

September 28, 2005

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

ALTERNATES PRESENT: Mr. Bedini, Ms. Coe

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

ALSO PRESENT: Mr./Mrs. Williams, Mr. Tagley, Mr./Mrs. Dutcher, Mr. Neff, Mr. Worcester, Atty, Ebersol, Mr. Sabin, Mr. Boling, Mr. Fowlkes, Mrs. Matthews, Mr. Ross, Mrs. Andersen, Mr. Charles, Mr./Mrs. Graham, Mr. Taylor, Mr. Baker, Mr. Palella,

PUBLIC HEARING

Myfield, LLC./7 Mygatt Road/#IW-05-54/10 Dwelling Units

Mr. Picton called the public hearing to order at 6:08 p.m. and read the legal notice published in the **Waterbury Republican** on 9/16 and 9/24/05. He seated Regular Members Hill, LaMuniere, Picton, and Purnell and Alternate Bedini for Mrs. Korzenko who had not attended the last meeting. Mr. Picton read the list of documents in the file and the 9/28/05 letter from Atty. McTaggart on behalf of Mr. Tagley. Ms. Purnell asked that all the documents from the first application be included in the record.

The map, "Proposed Site Plan," by Mr. Alex, dated January 2005 with buildings, roads, and new grading added by Mr. Worcester, dated 8/22/05.

Mr. Boling and Mr. Worcester, architect, represented the applicant. Mr. Boling recapped the revisions made since the previous application, #IW-05-25, was withdrawn. These included: 1) the three limited equity dwelling units were moved away from Scofield Hill Road to the field off Mygatt Road, 2) the seven market rate units were now located at least 100 feet from the wetlands, 3) all the recommendations by Land Tech had been incorporated into the plans except that as agreed upon at the last meeting, to the rear of the line of seven houses there would be a 6" to 12" deep depression dug on the up hill side of the silt fence to act as extra erosion barrier, 4) stormwater control plans were developed per Land Tech's recommendations, 5) the conservation easement was reintroduced and its language revised, 6) an area was notched out of the proposed easement area for the underground propane tanks, and 7) the future wet meadow was delineated on the map as the Commission had requested. Ms. Purnell recommended the map contain a key to make it clearer.

Other points made by Mr. Kelly were 1) the footprint of each market rate house was approx. 1800 sq. ft. and the total impervious coverage proposed was 8.56%. The state goal for affordable housing units is 10% and presently Washington has 1.7%. The total open space area proposed is approx. 74% of the parcel. There was no proposed activity in or disturbance to the wetlands and only modest regrading and the installation of stormwater infiltration devices as recommended by Land Tech in the upland review area. No blasting is proposed. The water supply will have to be approved by the state Health Department, but it is currently thought Myfield will tie into the existing Quarry Ridge Water Co. Regarding the buffer area issue raised by Atty. McTaggart in her 9/28 letter, Mr. Boling stated in order to protect the wetlands, the applicant would ensure a proper recharge area for the stormwater runoff, adding that the slope behind the line of seven houses was not that steep. Mr. Worcester noted the lines of silt fence and construction barriers shown on the map were the proposed limits of disturbance so the forest area would be protected from equipment.

Ms. Purnell briefly explained how the infiltration system to recharge the roof runoff into the ground would function.

Mr. LaMuniere noted the applicants had indicated no blasting would be required and asked if an

additional search had been conducted for ledge in the area. Mr. Neff, engineer, stated he had inspected downgrade of the development areas and did a substantial number of test pits throughout the site and had found no evidence of ledge.

Mr. Neff noted no fill and no curtain drains were required for the septic systems, which would be gravity flow systems. He said the meadow where the septic systems would be installed would remain meadow.

Mr. Neff briefly reviewed the stormwater management plans. The roof drains would run to an underground infiltration system to recharge the groundwater. The runoff from the parking areas and driveway would be routed through catch basins and piped to a stormwater detention basin with a small outlet. Water would flow out of the basin at a slow rate, which would be equal to the predevelopment rate of flow. He noted the system had been designed to accommodate a 100 year storm. He added the emergency outlet was oversized and the water would spill out over grade at the far outlet end in the event of a larger storm. When asked whether the stormwater management would interfere with the water supply, Mr. Neff responded, no, because the groundwater recharges at a shallow level and most wells go down to bedrock.

Mr. Picton noted the Commission had to make sure there were enough controls around the construction site to protect the wetlands. He questioned how the buffer would be managed and asked what the distance was between the grading line and the edge of the lawn. It was noted the distance was approximately 50 feet. Mr. Picton stated there was excavation and regrading proposed in an area with a 24% slope and so said he wanted it confirmed that the remaining buffer would be adequate to protect the wetlands from damage. Mr. Neff pointed out a second row of silt fence was proposed.

Mrs. Anderson noted the Judea Water Co. is now for sale and asked what would happen if the owner of the Quarry Ridge company abandoned it and it was turned over to the state or if the Quarry Ridge system needed repairs. Mr. Picton stated the water supply was not an Inland Wetlands issue and so the Commission could not address it.

Mr. Tagley asked if all the recommendations in Land Tech's 9/16/05 letter had been addressed. Mr. Picton said Land Tech would review the application and report back to the Commission.

Mr. Tagley questioned whether the property could handle the ten proposed dwelling units. Due to the severe slopes, he did not think the runoff could be adequately controlled so it would not adversely impact the wetlands. He thought the buffer area was critical. Ms. Purnell shared his concerns.

Mrs. Stevens, Mygatt Road, noted the 8/4/05 letter from Land Tech to Mr. Ajello and asked about the proposed stacking of the septic systems. Mr. Neff said he had sent Land Tech additional test data, which showed no hydrological restrictions and no hard pan soils, and so said there would be no problem stacking the systems. Mr. Picton noted Mr. Neff's data resulted from on site testing.

Mrs. Matthews, Quarry Ridge, acknowledged the Commission had no jurisdiction over the water supply, but stated the Quarry Ridge well pumps only 9 gpm, and would run dry if shared with Myfield. Mr. Boling said the state would review the plans and tell Myfield what was required. He said the applicant would drill its own wells if the state so ordered. The potential well sites were noted on the map.

Mr. Budney, Quarry Ridge, suggested the water runoff be purified and recycled. Mr. Neff said there were no provisions in the plans for that but a fire tank would be connected to the roof drains for fire protection.

Mr. Tagley asked if it was normal for an application to have so many revisions. Mr. Picton explained applications are often changed to address the Commission's and/or consultants' concerns.

Mrs. Matthews voiced her concern about the proximity of the Myfield septic systems to the Quarry Ridge boundary line. She presented a superimposed map, which showed the septic was proposed on land, which steeply sloped north and west towards Quarry Ridge. Ms. Purnell noted the primary fields were further from the boundary than the reserve field area. It was again noted the Health Dept. would evaluate this issue.

Ms. Purnell informed the public about how the Commission reaches a decision based on both the Town regulations and state statutes.

Mr. Picton noted the main issue was the integrity of the buffer between the wetlands and the area to be excavated. In some places the activity would be as little as 50 feet from the wetlands and the slope of the vegetated buffer would be approximately 24%. He requested that Land Tech address the question of whether the proposed 50 ft. vegetated buffer was adequate due to its steep slope. Ms. Purnell noted that if approved, only two houses would be built at a time so the entire area would not be disturbed at once.

Ms. Purnell said she would closely review the proposed conservation easement for the next session of the hearing.

Mr. Thomas asked what would happen if blasting was required. Mr. Picton stated that blasting seldom affects nearby properties and pointed out the proposed locations of the houses were quite a distance from adjoining properties. Ms. Purnell said adjoining property owners might want to document the existing conditions of their wells and foundations.

MOTION: To continue the public hearing to consider Application #IW-05-54 submitted by Myfield, LLC. for 10 dwelling units at 7 Mygatt Road to Wednesday, October 12, 2005 at 6:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

At 7:10 p.m. Mr. Picton continued the public hearing to Wednesday, October 12, 2005 at 6:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct.

SHOW CAUSE HEARING

Taylor/11 Sunset Lane/Unauthorized Excavation

Mr. Picton called the show cause hearing to order at 7:11 p.m. He noted the Commissioners had copies of the 9/19/05 cease and desist order issued by Mr. Ajello and explained to Mr. Taylor the purpose of the hearing was to give him an opportunity to show why the order should not remain in effect.

Mr. Taylor presented a sketch plan. He stated he had cut some failing trees and had "scooped out debris" from an existing pond, but had not deepened it. He said a tree had fallen and crushed the outlet pipe so he had also dug a ditch to direct water in case the pond overflowed.

Mr. Ajello circulated photos he had taken on 9/15/05.

Mr. Taylor said he had not been aware this work required a permit and apologized to the Commission. He said the pond had existed when he purchased his property in 1991 and he had always mowed the lawn surrounding it. He showed several photos, noting sometime in the past a property owner had deposited sand to make a beach. One photo was of a rock lined ditch and he pointed out its location on the sketch map. He told the Commission he would like the order lifted so he could put his back yard in order.

Mr. Ajello and Mr. Picton noted the photos showed a muddy hole where the pond had been and unstable ditches. They thought stabilization of the area was a priority.

It was noted the 9/19/05 order requested information such as a restoration plan, which included mitigation, documentation of the existing conditions, and a work sequence for stabilization of the site.

Mr. Ajello read a portion of the letter and the Commissioners agreed the list of requests was complete. Mr. Taylor noted the letter did not request that he flag the wetlands. Mr. Picton advised Mr. Ajello that if he thought the wetlands should be flagged, he should amend his order.

Ms. Purnell explained to Mr. Taylor the reason for wetlands and buffer plantings is to improve water quality and stabilize the banks and provided him with a list of plants appropriate to use in a wetlands restoration plan.

Mr. Picton stated there had been no evidence presented to show Mr. Ajello's order had been issued in error.

MOTION: To close the show cause hearing held to provide Mr. Taylor the opportunity to show cause why the enforcement order issued to him on 9/19/05 for unauthorized excavation on his property at 11 Sunset Lane should not remain in effect. By Mrs. Hill, seconded by Mr. Bedini, and passed 5-0.

Mr. Picton closed the hearing at 7:25 p.m.

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

REGULAR MEETING

Mr. Picton called the meeting to order at 7:27 p.m. and seated Members Korzenko, Hill, LaMuniere, Picton, and Purnell.

MOTION: To add subsequent business to the agenda: New Application: Murgio/21 New Preston Hill Road/ #IW-05-62/First Cut. By Mrs. Hill, seconded By Mrs. Korzenko, and passed 5-0.

Consideration of the Minutes

Corrections and amendments to the 9/14/05 Public Hearing - Regular Meeting minutes were as follows:

P.2: Sentence just above the first motion: The citation fee is \$120.

P.6: The motion was made by Mr. Picton.

P.12: Brose: 8th line: Change "regulated area" to "review area."

P.13: Dedell: Correct spelling is caulk.

Throughout: Correct spelling of the Land Tech consultant is Mr. Allan.

MOTION: To accept the 9/14/05 Public Hearing - Regular Meeting minutes as corrected. By Mrs. Hill, seconded by Mrs. Korzenko, and passed 4-0-1. Ms. Purnell abstained because she had not yet read the minutes.

In the Brose/*IW-05-56 site inspection minutes "regarding" was changed to "regrading."

MOTION: To accept the Brose/#IW-05-56 site inspection minutes as corrected. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

MOTION: To accept the Bennett/#IW-05-55 site inspection minutes as written. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

MOTION: To accept the Adams/#IW-05-57 site inspection minutes as written. By Mr. Picton, seconded by Mr. LaMuniere, and passed 5-0.

MOTION: To accept the Janowicz/#IW-05-61 site inspection minutes as written. By Mr. LaMuniere, seconded by Mrs. Hill, and passed 5-0.

Pending Applications

Calhoun Street Trust/62 Calhoun Street/#IW-05-37/Pond, Well, Wetlands Restoration: Mr. Rosiello, contractor, and Mr. Neff, engineer, were present. They noted the map and narrative had been revised and Mr. Neff had drawn N-S and E-W cross sections and a grading plan. The map, "Proposed Pond Plan," by Mr. Neff, revised to 9/26/05 and the untitled, colored plan by Mr. Rosiello dated 9/28/05 were reviewed. Mr. Neff stated he had added 2 ft. contours, the proposed contours in the pond area, and the line of the limit of disturbance, which was approx. 20 ft. from the pond. It was noted this 20 ft. work area was relatively flat. Mr. Rosiello noted he had addressed some of the Commission's concerns by reducing the size of the pond so that all activities would be at least 20 ft. from the wetlands and deleting the large berm originally proposed on the north side. Mr. Picton asked Mr. Neff to point out on the cross sections where the wetlands were located. The cross sections were discussed and Mr. Picton noted excavation for the pond probably would not lower the water table in the wetlands. Mr. Picton stated the proposed planting plan would diversify the vegetation in the wetlands buffer and help to restore the adjacent wetlands. Mr. Rosiello detailed the types of plants that would be used. Mr. Neff noted silt fence would be installed at the outlet during construction. Mrs. Hill asked if it would still be used as a fire pond. Mr. Neff stated even though it had been made smaller it was still large enough to serve that purpose.

MOTION: To approve Application #IW-05-37 submitted by Calhoun Street Trust for a pond, well, and wetlands restoration at 62 Calhoun Street per the plan, "Proposed Pond Plan," by Mr. Neff, dated 9/13/05, revised to 9/26/05 and the untitled composite planting plan by Mr. Rosiello dated 9/28/05. By Ms. Purnell, seconded by Mrs. Hill, and passed 5-0.

Mr. Picton noted the Commission had voted to approve the application because although the work proposed was adjacent to wetlands, it would not damage wetlands or the hydrology of the area, the planting plan added diversity to the buffer area, and the creation of the pond diversified and enhanced the wet meadow area.

Cohen/62 Calhoun Street/#IW-05-44/Well, Irrigation Pond: Mr. Rosiello and Mr. Neff again represented the applicant and the same map, "Proposed Pond Plan," by Mr. Neff, revised to 9/26/05 was reviewed. Mr. Rosiello noted he had removed one of the two originally proposed deposition areas and said the excavated material would be used to fill "small localized ruts." Mr. Picton asked if the existing crossing was sufficient for well drilling equipment. Mr. Neff said it was. Ms. Purnell suggested there was a feasible and prudent alternative because the pond could be located on the other side of the watercourse. Mr. Rosiello said there was a septic system in that area. Ms. Purnell asked why the proposed well couldn't handle the irrigation without a pond. Mr. Rosiello said the pond would store water and serve as a landscape feature. Mr. Picton said the irrigation well should be deep and Mr. Rosiello stated this was specified in the application. Ms. Purnell pointed out the wetlands and regulated areas on the property and noted if the application were approved, all the upland review areas would have ongoing activities. She said the wetlands had been constricted in the crossing area and that just because the old agricultural road existed did not mean there would be no impact to the wetlands from landscaping and the construction of the pond. She added that she did not think the proposed pond was needed. Mr. Picton asked for written details on the excavation of the trench. Mr. Rosiello said it would be hand dug. The proposed irrigation system was discussed. Mr. Picton noted that activities in the upland review area can compromise the quality of the wetlands and said the Commission did not want to see the area converted to a mono culture lawn. Mr. Rosiello said the area was currently a rough lawn that was mowed once a week. Mr. Picton asked the applicant to consider the addition of a planting plan to enhance the buffer on both sides of the wetlands. Mrs. Hill and Ms. Purnell voiced their concerns about the installation of an irrigation system. Mr. Picton asked for details of the proposed system including how many pipes and where they would be located. Mr. Rosiello said he would submit a new narrative.

Cohen/62 Calhoun Street/#IW-05-45/Deer Fence: Mr. Rosiello pointed out on his untitled colored site plan dated 9/28/05 where he had made a second revision to take an additional half acre out of the area proposed to be enclosed by fence. He said this brought the total area enclosed by fence down to 18 acres. Mr. Picton asked why the wetlands had to be fenced in. Mr. Rosiello said it would protect all the plantings proposed in the previously discussed applications. The Commissioners thought the area was a significant wetlands and wildlife corridor and that a larger area should be left open. Mr. Picton said the proposed fence partitioned areas of wetlands from adjoining wetlands and he did not support this concept on such a large scale. Mr. Rosiello noted the fence would also serve as the pool fence. It was suggested then that it be installed around the pool. Mr. Rosiello said he would work on further revisions.

Myfield, LLC./7 Mygatt Road/#IW-05-54/10 Dwelling Units: Mr. Picton noted the public hearing had been continued to 6:00 p.m. on October 12.

Bennett/207 Bee Brook Road/#IW-05-55/Addition to Existing Dwelling: The map, "Map Prepared for Joseph Bennett, Jr." by Mr. Osborne, revised to 6/24/95 was reviewed. Mr. Picton noted that while inspecting the property the Commission realized it had misunderstood the scope of the proposed activities as it had thought nothing was proposed in the shaded areas on the map. Mr. Bennett stated nothing was proposed on the south side of the house, a roof was proposed over the deck on the north side, and also a second story addition would be built. Both Mr. LaMunier and Ms. Purnell stated the application lacked specific details and did not clearly indicate what work was proposed. The construction sequence was briefly reviewed. Mr. Charles thought it was boiler plate and did not specifically relate to the current application. It was noted no septic work was proposed. Mr. Picton asked the applicant for an erosion control plan and a more accurate and exact construction sequence, which included stockpile areas, dumpster location, exact materials to be removed, and notations re: which decks would remain and which would have roofs. He asked Mr. Ajello to review the requested documents prior to the next meeting. Mr. Bennett submitted preliminary construction plans dated 5/24/05 and Mr. Ajello stated every part of the building would be worked on except the foundation. Mr. Bennett asked for suggestions on how to prevent the erosion of the streambank. Ms. Purnell said he could let the banks regrow naturally or propose streamside plantings, which could be added to the application.

Brose/213 Roxbury Road/#IW-05-/#IW-05-56/Addition to Dwelling: Mr. Neff, engineer, and Mrs. Brose were present. Plans by Mr. Neff, "Septic System Repair Plan," dated 8/20/05 and "Soil Erosion and Sedimentation Control Plan," revised to 9/27/05, were reviewed. Mr. Neff proposed two dry wells in the lower yard to take the runoff from the roof gutters on the north end of the house and one on the west side to pick up the runoff from the proposed new roof section. He also proposed to remove the pavement on the north side of the driveway and to put in plantings to reduce the impervious surface on site and allow for the dispersion of water. He had revised the erosion control plan by adding a construction sequence and the above described work. Ms. Purnell asked what percentage of the property was wetlands and watercourses, noting the original 1998 approval was for a four bedroom house in a tight area and the current proposal is for five bedrooms. She did not think the Commission would have approved the proposed footprint in such a constrained area. Mr. Neff stated the house actually has two bedrooms, but according to the Health Code other rooms had to be labeled bedrooms because of their proximity to bathrooms. Ms. Purnell asked if the size of the proposed septic could be downsized to control the size of the house. Mr. Neff said it could not because a five bedroom design was required by the Health Dept. He said the new septic was required only because the garage addition was proposed where the existing septic is located. He said the new septic system would be installed in a well drained area outside the regulated area. Ms. Purnell noted the previous owner had expanded the parking area beyond what was originally approved and that retaining walls had been

constructed without permits. She added the original permit approved two to three bedrooms only. Possible wetland impacts were discussed. Mr. Picton said the deck area would not be permeable once it is enclosed and Mr. Neff responded the dry wells had been proposed to address this. Mr. Picton pointed out the back yard, including the lawn that encroaches on the wetlands, slopes down to the wetlands so the applicant would have to be careful to trap sediment. Ms. Purnell also noted sand and silt from Roxbury Road wash onto to the property. Mrs. Brose proposed plantings for remediation and to solve the erosion problems and submitted a proposed plant list. She asked about the possibility of a dry stream landscaping feature to handle stormwater. Ms. Purnell did not think this was a good idea because material from the driveway could be transported to the wetlands. Mrs. Brose agreed to delete it. Mr. Picton noted the location of the wetlands was not shown on the landscaping plan and said it looked like the buffer area had been converted to lawn. He did not want the lawn to extend to the wetlands, noting intensive residential sprawl results in adverse impacts to wetlands and watercourses. The Commissioners considered the fact that activities beyond what had been originally approved were affecting the wetlands, but also that the proposal was to generally build between already existing structures and not come any closer to the wetlands. Mr. Picton suggested the applicant draw up a mitigation plan to enhance the wetlands and buffer areas. Mr. Ajello thought the existing side yard erosion problem needed an engineered solution as well a planting solution. Mr. Picton asked Mr. Ajello to advise the applicant regarding plantings to reverse the degradation of the wetlands. He noted the location of the wetlands must be included on the planting plan. Mrs. Korzenko asked that all the proposed work, including the planting plan, be shown on one map.

Smith/35 East Street/#IW-05-53/Repair Dam: Ms. Smith and Mr. Watson were present. The plan, "Improvements to Woodruff Dam," by Lenard Engineering, revised to 3/21/05, 6 pp. was reviewed. Mr. Picton reviewed the 9/14/05 minutes, which listed the information Ms. Smith had been asked to submit. On the map, Ms. Smith marked exactly where on the west bank the equipment would access the work site, stated no ramp would be built, and amended the construction sequence to indicate the equipment would be lowered into the pond. She briefly reviewed the construction sequence. She said the accumulated silt would be removed from the bottom of the pond and deposited in the CL&P easement area approx. 200 ft. from the work area. Mr. Picton asked Mr. Ajello to inspect the deposition site to make sure it was safe. Ms. Smith said she would not know how much material would be taken out until the job was completed and said the pond would not be enlarged. Ms. Smith then described the measures, which would be taken such as pumping the water, putting down sand bags, and installing silt fence or hay bales to keep the work area dry and prevent sediment from flowing downstream. Mr. Bedini asked if there would be stockpiles of the new materials to be used. Ms. Smith said these materials would be used as they were delivered. Mr. Bedini asked if all the dewatered material would be taken from the work site. Ms. Smith stated a backhoe would load it into trucks and it would not be reused in the dam reconstruction. It was noted work was expected to begin on Monday, October 3. Ms. Purnell said the engineering specs were OK, but that a plan for post construction planting should be submitted later. The Commissioners discussed and agreed upon additions to Ms. Smith's construction sequence and written responses to the Commission's 9/14/05 requests as follows: 1) Change the last sentence and add a second to the end of #2: Stockpiling of material will be used as access ramp from Old Furnace Road to the work area at the access point indicated on the plan. There will be no change in the contour of the existing bank and any damage to the bank will be repaired to its previous condition. 2) The 7th point in the construction sequence should be changed to: Deliver specified materials to the work area at the access point indicated on the plan. 3) Add a sentence to #4: Only accumulated silt will be dredged. 4) Add to the end of the sentence in #5: ...in a location to be approved by the WEO that is at least 150 feet from any wetlands or watercourse. 5) Add the following sentence to the construction sequence: All necessary measures will be taken to prevent work in flowing water in order to prevent turbidity in the stream. Mr. Ajello said he had asked Ms. Smith to take photos prior to the start of work

to document the existing conditions.

MOTION: To approve Application #IW-05-53 submitted by Ms. Smith to repair the dam at 35 East Shore Road per the plans, "Improvements to Woodruff Pond Dam," by Lenard Engineering, Inc., 5 pp, dated 8/1/03, revised to 3/21/05 with notations initialed by Ms. Smith and the construction schedule with revisions initialed by Ms. Smith. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Adams/214 West Shore Road/#IW-05-57/Repair Retaining Wall, Sod Lawn: Mr. Neff, engineer, presented his plan, "Proposed Yard Improvements," revised to 9/22/05. The plan incorporated recommendations made at the Commission's site inspection for filling the sink holes. Ms. Purnell noted her concern that the repair of the wall would extend it further into the lake. Mr. Neff said the bottom of the wall was failing and the repairs would be done within the plane of the existing wall. Ms. Purnell worried that more problems would be found as the work progressed and asked Mr. Ajello to photograph the wall to document the existing size and conditions. Mr. Ajello asked if gutters would be installed on the existing building. Mr. Neff said, no, because they would concentrate the flow. Mr. Picton asked how long the ground would be bare before the sod was installed. Mr. Neff said it would be only one day and noted the area of plantings would be as large as the sod area.

MOTION: To approve Application #IW-05-57 submitted by Mr. Adams to repair a retaining wall and sod the lawn at 214 West Shore Road per the plan, "Proposed Yard Improvements," by Mr. Neff, dated 9/13/05, revised to 9/22/05 with the condition that the repairs to the wall be done in the plane of the existing wall and not extend beyond that into the lake. By Mr. LaMuniere, seconded by Mrs. Hill, and passed Ms. Purnell voted No because she thought more mitigation plantings were needed instead of sod.

Schneider/97 Lower Church Hill Road/#IW-05-59/Dredge Pond: Mr. Baker, caretaker, and Mr. Palella, contractor, were present. They stated the pond was still dry, they did not propose to enlarge it, and they wanted to begin work tomorrow. Mr. Palella said he expected to complete the dredging in one day.

MOTION: To approve Application #IW-05-59 submitted by Mr. Schneider to dredge the pond at 97 Lower Church Hill Road per the plan, "Pond Dredging Project of Upper Pond, 30 X 45," by Mr. Baker with the condition that if water flows through the work site, either the WEO must be contacted so he can direct the work or the work must be stopped. By Ms. Purnell, seconded by Mr. LaMuniere, and passed 5-0.

Dedell/156 Calhoun Street/#IW-05-60/Landscaping: Mr. Sabin, landscape architect, stated there had been no revisions to the plans since the last meeting. The plan, "Proposed Invasives Control and Native Wetland Plantings," by Mr. Sabin, dated 9/14/05 was reviewed. He said invasives would be removed and replaced with native species. Part of the old lawn would be augmented with islands of planted native species and would be mowed only once a year. It was noted no tilling or regrading was proposed and that the wetlands areas would be enhanced and restored.

MOTION: To approve Application #IW-05-60 submitted by Ms. Dedell for landscaping at 156 Calhoun Street per the plan by Mr. Sabin dated 9/14/05. By Mr. LaMuniere, seconded by Mr. Picton, and passed 5-0.

Janowicz/51 Rabbit Hill Road/#IW-05-61/Driveway: Mr. Picton noted the driveway had been approved in 1993 and 1998, but had not been completed because a stop work order had been issued due to a severe erosion problem during construction. Mr. Ross said he proposed to install the erosion controls proposed in the original permit plus reinforced silt fence per additional specs he submitted. The grading cross section dated 9/93 was reviewed. Mr. Ross pointed out that sections of the driveway would have a 20% grade and Ms. Purnell advised him a zoning variance would be required. Mr. Ross

noted the driveway was 75% completed and the culverts had already been installed so if further regrading had to be done to reduce the grades, the whole area would have to be opened up and disturbed again. He hoped the Wetlands Commission would support his variance request so that additional disturbance could be avoided. Ms. Purnell noted the erosion problem had never been solved. Mr. Ross proposed the installation of an enlarged level spreader at the outlet of the 12" by 30' long culvert at the steep section of the driveway and submitted the construction diagram, "Flared End Section," dated 9/27/05. He noted the roadbed would be from 12 ft. to 14 ft. wide and the total width of disturbed area approx. 50 ft. wide. He also stated the steeper sections of the driveway would be paved. Mr. Picton was concerned the sand and salt used on the 20% grade sections of driveway would flow into the catch basins and into the stream. He asked for a site plan so the Commission could review alternate driveway locations. Mr. Ajello said the driveway was located on a right of way and there were no alternatives. Mrs. Korzenko thought there should be an engineered plan to handle the runoff. Mr. Ross's 9/27/05 narrative was reviewed and it was noted all grades over 15% would be paved and all other sections would be processed gravel. The Commissioners were skeptical the Planning Commission had approved a subdivision with such a steep driveway and asked to see the subdivision map, a map of the property, and a vicinity map. Mr. Ross presented a subdivision map, which he did not submit for the file. Mr. Picton also asked to see the Planning Commission file. He requested a site development plan showing a feasible layout for the lot, saying he did not want to approve a driveway to an illegal lot. He also asked that the watercourse be shown on the map and that the original Wetlands permit be brought to the meeting so the conditions of approval could be reviewed. Ms. Purnell noted there had also been questions raised at the site inspection and asked that Land Tech review those issues. Mr. Ross said it had been legally subdivided and is taxed as a building lot. It was the consensus to send the application to Land Tech for review and the Commission would pay for it since the application had been previously approved. Mr. Ajello was asked to get a copy of the letter of notification, which had been sent to the Town of Warren.

New Applications

Herrmann/92 East Street/#IW-05-62/Dredge Pond: Mr. Neff, engineer, noted the property is located on the corner of East Street and Calhoun Hill Road. The application is to clean 100 yards of material from a .1 acre pond, which would not be enlarged or deepened. The dredged material will be spread on site. Mr. Neff said detailed plans had not yet been prepared. Mr. Picton asked that some organic matter be left in the pond to support plant growth.

Murgio/21 New Preston Hill Road/#IW-05-63/First Cut, Driveway Location: Mr. Charles represented the applicant. He did not have a final map ready. He noted he had inspected the property with Mr. Ajello and Mr. LaMuniere who had agreed on an acceptable access along the western boundary. On a preliminary map Mr. LaMuniere pointed out a valuable wetland area in the southeastern part of the property and said activity in this area should be avoided. Mr. Picton noted approval could be subject to the condition that there be no driveway constructed between the two wetlands on the property. Ms. Purnell asked if there were wetlands or watercourses on the adjacent property.

Other Business

Moore Property/New Milford Turnpike/Access/Preliminary Discussion: Mr. Boling and Mr. Charles said they had a client who was interested in purchasing this property at the edge of the village of New Preston. The plan would be to construct mixed housing on 25% of the land and to preserve 75% as open space. They presented a computer generated site plan. Since access from Flirtation Avenue would be difficult because it would be steep and would require a lot of fill and it would make sense to keep traffic on the state road, they asked if the Commission would approve a two lane access through a regulated area off Rt. 202. It was noted there is an existing single lane crossing there now.

Mr. Boling noted the state DOT might require site work at the entrance. Ms. Purnell thought historically there was a right to enter the property in this location, Mr. LaMuniere noted a crossing already exists in this location, and Mr. Picton said feasible and prudent alternatives would have to be considered. The Commissioners generally thought such a two lane crossing might be possible.

Enforcement

Fowler/138 Nichols Hill Road/#IW-05-58/Remediation Per IWC Order: At the last meeting the Commission had reviewed Mrs. Corrigan's replanting plan and had directed Mr. Ajello to advise Mr. Fowler that in addition the entire 135 ft. long ditch had to be refilled with the material that had been excavated from it. Mr. Ajello said he had received a response from Atty. Kelly saying that two professionals had advised his client not to refill the ditch because it would disturb the vegetation that had begun to grow back in the disturbed area. It was the consensus of the Commission that the two professionals, Mrs. Corrigan, botanist, and Mr. Zitter, horticulturist, were not hydrologists and, therefore, were not qualified to state that the ditch should not be refilled. It was noted that if Mr. Fowler had refilled the ditch a year ago as he had been ordered, disturbance of plant growth would not now be an issue. The planting-restoration plan by Mrs. Corrigan was reviewed. Mr. Ajello was asked to respond to Atty. Kelly with the following points: 1) Mrs. Corrigan failed to observe the order to refill the ditch when she drew her plan, 2) Mrs. Corrigan is not qualified to make the determination that she did because she is not a hydrologist, and 3) the order stands.

Gatto/155 Woodbury Road: Mr. Ajello said he would meet on site with Mr. Hayden to review the proposed mitigation plan.

Taylor/11 Sunset Lane/Unauthorized Excavation: A site inspection was scheduled for Tuesday, October 4, 2005 at 4:40 p.m.

MOTION: To uphold the 9/19/05 Cease and Desist Order issued to Mr. Taylor for unauthorized excavation on his property at 11 Sunset Lane. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Leach-Smith/115 River Road: The excavated material was trucked off site and Mr. Ajello saw no evidence that any rocks had been dumped along River Road.

Town of Washington/Repair of Retaining Wall along East Aspetuck River: Ms. Purnell said she observed that the restored wall was already failing down low along the shore where stones were pushing out. Also on top of that same bank near Pavilion Hall it looked like there was a sink hole undermining the back of the wall. She noted the rest of the wall was mortared but the repaired section was not.

Other Business

Montessori School/240 Litchfield Turnpike/Request to Release Bond: Ms. Purnell reported the school is doing a good job working to comply with all conditions of approval.

MOTION: To go into Executive Session at 10:59 p.m. to discuss pending litigation. By Mr. Picton, seconded by Mrs. Hill, and passed 5-0.

MOTION: To come out of Executive Session at 11:07 p.m. By Mrs. Hill, seconded by Mr. Picton, and passed 5-0.

Mr. Picton reminded the Commissioners of the Special Meeting scheduled on 10/5/05 at 7:00 p.m. to discuss organization and procedural matters.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator