amended.

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

The 6/16/10 Special Meeting minutes were accepted as corrected.

Page 2: Change "Public Hearing" to "Special Meeting."

Page 7: Change "Mrs." to "Ms. Cheney."

### **MOTION:**

To accept the 6/16/10 Special Meeting minutes as amended.

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

The 6/23/10 Special Meeting minutes were accepted as amended.

Page 2, Paragraph #3, Line #2: Change "cement" to "existing cement anchor block."

### **MOTION:**

To accept the 6/23/10 Special Meeting minutes as amended.  
By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

The 6/14/10 Sullivan-Ahearn site inspection minutes were accepted as corrected.  
Change the estimated depth from “3 feet” to “3 to 6 feet.”

**MOTION:**

To accept the 6/14/10 Sullivan-Ahearn site inspection minutes as amended.  
By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

**MOTION:**

To accept the 6/14/10 141 West Shore Road, LLC. site inspection minutes as written.  
By Mrs. Hill, seconded by Mr. Wadelton, and passed 5-0.

**Pending Applications**

Whittenberg/24 Horse Heaven Road/#IW-10-20/Demolish, Reconstruct House:

Mr. Neff, engineer, presented his revised plan, “Proposed Site Plan,” revised to 7/6/10, which included two stockpile areas, one to the north and one to the south of the house. He also added a hot tub to the plans and a note that excess soil will be removed from the site. He noted the only activity within the regulated area was the installation of the footing drain. It was noted that all of the concerns raised at the last meeting had been addressed.

**MOTION:**

To approve Application #IW-10-20 submitted by Mr. Whittenberg to demolish and reconstruct the house and install the associated footing drain at 24 Horse Heaven Road per the site plan dated 10/12/10 and revised to 7/6/10.  
By Mr. Bedini, seconded by Mrs. Hill, and passed 5-0.

Frog Hill, LLC./91 Nettleton Hollow Road/#IW-10-21/Lot Line Revision, Construct Driveway:

The map, “Proposed Site Development Plan,” by Mr. Neff, dated 5/29/10 was reviewed. Mr. Neff, engineer, noted the existing driveway had been installed ten years ago under a previous permit and that it was mainly the existing first section that was in the regulated area. As the driveway goes west, it gets beyond the regulated area. In response to the discussion at the last meeting regarding conduits, Mr. Neff said he had revised the erosion control plan to include the installation of the conduit to as far as the bend in the driveway. Mr. Ajello asked if the limit of disturbance had been shown on the map. Mr. Neff stated it had.

**MOTION:**

To approve Application #IW-10-21 submitted by Frog Hill, LLC. for a lot line revision, to construct a driveway, and to install conduits at 91 Nettleton Hollow Road.  
By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

141 West Shore Road, LLC./141 West Shore Road/#IW-10-22/Repair Septic System, Install Patio and Handicapped Ramp, Reconstruct House, Rebuild Wall Along Shoreline, Install Dock, Remove Invasive Species, Construct Berm, Install Pervious Walkway:

Mr. Clark, engineer, stated that based on the discussion at the last meeting, the comments made at the site inspection, and Mrs. J. Hill’s application review, he had made several revisions to the plan. The plans, “Building Improvements,” 2 sheets, revised to 7/7/10 were reviewed. He provided a larger map to show the proposed shoreline work in detail as the Commission had requested. Landscaping along the shore was discussed. Mr. Ajello noted there were view and vista issues and cautioned that the bollards and hedges should not be any taller than 2 ft. above the elevation of the center line of the road. Mr. Clark proposed to cut five trees because their roots were damaging the shoreline wall, but the

Commission was concerned about the loss of the canopy. Mr. Clark said he was willing to try to save some of them, but added they might die anyway due to impact of the construction. The trees to be saved were labeled both on a photo dated 5/18/10 and on the plan. Mrs. Hill asked if the Commission had any problems with the proposed reconstruction of the 100 feet of wall along the shoreline. Mr. Clark circulated photos of the wall, which he said showed it needs repairs. He said the existing base stones would not be removed, but new stones at the base might have to be added as the work progresses. He noted the rebuilding would be done in three phases and that the construction details were included on the plans. He said repairs would be made to the existing stairs, too. Mr. Ajello advised him that the dimensions of the stairs could not change. Mrs. Hill asked what the difference was between this proposal to reconstruct the entire wall and the Brown property, where the Commission had not approved the entire reconstruction that had been proposed. Mr. LaMuniere responded that part of the Brown property had been natural shoreline and another section had been rebuilt in a different manner than the original wall. Mr. Ajello stated there was no evidence that there ever was a wall on the west side of the Brown shoreline. He noted the Commission had ordered that half of the newly constructed Brown wall be removed, but said they only took down half of what they had been ordered to. Mrs. Hill did not see the need to replace the entire wall. She said she understood the section in the area where the dock would be anchored had to be rebuilt, but noted that as the stones fall to the lake, they break up the wave action and provide more habitat and a natural appearance. She said what is left of the wall would last longer if the existing trees were removed and replaced with smaller ones. Mr. Ajello noted the applicant proposed not only to cut the trees, but to remove the stumps. Mr. LaMuniere suggested that a root barrier technique be used on the trees to be saved by the wall. He noted the wall was existing and failing and that the Commission had recently allowed other property owners, (Daly,) to rebuild their existing wall. Mrs. Hill said the Daly wall had not been 100 ft. long. Mr. Bedini thought it would be difficult for the Commission to make a case that it was OK to rebuild one existing wall but not another. Mrs. Hill responded that the first approval had been prior to the Commission's meeting with Dr. Kortmann, limnologist. Mr. LaMuniere stated that rebuilding the wall, if rebuilt as is, and restacking the stones would not impact the ecology of the lake, but that the removal of trees was a concern. Mr. Ajello stated the wall would be thicker at the base, but its width would taper up to the top. Mrs. Hill thought a 5 ft. wide base was "too much," but Mr. Clark said it was standard engineering practice. The proposed concrete base needed to anchor the dock on top of the existing rock was discussed. Mr. Clark stated that concrete had to be used, that a rod would be used to stabilize it, and that it would not be visible. Mr. LaMuniere asked how thick the concrete would be and Mr. Clark said approximately 4 inches. Mr. LaMuniere asked how much material would be deposited to create the proposed berm on the upper side of the property. Mr. Clark said he found dimensions were more verifiable than the amount, noting that the top of the berm would be 4 ft. wide. Mr. LaMuniere warned that the contractor must be given very specific plans. Mr. Ajello asked if the pervious walkway along the driveway would withstand traffic and plowing. Mr. Clark said it would. He described the materials in the product to be used and the installation process and submitted an informational brochure. He explained that 6 inches of stone would be placed under the pervious surface and that runoff would either infiltrate or run down the hill. Since drainage at the end of the driveway had been a problem in the past, Mr. Ajello asked that a path be made for the runoff to reach the drainage pipe. Mr. Clark said he would add this to the plans. In response to Mrs. J. Hill's review Mr. Clark stated, 1) a comprehensive list of proposed activities was included in work description, which was part of the construction sequence table, 2) a note had been added that the land use office must be notified at least 48 hours prior to the start of work, 3) the construction sequence now specifies it is the property owner who will be responsible for inspecting and maintaining the erosion control measures, 4) a note was added that the erosion controls must remain in place until the disturbed areas are stabilized, and 5) stockpile areas were added to the plans. He said he did not include a limit of disturbance line because there would be activities throughout the entire property except the section east of the intermittent stream. Mrs. Hill

asked if all of the equipment to be used had been provided. Mr. Clark said this information was included in the work sequence. In addition, he noted a soil scientist's report, the mandatory conservation easement form, and the approval by the Health Dept. had been submitted. Mr. Bedini asked when the work would begin. Mr. Clark said work on the wall would begin as soon as possible while it was still dry.

**MOTION:**

To approve Application #IW-10-22 submitted by 141 West Shore Road, LLC. to repair the septic system, install a patio and handicapped ramp, reconstruct the house, rebuild the wall along the shoreline, install a dock, remove invasive species, construct a berm, and install a pervious walkway at 141 West Shore Road subject to the following conditions:

1. a note shall be added to the construction sequence on the plan that all erosion control measures are to remain in place until the disturbed areas are stabilized,
  2. trees along the shoreline are to be saved per the labeling of the photo dated 5/18/10 and the 7/14/10 notations on the plan,
  3. the pipe under the pervious walkway is included in the approval, and
  4. a note shall be added to the construction plans that the land use office must be notified at least 48 hours prior to the start of work so that the WEO can inspect and approve the erosion control measures.
- By Mr. Bedini, seconded by Mr. Bohan, and passed 4-1.

Mrs. Hill voted No because she did not think the Commission should approve the rebuilding of the entire 100 ft. shoreline wall.

Sullivan-Ahearn/7 Warren Road/#IW-10-23/Dredge Pond, Repair Weir, Remove Invasives:

Mr. Rosiello, landscape architect, submitted his revised plans, "Proposed Pond Dredge Plan," dated Summer 2010. He addressed the points raised in Mrs. J. Hill's review as follows: 1) He submitted an additional \$30, 2) He indicated on the plan where the dredged material would be deposited. No material will be deposited in wetlands. It will be used between the house and the barn to create flower beds. 3) He added a note that the land use office would be notified at least 48 hours prior to the start of work. 4) He specified that he would be responsible for the inspection and maintenance of the erosion controls and said they would be inspected after each storm and on a bimonthly basis. 5) How the disturbed areas would be stabilized was also added to the plan. 6) Mr. Rosiello stated it would take two days to remove the invasives by hand, one week to dredge the pond, and 2 to 3 days to replant. 7) The existing weir is 20 ft. long X 14 inches thick X 4 to 6 inches high. 8) There are no possible alternatives. 9) The property is 512 feet from the Town boundary, so notifying the other town is not required. 10) He said 250 to 295 yards of material would be excavated. Mr. Ajello asked what equipment would be used to repair the weir. Mr. Rosiello said a small excavator would work from the edge of the pond and that he would try to save all of the wetlands vegetation along the NW shore. He noted the invasives to be removed were located in the pond and at the overflow. The invasives will be bagged and taken off the property and additional wetlands vegetation will be planted.

**MOTION:**

To approve Application #IW-10-23 submitted by Sullivan-Ahearn to dredge the pond, repair the weir, and remove invasives at 7 Warren Road per the plan and notes by Mr. Rosiello dated Summer 2010. By Mr. LaMunier, seconded by Mrs. Hill, and passed 5-0.

**New Applications**

Horan/54 East Street and 49 Tompkins Hill Road/#IW-10-24/Lot Line Revision and Construct Single Family Dwelling:

Atty. Sconyers represented the property owners. He said he had not yet gotten the address for the eastern lot. The plans, "Site Development Plans," 5 sheets, by Berkshire Engineering, dated 2/16/10

and 2/19/10 were reviewed. Atty. Sconyers pointed out the proposed lot line revision and the feasibility plans for the development of the lot with access from Tompkins Hill Road. It was noted this lot was split by wetlands, a four bedroom house was proposed, the septic reserve area was not located on the same side of the wetlands as the house, and the proposed house location was only approximately 50 feet from the wetlands. Mr. Ajello asked if a two bedroom house was proposed, would the reserve system still have to cross the wetlands. He said the alternative of a smaller house and septic system should be considered. Mr. Bohan noted it appeared there was plenty of room to move the house farther from the wetland boundary. Atty. Sconyers stated the house location had been selected as far from the road as possible to provide maximum privacy. Mr. Bedini said there was 160 feet between the house and the road, so the house could be moved 40 feet farther from the wetlands without sacrificing privacy. He also asked if there was an alternate location for the septic reserve. Mr. Bedini asked if there were any technical reasons for not locating the house out of the regulated area. Atty. Sconyers said the contours were a concern. Mr. LaMuniere and Ms. Cheney thought it could easily be moved toward the road. Mr. Bedini asked that for the next meeting the applicant address in writing what other locations had been considered, why they were not viable, and were there any good reasons the house could not be moved 100 feet from the wetlands. He also asked that a limit of disturbance line that encompasses all of the proposed activities be indicated on the map. A site inspection was scheduled for Wednesday, August 4, at 4:30 p.m. The applicant will stake the driveway and the corners of the house and garage. Atty. Sconyers noted the wetlands had been flagged some time ago so he did not think the flags would still be visible.

Devereux Glenholme School/64 Sabbaday Lane/#IW-10-25/Replace Drainage Pipe:

Mr. Allan, soil scientist, explained the existing 12" reinforced concrete pipe would be replaced with a 12" corrugated plastic pipe in a straighter line than the existing route and that also an 8" pipe would be installed at the bottom of the electrical box to drain water from the pump house. He noted he had flagged the wetlands and that the new pipe would discharge near them. A 6' X 5' rip rapped plunge pool was proposed at the outlet to eliminate the scouring and erosion that is now occurring. It is in essentially the same location as the existing splash pad. The existing pipe would be abandoned, backfilled, and the disturbed area seeded. Mr. Allan noted there would be 160 sq. ft. of temporary disturbance in the wetlands. The plan, "Drainage Improvements," by Land Tech Consultants, revised to 7/13/2010 was reviewed. Mrs. Hill asked if the application was in response to an enforcement matter. Mr. Ajello said that a notice of violation had been sent. The commissioners will drive by the site prior to the next meeting.

Schneider/97 Lower Church Hill Road/#IW-10-26/Dredge Pond:

Mr. Palella was agent for the applicant. The sketch plan by Mr. Baker, "Schneider Property," drawn on a portion of a survey map was briefly reviewed. It was noted that the pond was last cleaned five years ago, that it collects road sand, and there is no room to install a settling basin. Mr. Bedini asked for a limit of disturbance line to show where the trucks would enter, where the excavated material would be dewatered, and the extent of all proposed activities. He also asked that the sketch map be enlarged so that it would be easier to review. Mr. Bedini asked for the Assessor's Map and Lot numbers and for a written description of how Mr. Palella would prevent downstream impacts while the work is in progress. Mr. Palella said the pond dries up and so there would be no downstream impacts if the work was done during the dry time of year. In general, the commissioners asked for more specific plans for the next meeting.

Town of Washington/10 Blackville Road/#IW-10-27/Driveway, Storage Area, Stormwater Management:

Mr. Lyon, First Selectman, circulated small scale maps, "Site Development Plan," by Arthur H. Howland and Assoc., revised to 7/14/10, and a brief narrative, which, he said, addressed the issues

raised in Mrs. J. Hill's 7/12/10 review. Using the large scale plan dated 7/7/10, Mr. Lyon pointed out the existing overgrown drainage swale and explained the proposed drainage improvements, which included installation of a two rip rapped stilling basins and a new pipe from the upper basin to the existing catch basin behind the garage. He stated the storage of small stockpiles of materials for daily use would be moved from the old garage on Titus Road to the Blackville Road facility when the proposed storage area was constructed. In response to Mrs. J. Hill's 7/12/10 review, he pointed out temporary stockpile areas for topsoil and noted the existing drainage pipe goes to Mallory Brook, which is within 100 feet of a portion of the property so the 100 ft. setback line was added to the plan. Mr. Lyon also stated the surface of the driveway and storage area would be gravel, all proposed activities were beyond the 100 ft. setback, most of the runoff would infiltrate in the lower basin, the work would be done in August or September, and buffering would be installed between the storage area and the road. The commissioners will drive by the site before the next meeting.

Ernhout/289 West Shore Road/#IW-10-28/Drainage Improvements:

Mr. Neff, engineer, explained that last year the septic system had been repaired, but there was now ponding of water on a flat area between the yard and the road. The map, "Yard Drainage Plan," dated 6/28/10 was reviewed. He proposed two 1' X 1' catch basins to pick up the surface water and a 4 inch pipe to connect them with the existing 8 inch drainage pipe. He said it was a small project that would require only minor digging with a small machine. He noted he had staked the center of the locations for the two catch basins. The commissioners will inspect the site on their own prior to the next meeting.

Schoellkopf/300 Nettleton Hollow Road/#IW-10-29/Repair Dam:

Mr. Neff, engineer, stated the existing dam needed minor repairs. He presented a photo of the dam and the portion that needs maintenance. He stated that no dredging of the pond was proposed; only the cracks and voids in the dam would be filled. The map, "Dam Repair Plan," by Mr. Neff, dated 6/22/10 was reviewed. Mr. Neff said the water was low enough now so there was no need to drop it any further, but he explained the project narrative included notes on how the water would be diverted rather than held back should it become necessary to lower the water level. He pointed out the access to the work site and the temporary material stockpile area. He said the repair work would be done by hand and that this was a good time of year to do the work because it was so dry. A site inspection was scheduled for Wednesday, August 4, 2010 at 5:15 p.m.

**Other Business**

Kott/14 Wheaton Road/Request to Amend Permit #IW-09-47:

Mr. Neff explained that the ZBA had not approved the addition that the Wetlands Commission had approved last year and so the revised proposal was for a second story addition over the existing porch. The plan, "Proposed Site Plan," by Mr. Neff, revised to 6/28/10 was reviewed. Mr. Bedini noted the revised plan was for less than the Commission had originally approved. Mr. Ajello reported that the owners had installed an irrigation system without a permit. It was noted this was not the first time that the contractor, Artistic Irrigation, had done work without the required wetlands permit. Mr. Bedini said the violation would be discussed later in the meeting.

**MOTION:**

To approve the request by Mr. and Mrs. Kott to amend their Permit #IW=09-47 for a reduction in the scope of work to be done at 14 Wheaton Road.

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

**Enforcement**

Kott/14 Wheaton Road/#IW-10-V01/Installation of Irrigation System:

Mr. Ajello said the unauthorized activity, installation of an irrigation system, had not occurred in wetlands, so the fine would be \$150 and he recommended that both the Kotts and the contractor be fined. He noted the work had been done within 20 feet of the stream and within 1 ft. of the steep bank above the stream and there had been soil disturbance although no large equipment had been used. It was the consensus of the commissioners that both the owners and Artistic Irrigation should be fined.

Andersson/35-45 Gunn Hill Road/Request for Release of Bond:

Mr. Ajello reported the restoration work had been completed and he was now waiting for the final bill from Land Tech. He explained that Mr. Andersson owes \$3000 in previous consultants' fees per the settlement agreement plus the one day consultant fee for the final excavation work. He recommended the Commission make a motion to return the balance of the bond after these fees are paid. Mr. Bedini said he did not want the remainder of the bond returned until all outstanding bills were paid.

DiBenedetto/212-214 Calhoun Street/Restoration of Understory/ Request for Release of Bond:

Mr. Ajello noted this matter had been addressed in his enforcement report and he spoke briefly about the planting done and the restoration of the varied canopy. Mr. LaMunier thought the bond should not be released until the phragmites on the site is removed by hand. Mr. Ajello noted the property had been sold and this would be the new owners' responsibility. None of the commissioners objected to returning the remainder of the bond once all outstanding bills are paid.

Moore/25 Litchfield Turnpike/Unauthorized Clearcutting, Filling:

Mrs. Hill asked why this matter could not be resolved and removed from the list. Mr. Ajello said he would have to inspect for possible encroachments.

Brown/127 West Shore Road/Unauthorized Work Along Shoreline:

There was nothing new to report.

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

There was nothing new to report.

Slaymaker/17 Sunset Lane/#IW-07-V14/Unauthorized Drainage and Excavation Work:

The Commission is waiting for Mr. Slaymaker to report that he has planted all of the required vegetation before returning his bond.

Rosen/304 Nettleton Hollow Road/#IW-08-V2/Unauthorized Stream Work:

There was nothing new to report.

Brose/213 Roxbury Road/#IW-08-V5:

Ms. Brose paid the \$500 fine and signed the performance bond. She plans to begin removal of the stone patio within two weeks and to do the required restoration planting in the fall.

Schein/245 West Shore Road/#IW-08-V7:

Mr. Ajello will send another letter to request that the required planting to stabilize the disturbed areas be completed.

Weaver/176 East Shore Road/#IW-09-V3/Unauthorized Clearcutting:

The Commission is still waiting for a planting plan for the bank on the lake shore. Mr. Ajello will write a letter to tell Mr. Weaver the Commission expects an application for the restoration work and will send a citation.

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

This matter will be removed from the enforcement list.

Devereux Glenholme School/64 Sabbaday Lane/#IW-09-V05/Unauthorized Excavation:

An application to correct the violation has been submitted.



Auth/329 West Shore Road/#IW-09-V06/Violation of Permit #IW-10-10:

Mr. Wilson, engineer, called Mr. Ajello to inform him that work would start tomorrow morning. When Mr. Ajello reminded him he was supposed to have submitted a revised plan for the Commission's approval before starting work, Mr. Wilson responded that he would use Mr. Ajello's plan. Mr. Ajello advised him that a zoning permit is also required and that he will be required to sign off on the plans he has agreed to implement.

Angell/47 West Shore Road:

Mr. Ajello reported the dock and shoreline work were completed except that two issues remain. First, the work on the stairs across the road was temporarily abandoned until native stone can be obtained. Also, a large pressure treated storage box that was not included in the Wetlands permit and pressure treated stair treads were installed. Mr. Bedini noted this was another example of why the Commission must be as specific as possible when approving permits because even seemingly minor issues such as the width of a step can lead to misunderstandings and permit violations.

Charvillat/96 Roxbury Road:

After several letters, Mrs. Adler has agreed to plant the iris for Mrs. Charvillat.

Keating/68 West Shore Road:

Mr. Ajello noted that the 6/6/2010 minutes state that the anchor block would not protrude any farther out into the lake than the existing pile of rocks and that the concrete was supposed to be tucked under the stairs. Instead, Mr. Ajello reported there had been a build out into the lake and to make matters worse, the contractor had emptied the sand bags that held the cement forms in place into the water. Mr. Bedini suggested Mrs. Keating be fined for exceeding her permit. Mr. LaMunier and Mr. Martino thought the Commission had been very specific in requiring the cement work to be pushed back into the bank. Mr. Bohan and Mr. Waderton thought even though Mrs. Keating had agreed to the work as described above, if the diagram she submitted did not clearly show it, enforcement could be a problem. Mr. Ajello stated she had applied for a 3 ft. wide concrete step, but was told, no, she had to push it back as far as possible. Mr. Waderton pointed out the width of the "step" had not been defined. Mr. Martino noted that in the future no sketch plans should be accepted; engineered plans should be required. It was the consensus that Mrs. Keating be sent a notice of violation and that she be asked to attend a future meeting to discuss this matter. The Commission will decide after that discussion whether she will be asked to remove the concrete build out.

Mnuchin/218 Nettleton Hollow Road:

Mr. Gambino submitted photos to show that the collar had been installed on the outlet pipe prior to the application of the herbicide to the pond.

Steep Rock Assn./Sabbaday Lane:

Phase II of the selective harvest is underway.

Sheinfeld/Lower Church Hill Road:

Mrs. D. Hill asked Mr. Ajello if he had inspected this property to make sure the conservation easements had not been compromised and if he had noted the inspection for the file. Mr. Ajello said he had inspected the site and had found no encroachments, but had not placed a note in the file.

Bolek/East Shore Road:

Mr. Ajello noted that Mr. Bolek had applied for a build out into the lake and this had been denied. He circulated photos of the Bolek shoreline taken from the lake in 2005 and 2006 and compared these to a photo taken this year. The 2010 photo showed aluminum deck sections set on top of concrete. Mr. Ajello will deal with this as a zoning issue.

**Administrative Business**

A workshop meeting was scheduled for Wednesday, August 4, 2010 at approximately 6:00 p.m. (immediately following the earlier scheduled site inspections). The location will be determined later.

There were no communications and no need for an executive session.

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

Mr. Bedini adjourned the meeting at 10:41 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
By Janet M. Hill  
Land Use Administrator