

September 14, 2005

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

MEMBER ABSENT: Mrs. Korzenko

ALTERNATE PRESENT: Mr. Bedini

ALTERNATE ABSENT: Ms. Coe

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

ALSO PRESENT: Mr. Boling, Mr. Charles, Mr. Papsin, Mr. Tagley, Mrs. Andersen, Mrs. Branson, Mr. Branson, Mr. Neff, Mr. Ross, Ms. Brose, Mr. Sabin, Mr. Rosiello, Mr. Baker, Mr. Palello, Residents

Mr. Picton called the meeting to order at 7:04 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Bedini for Mrs. Korzenko.

MOTION: To add the following subsequent business to the agenda: 1) New Applications: A. Schneider/ 97 Lower Church Hill Road/#IW-05-59/Dredge Pond, B. Dedell/156 Calhoun Street/#IW-05-60/Landscaping, C. Janowicz/51 Rabbit Hill Road/ #IW-05-61/Driveway; 2) Enforcement: Taylor/ 11 Sunset Lane/Notice of Violation/Excavation; 3) Other Business: Murgio/New Preston Hill Road/Preliminary Discussion/First Cut. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Consideration of the Minutes

The 8/10/05 Public Hearing - Regular Meeting minutes were accepted as corrected.

P. 4: Top paragraph, last line: Change 7:52 p.m. to 6:52 p.m.

P. 5: 4th line: Delete: "It was the consensus the proposal submitted was a good approach, and."

P. 5: 14th line under Myfield: Change: "questioned whether this paper was relevant as" to: "observed that."

P. 9: The first motion was seconded by Mr. LaMuniere.

4th line from top: Insert: "wetland" before "habitats."

P. 10: First motion: 7th line: Change: "pond" to: "dredge area as shown on the map."

P. 11: Motion: 10th line: Insert: "in the direction of wetlands" before "as shown."

P. 13: #6 under Montessori School: 2nd line: Should be: grass and rock swale.

P. 15: There was a brief discussion regarding whether the \$10,000 bond had been a condition in the motion of approval. It was the consensus it had not, although The Gunnery representatives had agreed to post it before beginning work on the driveway. Mr. Picton asked Mr. Ajello to make sure this was done prior to the start of work.

P. 16: First line under Smith: Mrs. Smith and Mr. Watson reviewed the plans....

P. 18: Motion regarding Feola at bottom of page: The motion should include a statement that Mr. Feola is required to pay a \$100 citation fee.

MOTION: To accept the 8/10/05 Public Hearing - Regular

Meeting minutes as corrected. By Ms. Purnell,

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

MOTION: To accept the 9/7/05 James Calhoun House, LLC.

site inspection minutes as written. By Mr. Picton,

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

The 9/8/05 Steep Rock Assn. site inspection minutes were accepted as corrected. Mr. LaMuniere stressed that it had been agreed that the applicant would return to the Commission for a final review of the plans once they had been finalized by the logger.

MOTION: To accept the 9/8/05 Steep Rock Assn. site inspection minutes as corrected. By Ms. Purnell, seconded by Mr. LaMuniere, and passed 5-0.

The Commissioners thanked Mr. Bedini for his research and thorough minutes of the 9/8/05 Smith site inspection.

MOTION: To accept the 9/8/05 Smith site inspection minutes as written. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

Pending Applications

Calhoun Street Trust/62 Calhoun Street/#IW-05-37/Pond, Well, Wetlands Restoration: Mr. Neff, engineer, and Mr. Rosiello, contractor, discussed the revised plans; "Proposed Pond Plan," by Mr. Neff, dated 9/13/05, which was the composite map the Commission had requested, and the site plan received 9/12/05. Mr. Neff also submitted a letter dated 9/14/05 stating the proposed ponds would be safe and stable excavated structures and noting one would serve as a fire pond. Mr. Picton noted the cross sections and grading plan requested at the last meeting had not been submitted. Mr. Neff stated there would be a 3 ft. berm at the lower end of the proposed pond to hold the water level and Mr. Rosiello explained he proposed a berm on the uphill side, too, for landscaping and planting. Mrs. Hill noted a 40 ft. wide berm was proposed around most of the pond. Mr. Picton stated the Commission usually did not want any more fill deposited next to wetlands than was necessary, adding he thought the plans called for more fill than was practically necessary on the north, east, and west sides of the pond. Mr. Rosiello explained the added height of the berms was needed for aesthetic interest and stated on the east side, the pond edge was at least 50 feet from the wetlands and the fill would be kept 45 ft. from the wetlands. Mr. Rosiello stated the north end of the pond would be 30 ft. from wetlands at its closest point and there would be no problem keeping away from the wetlands in this area during pond construction. Elsewhere, however, the pond would be as little as 10 feet from the wetlands. Ms. Purnell said she appreciated the reduction in the size of the proposed pond and the additional plantings proposed for mitigation, but voiced her concern that the PH of the water to be pumped from the proposed well to fill the pond would differ from that of the surface water and might have unanticipated effects. She thought the pond would not have a negative impact on the wetlands. Mr. Rosiello said sedges would be planted on the south and east sides because the areas that would impound water could not have tree roots. Mr. Picton asked if there was a narrative to explain where the machines would operate during excavation. Mr. Rosiello noted it had been submitted with the original application, but Mr. Picton said it had been deficient. Mr. Picton again stated there was more excavation and fill up to the edge of the wetlands than was necessary to accomplish the objective and said the aesthetic landscaping features could be made smaller. He stated that while there was only 7 feet between the pond and the wetlands there was no indication on the map where the boundary was beyond which machinery would not be allowed. He asked that the work proposed in close proximity to the wetlands be minimized and said the work had not been described well enough so that he could be confident there would be no impact to the wetlands. He did not see the need for the berms on the upper perimeter and recommended the pond be made smaller on the east side. Mr. LaMuniere agreed that the Commission had asked for information on hydrology, elevations, and cross sections, but these had not been submitted. Mr. Neff agreed to submit a

refined grading plan and cross sections. The Commission asked for both N-S and E-W cross sections showing the berms in relation to the wetlands and asked that the activities be moved farther from the wetlands.

Cohen/62 Calhoun Street/#IW-05-44/Well, Pond: Mr. Rosiello stated this pond was proposed in a more level area, was further from the wetlands, and would be used for irrigation. The maps and plans cited under Application #IW-05-37 were reviewed again. Mr. Rosiello said the limit of the regulated area was not shown on the map, but that at its closest point the proposed pond was 110 feet from the wetlands. He pointed out the location of the well had been moved so that equipment would not have to cross wetlands for drilling. Mr. Rosiello reviewed the work area around the perimeter of the pond and pointed out the two stockpile/dewatering areas. Ms. Purnell asked if depressed areas would be filled in. Mr. Rosiello said they would. Mr. Picton asked that the limit of the work area be indicated on the map. Ms. Purnell was concerned about the impact to the ecological system that would be caused by the wetlands crossing and said there were alternatives other than crossing a watercourse to build a pond for irrigation. Mr. Picton noted, however, the crossing existed and it was the only access to that portion of the property. Mr. Rosiello said the crossing was very narrow, only wide enough to accommodate a garden tractor. He offered to construct a pontoon crossing to minimize the impact by machinery. Mr. Picton noted while Application #IW-05-37 was almost entirely within the upland review area, this one was mainly outside it and so he saw little chance of an adverse impact. Mr. Picton asked the applicant to develop an argument for why he needs the pond and irrigation pipes when there is the possibility that the well alone could serve the purpose. He also asked that the landscaping improvements be drawn so there is little or no chance of impact to the wetlands.

Cohen/62 Calhoun Street/#IW-05-45/Deer Fence: It was noted the deer fence was not shown on the comprehensive map, but would be added if approved. Mr. Rosiello said he had revised the original application by eliminating 9 acres of enclosed area, bringing the total enclosed to 18 acres. Ms. Purnell noted, however, that the wetland corridor would still be enclosed by the fence, which would result in the fragmentation of the habitat. She asked if there were alternatives and suggested the Commission consult with the DEP for guidance. Mr. Picton asked the applicant to try to fence in only the garden and to leave the wetlands out of the enclosure. Mr. Rosiello said there would be only minimal impacts in the areas where the fence crossed wetlands. Mr. Picton said the fence would be an ecological barrier and pointed out that habitat and wetlands quality are interrelated. Mr. Rosiello noted the portion of the wetlands corridor on the adjoining Steep Rock property was unfenced and said the fence would serve as the pool fence as well as for protection from deer. Mr. Picton asked that the applicants more narrowly define their objectives. Ms. Purnell asked that other alternatives be considered.

James Calhoun House, LLC./156 Calhoun Street/#IW-05-47/Addition to Dwelling: Mr. Neff, engineer, reviewed his map, "Soil Erosion and Sediment Control Plan," dated 8/5/05. He pointed out the location of the wetlands and pond and said that part of the existing house was within the 100 foot setback. Mr. Picton asked if the line of silt fence was the limit of disturbance and Mr. Neff said there was a note on the plan to indicate that it was. Ms. Purnell noted the structures proposed would increase the amount of impervious surface within the upland review area. Mr. Neff responded that Mr. Sabin, landscape architect, was working on a wetland planting plan that would increase the diversity of the vegetation in the wetlands. He added that while the work would increase the amount of impervious surfaces, it would have no adverse impact to the wetlands and was approximately 70 feet from the wetlands. Mr. Picton noted the addition to the dwelling would bring it only 10 feet closer than the existing house. Mr. Neff explained the work to be done on the terrace, stone wall, and stone steps down to grade. Ms. Purnell questioned how much encroachment on the upland review area would be allowed, especially since there was no accompanying mitigation plan. Mr. Picton thought in general new buildings would not be permitted, but said he was comfortable with the proposed addition because it

was a modest size and the terrain to the wetlands was relatively flat so sediment could be easily controlled. He thought structures within 50 feet of wetlands could be critical, but said this addition was 65 feet at its closest point. Mrs. D. Hill noted the Commission frequently requires mitigation plans and suggested the application form be revised to include this requirement.

MOTION: To approve Application #IW-05-47 submitted by the James Calhoun House, LLC. for an addition to the existing dwelling at 156 Calhoun Street per the plan, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 8/5/05. By Mr. LaMuniere, seconded by Mrs. Hill, and passed 4-1. Ms. Purnell voted No because she was concerned about the cumulative negative impacts to the wetlands and there was no formal mitigation proposed in conjunction with the application.

Bernard-Cahill/7 Old Litchfield Road/#IW-05-48/Dredge Pond: Ms. Purnell recused herself because she is an adjoining property owner. Mr. Neff reviewed his plan, "Pond Cleanout Plan," dated 7/28/05. He noted sediment would be removed from only one section of the pond, the dredged material would be temporarily stockpiled and then taken off site, and the work area would be within the confines of the silt fence. Mr. Picton asked if the exact work areas were specified in the narrative. Mr. Neff said the hydraulic excavator would have to work at the edge of the pond to complete the dredging. Mr. Picton asked if the stream would flow through the area to be dredged while the pond was being excavated. Mr. Neff said a temporary pump would continuously pump out the water so it would not reach the excavation area and that the work would be done during dry conditions and would take only one week. Mr. Picton asked that only clear water be pumped.

MOTION: To approve Application #IW-05-48 submitted by

Mr. Bernhard and Ms. Cahill to dredge the pond

at 7 Old Litchfield Road per the plan, "Pond

Cleanout Plan," by Mr. Neff, dated 7/28/05

subject to the following conditions:

1. work areas are limited to the silt removal area and the stockpile area as defined by the silt fence as shown on the map, but may be extended to the edge of the pond to allow machine access to the pond,
2. water shall not run through the excavated area during excavation, and
3. only clear water shall be pumped.

By Mr. Averill, seconded by Mrs. Hill, and passed 4-0.

Ms. Purnell had recused herself because she is an adjoining property owner.

Ms. Purnell was reseated.

Hildemann/34 Popple Swamp Road/#IW-05-46/Addition to Barn: Mr. Ajello noted the application had been withdrawn. It was the consensus the application fee should be refunded.

Steep Rock Assn./147 Sabbaday Lane/#IW-05-49/Timber Harvest: Mr. Branson, certified forester, stated the application form was not fully completed because some information would not be known until a logger was hired. Mr. LaMuniere noted how steep some the proposed haul road was and asked that the plans be brought back for the Commission to review when they had been finalized with the contractor. Mr. Ajello noted a Timber Harvest application from the Selectmen's Office was also required. Mr. Picton asked if there was a less steep area further from the stream that could be used for hauling the logs. Mr. Branson was not sure the haul road could be moved, but said he would try to increase the width of the filter strip between the road and the stream and would try to move the steep section as far from the stream as possible. Mr. Picton noted silt fence is not always effective in containing sediment so asked that the applicant be prepared to install diversions or otherwise protect the disturbed areas to reduce the erosion potential at its source. Mr. Branson noted the work would be done in the winter.

MOTION: To approve Application #IW-05-49 submitted by

Steep Rock Assn. for selective timber harvesting

at 147 Sabbaday Lane per the 8/10/05 "Timber

Sale Plan," subject to the following conditions:

1. the applicant will determine whether there is a practical alternative location for the steep section of haul road, which closely parallels the stream, in order to increase the width of the buffer and decrease the likelihood of erosion from the road toward the stream,
2. the applicant shall return to the Commission for a final review once plans have been finalized with the contractor, and
3. as silt fence does not always effectively trap sediment and sediment laden water, the applicant shall be prepared to install diversions and harden or otherwise protect from erosion the areas of concentrated flow, which are disturbed by the operation of equipment, to reduce the erosion potential at its source.

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

Croasdaile/67 River Road/#IW-05-50/Repair Septic System: Mrs. D. Hill recused herself because she is an adjoining property owner. Mr. Neff, engineer, noted there had been no revisions to the 7/30/05 plan, which had been discussed at the last meeting, to repair the failing septic system. Health Department approval was noted. The proposed septic system would be within 10 feet of the watercourse, but Mr. Neff explained since the watercourse was routed through a sealed pipe, per the

State Health Code, it could be installed 5 feet from the stream. He also noted there was no other location on the property to install a new septic system. Mr. Ajello asked if the stone wall would be reconstructed. Mr. Neff said the top of the wall above the pipe would be rebuilt. Mr. Picton asked if the septic system could be designed for a three bedroom house in order to decrease its size and keep it farther from the stream. Mr. Neff said the house has four bedrooms and a four bedroom system was required.

MOTION: To approve Application #IW-05-50 submitted by Mrs. Croasdaile for a septic repair at 67 River Road per the plan, "Septic System Repair Plan," By Mr. Neff, dated 7/30/05. By Mr. Picton, seconded by Mr. LaMuniere, and passed 4-0. Mrs. Hill had recused herself because she is an adjoining property owner.

Mrs. Hill was reseated.

Schwartz/173 West Shore Road/#IW-05-51/Replace Retaining Wall, Rebuild Stone Wall: Mr. Neff, engineer, reviewed the plans, "Soil Erosion and Sediment Control Plan," dated 7/28/05. He said the proposal was to level up the existing stone steps, install a railing, and reconstruct the retaining wall on the lake side of West Shore Road and to reconstruct the existing stone wall on the south side of the road. The south wall, he said, would be constructed on the original base, would require no additional footings, and would be squared up to match the height and width of the original wall as shown on the 7/28/05 plan. Mr. LaMuniere asked if the old material from the work on the north side would be trucked off site. Mr. Neff said it would. Ms. Purnell asked if drains were proposed for the parking area above the retaining wall. Mr. Neff said runoff would sheet flow over the parking area as it does now, the parking area would be stone dust, not asphalt, and the road runoff would not erode the stone dust. Mr. Ajello noted the work, once started, would most likely obstruct traffic and suggested it be done in the off season.

MOTION: To approve Application #IW-05-51 submitted by Mr.

Schwartz to replace a retaining wall and repair

a stone wall at 173 West Shore Road per the plan,

"Soil Erosion and Sediment Control Plan," by Mr.

Neff, dated 7/28/05. By Mr. LaMuniere, seconded

By Mr. Picton, and passed 5-0.

Town of Washington/2 Bryan Plaza/#IW-05-52/Dredge Pond: Mr. Picton asked if a ditch would be dug to divert the stream, and Mr. Ajello responded no ditch was proposed. Mr. Picton asked if the silt would be dug out under running water and Mr. Ajello said it would not because there was no flow now. Mr. Ajello said the pond was really a sediment pond that would be dredged in a few hours. The excavated material would be stockpiled on the property and surrounded by staked hay bales. Mr. Picton stated the water should be directed around the pond to prevent water from flowing through the work area during excavation or the job should be done when the stream is not flowing. Mr. Ajello referred to the application, which specified the work would be done during dry weather and that an instream filter device would be installed prior to the commencement of work.

MOTION: To approve Application #IW-05-52 submitted by the

Town of Washington to dredge the silt pond at 2

Bryan Plaza per the undated sketch plan as

submitted subject to the following conditions:

- 1) during excavation, water must be prevented from flowing through the area to be dredged and
- 2) silt laden water must be prevented from flowing downstream. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Smith/35 East Shore Road/#IW-05-53/Repair Dam: Ms. Smith and Mr. Watson were present. Mr. Picton reviewed Mr. Bedini's 9/8/05 site inspection report. Ms. Purnell asked that a copy of the state consent order be submitted for the file and asked if it included a more detailed narrative for the construction sequence. Ms. Smith did not know. The plans, "Improvements to Woodruff Pond Dam," by Lenard Engineering, 6 pp., revised to 3/21/05, were reviewed. Ms. Smith briefly reviewed the proposal to open the dam as soon as the Town work to repair the wall on the Aspetuck River in New Preston was completed, to bring the flow through the pond down to a trickle and allow the banks to dry out, and then to dredge the pond. She did not know how much material would be removed and stated the plans specified the excavated material would be reused "as a layer underneath the bases." Mr. Bedini noted there was only one spot on the bank with an open slope big enough to dump all the material. Mr. Picton requested drawings and a written narrative to explain how the work would be done. Ms. Purnell noted the Board of Selectmen had agreed to shut off the flow from Lake Waramaug and said she had no problem with the plans to dewater prior to beginning the excavation. Mr. LaMunier asked what would be done with the excavated material. Mr. Bedini stated no construction sequence had been submitted. Ms. Smith said the excavated material would be deposited either in the old fish hatchery area or in an open area on the CL&P easement. Mr. Picton noted the Commission did not want the excess material used as fill in the regulated area and so asked that the applicant specify on the map where it would be deposited. The Commission also requested other information before work starts; 1) where was the access to the work area, 2) where were the stockpiling, staging, and dewatering areas, 3) what was the sequence of construction, 4) how much material would be dredged and stockpiled, 5) where would excess fill be deposited, and 6) would the fill be respread on the hardened dam layer? Several Commissioners did not think the DEP would permit the reuse of the material as Ms. Smith had described and Mr. Bedini noted no such detail had been included in the plan. Ms. Smith noted a lip would be added to the reconstructed spillway to help prevent the erosion of the front of the dam. Ms. Purnell noted it was important to coordinate work with the ongoing Town project so the Town work is not impacted. Mr. Picton asked Mr. Ajello to coordinate the work with Mr. Cannavaro.

New Applications

Myfield, LLC./7 Mygatt Road/#IW-05-54/10 Dwelling Units: Mr. Boling and Mr. Worcester, architect, represented the applicant. The plans, "Stormwater Management Plan," 2 pp., by Mr. Neff, dated 8/8/05 and "Proposed Site Plan," by Mr. Alex, dated January 2005 with buildings, roads, and new grading added by Mr. Worcester, dated 8/22/05, were reviewed. Mr. Boling asked that the Commission schedule a public hearing for the next meeting and that it state its concerns now and ask Land Tech to review the application immediately so that the applicant could address all concerns in time for the public to review at least 10 days prior to the start of the hearing. The application was briefly reviewed. It was noted the conservation easement had been reintroduced with the stone wall as its logical boundary, the single family dwellings were outside the regulated area, and the closest encroachments to the wetlands were the roof drains for the proposed houses. Mr. Boling stated in order to simplify the application, maintenance of the wet meadow was not proposed at this time. Ms. Purnell noted the proposed easement was integral to the application, but pointed out problems with its generic language. Mr. Picton recommended that she and Mr. Boling resolve the issues she raised before the start of the public hearing. Mr. Picton asked that the wet meadow be delineated on the plan. Ms. Purnell asked about the differences between the deed restriction and proposed conservation easement. Mr. Boling

responded the deed restriction had been put on the property by a previous owner. Ms. Purnell asked why the applicant could not build nine rather than ten dwelling units. She said the three affordable units proposed would still meet the 30% requirement under the Affordable Housing Appeals Act and said this was a feasible and prudent alternative that should be considered. Mr. Picton said the applicant had previously stated the construction of fewer units was not economically feasible. Ms. Purnell stated the increase in impervious surface, use of the property, etc. were issues that must be addressed. Reviewing the Stormwater Management Plan, Mr. Picton noted the roof drains had been added at the request of Land Tech, but he was concerned about the disturbance that would be caused when they were installed. Mr. Neff pointed out that the disturbance would be kept to a minimum because the installation would follow the contour lines, only two houses would be constructed at a time to reduce the amount of disturbed area at any one time, and the 2004 Ct. E and S Guidelines would be followed to keep any erosion at the source. He said the applicant would take care to install the drains properly as he did not want a situation where a problem with the underground filtration system developed due to soil disturbance. Mr. Picton recommended a minor depression be made between the hole and the silt fence to hold 6" to 12" of water as an extra erosion protection. Mr. Neff said this could be dug behind the toe of the silt fence. Mr. Picton asked if the area disturbed by the construction of two houses would be completely stabilized prior to the start of work on the next two. Mr. Neff said it would. Ms. Purnell noted the Commission would have to be clear on what it meant by "completely stabilized." Mr. LaMuniere noted neighbors feared there was ledge in the area and that blasting could potentially affect their water supply. He asked the applicant to fully address this issue at the hearing. Mr. Picton noted that in addressing the drainage concerns previously raised by Land Tech, the applicant was now reworking a wider, more continuous band of ground below the houses, where previously there was a separate excavation for each. He thought the previous plan was minor compared to the latest revision, which would require reworking the whole top of the steep slope. Mr. Neff responded the roof drains would be dug into grade along the contour and this would not require regrading along the entire hillside. Mr. Boling again stated his request that all information be submitted at least 10 days prior to the hearing so it could be closed on 9/28. Ms. Purnell advised him that the earliest the hearing would be closed would be 10/12/05. Mr. Picton asked the applicant to identify where there would be reserved rights with wetlands implications, stated it was important to maintain the forest to the edge of the work area, and noted as submitted, the nearest roof drain was 62 feet from the wetlands.

MOTION: To schedule a public hearing to consider Application #IW-05-54 submitted by Myfield, LLC. for 10 dwelling units at 7 Mygatt Road on Wednesday, September 28, 2005 at 6:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall. By Ms. Purnell, seconded by Mr. Picton, and passed 5-0.

Bennett/207 Bee Brook Road/#IW-05-55/Addition to Existing Dwelling: Mr. Bennett and Mr. Ciapetta, contractor, were present. Mr. Ajello explained the applicant proposed to keep the proposed construction as far from Bee Brook as possible. Mr. Bennett noted the existing house is less than 25 feet from the brook. The plan, "Map Prepared for Joseph Bennett," by CJOC, LLC., revised 6/24/05 was reviewed. Mr. Picton noted only the side of the house away from the wetlands would be affected. Mrs. Hill asked if the existing septic system would have to be enlarged. Mr. Bennett said he had Health Dept. approval and he was not required to enlarge the septic. Ms. Purnell suggested possible mitigation could be the planting of wetlands vegetation along the streambank. A site inspection was scheduled for Wednesday, September 21, 2005 at 3:00 p.m.

Brose/213/Roxbury Road/#IW-05-56/Addition to Dwelling, Repair Septic System: Mr. Neff, engineer, submitted the plan, "Soil Erosion and Sediment Control Plan," dated 9/12/05, which included the construction sequence that was not on the plan, "Septic System Repair Plan," by Mr. Neff, dated 8/20/05, already in the file. Mr. Neff detailed the proposed work, which included a portion of a new

garage, a side deck, and a screened porch in the regulated area. Ms. Purnell recommended the Commission review the original permit granted to construct the house as a point of reference. Mr. Picton asked that the distances from the proposed structures to the wetlands be included on the map. A site inspection was scheduled for 2:30 p.m. on Wednesday, September 21, 2005.

Adams/214 West Shore Road/#IW-05-57/Repair Retaining Wall, Sod Lawn: Mr. Neff reviewed his plan, "Proposed Yard Improvements," dated 9/13/05. He explained the upper part of the existing retaining wall was in good shape, but the lower section was in need of repair. He also stated the owners proposed to take off the existing turf and replace it with sod. The alternative to sod, he said, would be to chemically treat the existing lawn. Ms. Purnell noted homeowners should be educated about the benefits of minimizing lawn areas and increasing the diversity of vegetation. She was concerned about any increase in the amount of stone or lawn near the lake. Mr. Neff said the holes in the lower wall would be filled by hand from a stockpile of stones located across the street. He noted mortar would be needed to hold the stones in place. Ms. Purnell said a mechanism to prevent spillage would be required. A site inspection was scheduled for Wednesday, September 21, 2005 at 3:30 p.m.

Fowler/138 Nichols Hill Road/#IW-05-58/Remediation per IWC Order: Two sketch plans, one by Mrs. Corrigan, undated, not to scale, showing the proposed planting plan and the other entitled, "Remediation Per IWC Order," by Mr. Fowler, dated 8/1/05 were reviewed. Mr. Picton pointed out the location of the unauthorized ditch that had been dug to drain the yard and asked whether the plan showed full restoration of the original contours. He stated this should be accomplished by returning all of the excavated material to the ditch. Mr. Ajello noted doing so would disturb existing vegetation and said Mrs. Corrigan did not think all the material could be recovered. Mr. Picton again stated it was important to fill in the ditch, not just soften the edges, so the original contour would be restored. Ms. Purnell said once filled, the hydrology would be reestablished. The planting plan was briefly reviewed and it was noted 15 shrubs were proposed over 135 linear feet. Mr. Ajello said there seemed to be an attempt to keep the plants away from the drop off of the lawn, and suggested planting closer to this line be encouraged. Mrs. Hill noted the ditch extended further behind the house than was shown on the plans. Mr. Picton asked Mr. Ajello to contact the applicant to ask that he comply with the enforcement order.

Schneider/97 Lower Church Hill Road/#IW-05-59/Dredge Pond: Mr. Baker, caretaker, and Mr. Palella, contractor, were present. The July 1983 site plan with notes by Mr. Baker was reviewed. Mr. Palella noted the pond fills up fast with silt from the road, stated 15 to 25 yards of material would be removed, and said the lawn would be used for access to the work area. He was anxious to begin work soon because the pond is now dry. Mr. Ajello noted the machinery would work from the far stream bank and the excavated material would be taken off site. Mr. Picton noted the pond would not be enlarged or deepened. He asked the Commissioners to inspect the site on their own before the next meeting and noted if conditions change, information on pumping and how the water will be dealt with would be required.

Dedell/156 Calhoun Street/#IW-05-60/Landscaping, Calk Pond, Build Footbridge: Mr. Sabin, landscape architect, reviewed his plan, "Proposed Invasives Control and Native Wetlands Species," dated 9/14/05. He pointed out the existing wetlands features such as the wet meadow and rivulet, existing vegetation, and proposed locations for native wetlands species and a footbridge. In addition to the sedges and ferns currently growing in the meadow, he proposed islands of Joe Pye weed, cardinal flowers, and blue iris. The meadow would be maintained in a natural state and would not be mowed during the spring nesting season. Mr. Sabin noted in addition to the landscaping, the joints of the concrete pond had to be calked because they were leaking. He noted, too, a narrative had been submitted with the application. Mr. Picton asked Mr. Ajello to review the proposal. Mr. Sabin gave the Commissioners permission to inspect the site individually.

Janowicz/51 Rabbit Hill Road/#IW-05-61/Install Driveway: Mr. Ross, contractor, represented the applicant. The preliminary map, "Plan Prepared for Litchfield Bancorp," by Mr. Howland, dated Sept. 1993 was reviewed. Mr. Ross advised the Commission it had originally approved the driveway in 1993 and had most recently approved it again in 1998 for Mr. Bredenberg. He said the work was 70% complete; all the drainage facilities and rip rap had been installed, but work had been stopped by the Commission due to erosion problems. Mr. Ross proposed to put in base material, touch up the shoulders, and pave the slope per the plan by Mr. Howland. Mr. Ross said he had notified the Warren Inland Wetlands Commission because the property is within 500 feet of the Town line. Mr. Ajello will obtain a copy of the letter for the file. Mr. Picton asked Mr. Ajello to review the plans. A site inspection was scheduled for Wednesday, September 21, 2005 at 4:00 p.m.

Preliminary Discussion

Murgio/New Preston Hill Road/First Cut: Mr. Charles presented the map, "Site Analysis Plan," by Mr. Alex, dated May 2005. He said the 17.13 acre parcel contained 3.5 density units and the owner wanted to create and sell a rear 10 acre lot with 2 density units. He reviewed two possible driveway routes to the rear lot, saying the upper route was the better one, but was within 100 feet of wetlands. He asked the Commission to conduct a pre application site inspection to look at both accesses. Ms. Purnell asked if there were wetlands on the adjoining property to the west. Mr. Charles did not know. Both Mr. Ajello and Mr. Picton stated they preferred the driveway be on high ground away from the lower wetlands and on land that does not steeply slope towards wetlands. Mr. Picton advised Mr. Charles to submit a well reasoned application for the driveway route he thought was the best and said the Commission would inspect the property once the application had been received.

Enforcement

Feola/84 Carmel Hill Road/Unauthorized Excavation: Mr. Ajello reported he had only recently sent a letter to Mr. Feola and said the citation had not yet been paid.

DeJong/Old Litchfield Road: A bridge over Mallory Brook is currently under construction. Mr. Ross is the contractor.

Beck/132 Calhoun Street: One spot application of herbicide on the invasives has been completed, but it was noted it takes several applications to work.

Sarjeant/Tinker Hill Road: Mr. Sarjeant paid his citation.

Taylor/11 Sunset Lane/Unauthorized Excavation: Mr. Ajello sent a notice of violation and will time an enforcement order so that the show cause hearing may be held on the date of the next regularly scheduled meeting. The hearing was scheduled for 7:00 p.m. on 9/28/05. Photos of the work done were circulated. It was the consensus that Mr. Ajello should not ask the property owner to submit an after the fact application because the Commission preferred the disturbed area be restored. The enforcement order will ask Mr. Taylor to stop work, retain a qualified soil scientist to delineate the wetlands, prepare a restoration plan, and attend the show cause hearing. There was a brief discussion regarding how to determine whether a soil scientist is licensed. Mr. Ajello will ask Mr. Allen of Land Tech.

Holly Hill Farm, LLC/87 Whittlesey Road/Unauthorized Pumping of Water from the Shepaug River: Mr. LaMunier asked if the unauthorized pump had been removed as requested at the last meeting. Mr. Ajello reported the owner said it would be removed as soon as possible. Mr. Picton asked that it be totally removed within a month so it could not be used again next year without a permit from the Commission.

Whalen/138 Baldwin Hill Road/Construct Stone Wall: Mr. LaMunier asked if the work was being done according to the approved plan. Mr. Ajello said he had no concerns about the ongoing work and

noted the landscaping could not be completed while the weather was so dry.

Reinhart and Cremona/10 and 8 Perkins Road/Clear Cutting: Mr. Ajello noted the Land Tech report had been received and had been forwarded to Atty. Hoben and Atty. Kelly. Further discussion would take place under Executive Session.

Other Business

Washington Montessori School/240 Litchfield Turnpike/Request for Release of Bond: Ms. Purnell said she was working with Mr. McNaughton to resolve the outstanding issues and was very encouraged with the progress made to date.

Communications

It was noted the NW Conservation District would conduct a vernal pool seminar at the Washington Montessori School in the fall of 2005.

Mr. Picton noted he had reviewed a new land use form for the Town of Washington that will be used beginning on October 1 to ensure all land use applications conform with the new state legislation PA 05-124.

Regarding the 8/16/05 referral from New Milford about the receipt of a subdivision application within 500 ft. of the Town boundary line, Mrs. J. Hill reported Mr. Ferlow, New Milford's WEO, had advised her that the application had been withdrawn.

Brochures about the 11/5/05 annual CACIWC meeting were circulated. Commissioners who plan to attend were asked to get their completed forms to Mrs. J. Hill as soon as possible.

MOTION: To go into Executive Session at 11:18 p.m. to discuss pending litigation. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

MOTION: To end Executive Session at 11:50 p.m. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

MOTION: To adjourn the meeting. By Ms. Purnell.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By Janet M. Hill

Land Use Coordinator
