

October 26, 2005

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

MEMBERS ABSENT: Mrs. D. Hill

ALTERNATE PRESENT: Mr. Bedini

ALTERNATE ABSENT: Ms. Coe

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

ALSO PRESENT: Mrs. Corrigan, Atty. Ebersol, Mr. Charles, Mr. Boling, Mr. Worcester, Ms. Mathews, Mr. Sears, Mr./Mrs. Williams, Mr. Tagley, Mr. Papsin, Mr. Neff, Mr./Mrs. Krajnak, Mr. Gitterman, Mrs. Condon, Mrs. Andersen, Mr. Ross, Mr. Munson, Mr. Bennett, Mr. Rosiello, Residents, Press

PUBLIC HEARING

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

Mr. Picton reconvened the public hearing at 6:05 p.m. and seated Members Korzenko, Picton, and Purnell and Alternate Bedini for Mrs. Hill. Mr. Picton read the list of documents submitted since the October 12 session of the hearing. Mr. LaMuniere arrived and was seated.

The map, "Proposed Site Plan," by Mr. Alex and Mr. Worcester, revised to 10/18/05 was reviewed.

Atty. Ebersol outlined the revisions to address concerns raised by the Commission that were made to the site plan since the original submission. These included 1) moved the three affordable units away from the ravine to the edge of the meadow, 2) moved five of the market units so that none will be located within 100 feet of wetlands and so there will be no activities within 75 feet of wetlands except for a small section of the infiltration systems, which were requested by Land Tech, the Commission's consultant, 3) increased the size of the proposed conservation easement area to 78% of the site. Mr. Worcester also noted that the walk out basements on buildings #1 and #2 had been deleted, the infiltration system for building #2, the system closest to the wetlands, would be no closer than 82 ft. from the wetlands, the lawn areas had been reconfigured to decrease their size, and the northern silt fence indicated the limit of grading line. Ms. Purnell pointed out the southern silt fence line was labeled as the limit of disturbance. Mr. Worcester noted the turn around and gas tank areas had been deleted from the easement.

Mrs. Korzenko asked if additional space had been allotted for the driveways and parking areas between the market unit dwellings. Atty. Ebersol said there had been no changes and pointed out there is an area 35 ft. beyond each garage for parking, meaning there would be more room to maneuver in each driveway. He said residents would be told to park in the garages or in the areas beyond the driveways. Mr. Picton was concerned the applicant might find it necessary to apply for expanded parking or driveways in the future. Mr. Worcester said this would not happen. Ms. Purnell was concerned that the trees to be planted in the middle of the driveway would not survive and she recommended they be planted to either side.

Mr. Neff, engineer, stated the stormwater management plan had been revised to include the new building sites and driveway configuration. The proposed infiltration systems and the drainage system for the driveway had not been changed. He noted he had analyzed the pre and post development conditions and had concluded that implementation of the proposed drainage systems would result in a 10% reduction in runoff. The reason for this was that each proposed infiltration system would have a 5000 gallon capacity and could accommodate a 2.3 inch storm. He noted the driveway runoff would be routed through catch basins and pipes to the stormwater detention basin. He commented on Land Tech's

10/26/05 letter; 1) He said deep hole testing had been done in the area of the infiltration systems, but he could do additional tests. 2) He noted there are proposed overflows on the infiltration systems so the water would exit to grade should there be a clog. 3) He stated the route analysis for the detention basin system was simple because there was such a small drainage area. He noted the existing topography allows the water to drain in two directions. The emergent overflow would be channeled in a grass lined, 8 ft. wide, 2 ft. deep swale as depicted in the cross section on sheet 2 of the Stormwater Management Plan. He said he could add a lateral cross section if required. He described the outlet of the detention basin. The water would flow in a reduced rate through the standpipe and eventually to an 8 ft. wide, 4 ft. deep concrete level spreader that would further reduce the flow of the runoff and spread it out. Ms. Purnell asked if after monitoring the system for a few years it could be retrofitted if it was found it did not function adequately. Mr. Neff said it could, but that this would not be necessary as what he proposed was less erosive than the existing conditions. Mr. Picton asked what would happen if the detention pond overflowed. Mr. Neff said the stand pipe would handle a 100 year storm and with greater storm events the water would continue through the standpipe plus overflow the sides. Mr. Picton asked if the overflow would erode the steep slope. Mr. Neff responded the detention system was conservatively designed for a 100 year storm when most detention systems accommodate only 25 year storm events. Mr. Picton questioned the sq. footage of roof area used in the drainage calculations and Mr. Neff stated he had used larger figures to be conservative. Atty. Ebersol asked Mr. Neff to compare the potential runoff from other potential uses of the property with that of the proposed use. Mr. Neff stated there would be more runoff generated by a corn field than from the proposed stormwater management system proposed for the 10 units. He also stated there would be more post development runoff for two or three single family dwellings because most dwellings do not install infiltration systems. He said with the implementation of the proposed system there would be less runoff flowing to the wetlands than there is currently.

Ms. Purnell asked if the driveway information was specific. Mr. Neff said the gravel base would be 12 inches and said he would add a note to the plans.

Mrs. Korzenko read the 10/1/05 letter from Ms. Mathews to the Dept. of Public Health, which questioned the adequacy of the proposed septic system.

Mr. Tagley, Quarry Ridge, stated he was concerned about the ecology of the area and thought the number of buildings proposed was an issue. He urged the Commission to continue the hearing to allow the public time to review the latest information submitted. Also, in response to a question raised by Mr. Tagley regarding the jurisdiction of the Commission, Ms. Purnell explained per its Regulations, the Commission may establish a distance from wetlands, which it views as the regulated area, but that it may extend its jurisdiction beyond that distance if there is a likelihood the proposed activity will impact a wetlands or watercourse. Mr. Tagley asked then if the proposed septic system would be included under the Commission's jurisdiction. Ms. Purnell thought it would be difficult to make the argument that the septic system could impact the wetlands and watercourse to the south. Mr. Picton said the applicant had responded to the Commission's concerns, but the Commission would discuss the proposal and determine whether the plans were adequate.

Mr. Branson, consulting forester, noted the existing wetlands contain invasive species and said the proposed development would enhance ecological diversity and would keep activities out of the meadow.

Mrs. Krajnak, Quarry Ridge, said she appreciated the tremendous effort being put into the proposal, but voiced her concern about the precedent that would be set should the application be approved. She thought her property value would be affected because the Myfield buildings would overlook Quarry Ridge. She also asked for a vegetative buffer to ensure privacy. Mr. Picton noted these were zoning issues.

Mrs. Andersen said the water source for Myfield was an important issue because the owner of the water system had begun proceedings to abandon that company. Mr. Picton said this matter was not under the jurisdiction of the Inland Wetlands Commission.

Ms. Mathews asked if Myfield would install its own well. Ms. Purnell noted the applicant had applied to the State Health Department and would either tie in with the Quarry Ridge system or drill its own wells depending on what the state ordered. She said this was not a Wetlands issue. Atty. Ebersol noted the applicant was not applying for approval of well sites. He said if needed, the applicant would submit a separate application.

Mr. Tagley asked why the conservation easement was relevant to the Wetlands Commission's discussion and were there any tax issues involved. Mr. Picton explained that activities in the regulated and upland review areas can degrade the quality of the wetlands. A landowner, however, may propose specific conservation easement language, which would protect the wetlands beyond what the Inland Wetlands Regulations require. He said the Commission would consider such an easement as mitigation for the proposed impacts. Ms. Purnell said there might be tax benefits to the property owner, but that the Wetland Commission was concerned with management issues.

Mr. Williams, Quarry Ridge, commented on Ms. Mathews 10/1/05 letter, saying Myfield would be located on a steep slope above Quarry Ridge. He said 9 years ago his basement had been flooded from runoff down that slope and he had had to install drains. He feared this type of flooding would happen again once the Myfield units were constructed. Ms. Purnell responded the engineering calculations showed there would be a 10% decrease in post development runoff.

Mr. Picton asked Mr. Neff if the soil would absorb water in the detention basin area like it would in the infiltration system areas. Mr. Neff said the detention basin collects runoff and allows it to flow out at a metered rate. He said it would only detain water; there would be no seepage into the ground. Mr. Neff said the gradual release from the detention pond would flow south down the hill in a direction away from Quarry Ridge to the level spreader, which again, would disperse the flow away from Quarry Ridge.

Mr. Neff stated the septic system would be set back 20 feet, 10 more than required by the State Health Code, from the Quarry Ridge boundary line, not 6.5 feet as noted in Ms. Mathews' letter.

Mr. Picton noted the septic system will introduce more water to the soil and asked if it would flow towards Quarry Ridge. Mr. Neff responded there was no hardpan soil in the area so this was not a concern. Mr. Williams noted that 93 Quarry Ridge does not have a full basement because it is on ledge. Mr. Neff said extensive tests had been done and there was no ledge or groundwater at a depth of 7-8 feet on the Myfield property. He noted the topography runs gradually down to the north and that the west side had a steeper grade, but no water was being directed to the west.

Mr. Picton advised the public the Commission would require a bond to ensure proper completion of all approved work and the Wetlands Enforcement Officer would inspect the project as the work progressed.

Ms. Purnell noted the Commission could not sign off on the proposed conservation easement language because it required clarification due to inconsistencies. Atty. Ebersol noted the applicant had received Ms. Purnell's 10/26/05 memo and would incorporate all necessary changes. Mr. Boling said the applicant wanted to go through the zoning application process prior to finalizing the conservation easement. Mr. Picton asked if an endowment would be established to fund the maintenance of the easement area. Ms. Purnell said a stewardship fund had not been mentioned.

There was a brief discussion regarding whether to continue the public hearing. Although the application had not been substantially changed since the last meeting, it was noted the Land Tech report and Ms.

Purnell's review of the conservation easement language had only been received that day and Mr. Hayden's report had not yet been submitted. Atty. Ebersol submitted the 10/26/05 request to extend the hearing to Nov. 9, 2005.

Mrs. Krajnak voiced her concern about the possibility of water from the septic system reaching the Quarry Ridge property. Mr. Picton stated the sanitary engineer and the Health Department would review and approve the plans and that resubmittal to the Wetlands Commission would be required if there were any revisions made.

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, November 9, 2005 at 6:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct. By Mr. Picton, seconded By Mr. LaMuniere, and passed 5-0.

At 7:20 p.m. Mr. Picton continued the public hearing to 6:00 p.m. on Wednesday, November 9, 2005 in the Land Use Meeting Room, Bryan Memorial Town Hall.

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

REGULAR MEETING

Mr. Picton called the Regular Meeting to order at 7:25 p.m. and seated Members Korzenko, LaMuniere, Picton, and Purnell and Alternate Bedini for Mrs. Hill.

MOTION: To add the following subsequent business to the Agenda: 1) Consideration of the 10/5/05 Special Meeting minutes, 2) New Application: Godwin/35 West Morris Road/#IW-05-66/Stone Wall, and 3) Other Business: Adams/214 West Shore Road/ Request to Amend Permit #IW-05-57/Repair Retaining Wall, Sod Lawn. By Mr. Picton, seconded by Mrs. Korzenko, and passed 5-0.

Consideration of the Minutes

The 10/12/05 Public Hearing-Regular Meeting minutes were accepted as corrected.

Page 1: 3rd Paragraph: 3rd line: After "area" add: between the wetlands boundary and the split rail fence.

4th paragraph: 5th line: After "him" add: about this recent review.

Page 3: 3rd paragraph: 2nd line: Change: "to reach" to towards.

Page 5: 7th line from bottom: Correct date is 10/12/05.

Page 10: Under James Calhoun House: 2nd to last line: Change "to" to did.

MOTION: To accept the 10/12/05 Public Hearing - Regular Meeting minutes as corrected. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

MOTION: To accept the 10/5/05 Special Meeting minutes as written. By Mr. Picton, seconded by Mr. Bedini, and passed 5-0.

Pending Applications

Cohen/62 Calhoun Street/#IW-05-44/Well, Pond: Mr. Rosiello submitted a revised site plan, dated received 10/24/05 and the unsigned, "Addendum to narrative submitted Oct. 12th." On the site plan he pointed out the limit of construction for the pond and proposed irrigation system, which he stated would be hand dug, and the location of the feed lines and the area to be irrigated. He noted the width of the planting buffer had been increased to 30 feet to address the Commission's concerns and would be planted with herbaceous shrubs and wetlands species. Mrs. Korzenko and Mr. Picton asked why

irrigation was needed between the pond and the wetlands. Ms. Purnell noted there would be a well that could be used for watering. Mr. Rosiello said it would be a drip irrigation system and that it had to be installed in an area that would not impact the electrical service on the north side of the driveway. Mr. Picton noted 1) the irrigation system would be out of the 100 ft. review area, 2) the limit of disturbance would be only 25 ft. into the review area, 3) the area was fairly level, 4) the work area next to the driveway was well confined, and 5) there were no serious wetlands issues. Ms. Purnell disagreed, saying the Commission had to consider feasible and prudent alternatives. She thought there were other feasible locations for both the pond and the well and that the improvements would be used for the maintenance of a manicured lawn where fertilizers and herbicides would be used. Mr. Picton asked if the well could be moved at least 50 feet from the wetlands. Mr. Rosiello agreed to do so and amended and initialed the site plan. It was noted the irrigation system was included in the application.

MOTION: To approve Application #IW-05-44 submitted by Mr. Cohen for a well and pond at 62 Calhoun Street as submitted per the site plan dated received 10/24/05 with the condition that the well must be installed at least 50 feet from any wetland or watercourse. By Mr. Picton, seconded by Mrs. Korzenko, and passed 4-1. Ms. Purnell voted No because she said there were feasible and prudent alternatives for the proposed work.

Cohen/62 Calhoun Street/#IW-05-45/Deer Fence: Mr. Rosiello said there had been no changes made to the application since the last meeting. The proposed deer fence would enclose 13 acres, 1.3 acres of which were wetlands, and would not enclose any vernal pools or other sensitive areas. He submitted a revised narrative, "Addendum to revision of October 12, 2005, dated received 10/24/05. Mr. Picton asked if the narrative addressed the impact of keeping the deer out of the wetlands. Mr. Rosiello stated other animals would be able to pass under the fence if it was properly installed 9 inches above the ground, but it was noted this would also serve as the pool fence and it was thought per the Building Code there could not be a 9 inch gap under the fence. Mr. Picton thought the Commission should establish a policy regarding deer fences, permitting them if they do not surround or bisect wetlands and if they do not redirect wildlife in, through, or around wetlands. He noted the proposed fence did not meet the above criteria. Ms. Purnell thought the Commission should have more information on large scale corridor issues and nutrient cycles before acting on the application. Mr. Rosiello argued that the Commission had approved deer fences in the past and that at the last meeting it had advised him the decision would be made based on whether there would be an impact to the wetlands. Ms. Purnell asked how wide the remaining corridor would be. Mr. Rosiello said it would be 6 feet wide and would have a closed gate at each end of the driveway.

MOTION: To approve Application #IW-05-45 submitted by Mr. Cohen for a deer-pool fence at 62 Calhoun Street per the site plan dated received 10/24/05. By Mrs. Korzenko, seconded by Ms. Purnell, and passed 3-2. Mr. Picton voted No because he did not think the deer fence should surround or bisect wetlands, he thought it would redirect wildlife to the point that there would be an impact on the wetlands vegetation, and he thought there was a feasible and prudent alternative. Ms. Purnell voted No because there was no data available on the long term impacts of deer fencing around and through wetlands.

Myfield, LLC./7 Mygatt Road/#IW-05-54/10 Dwelling Units: It was noted the public hearing had been continued to 11/9/05 at 6:00 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

Bennett/207 Bee Brook Road/#IW-05-55/Addition to Existing Dwelling: Mr. Bennett submitted a revised site plan, "Map Prepared for Joseph Bennett, Jr.," by Mr. Osborne, revised to June 24, 2005 and updated on October 20, 2005, which showed the correct measurement was 22.5 ft. from the closest part of the existing house to the center line of Bee Brook. Mr. Picton measured 12 feet from the house, 15 feet from the nearest deck, and 17 feet from the proposed second story addition to the streambank. Mr. Bennett stated the building would not be extended any further than the existing porch line and that the

porch would be roofed over. Mr. Picton asked if the architect's preliminary drawings had been corrected. Mr. Bennett left the table to make the required corrections.

Fowler/138 Nichols Hill Road/#IW-05-58/Remediation Per IWC Order: Mr. Picton read the 10/21/05 letter of withdrawal from Atty. Kelly. The Commissioners questioned how Mr. Fowler could withdraw the application when he is under an enforcement order to restore the property. Mrs. Korzenko suggested a second fine be levied for not complying with the enforcement order. It was the consensus to consult with Atty. Zizka regarding 1) whether a second citation could be issued and 2) what additional enforcement action should be taken. Mr. Picton suggested the enforcement order be filed on the Town Land Records.

MOTION: To file on the Town Land Records the 5/17/04 Enforcement Order issued to Mr. Fowler for #IW-04-V5, unauthorized excavation and filling in the wetlands at 138 Nichols Hill Road. 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 revised the preliminary architect's drawings and initialed and dated the changes. Mr. Picton asked if the Commission was satisfied that the application was complete. It was. He asked Mr. Ajello if there was adequate information regarding the limit of the work area and the erosion and sedimentation controls. Mr. Ajello said there was. Mr. LaMunier pointed out the applicant proposed remediation along the streambank. The revised site plan updated to 10/20/05 was reviewed. Mr. Picton noted the limit of the work area was only 1.5 feet from the streambank and asked if it could be moved at least 8 ft. back. Mr. Bennett so revised the map and initialed and dated the change. He said he would double up on the silt fence and would hold a preconstruction meeting before beginning work. Mr. Picton said he did not support approval of a new structure within 75 feet of the stream. Ms. Purnell noted neither the addition nor the proposed work on the second story would bring the building any closer to the stream. She also noted that once the vegetative barrier was established on the streambank it would help to prevent any impacts to Bee Brook.

MOTION: To approve Application #IW-05-55 submitted by Mr. Bennett for an addition to the existing dwelling at 207 Bee Brook Road per the A-2 survey map by Mr. Osborne revised to 6/24/05, with updates to 10/20/05, and as amended by Mr. Bennett on 10/26/05 and the preliminary elevations and floor plans by Mr. Bugryn dated 5/24/05 and revised and initialed by Mr. Bennett on 10/26/05 with the condition that the limit of disturbance be pulled back 8 feet from the streambank as shown on the above referenced survey map. By Mrs. Korzenko, seconded by Ms. Purnell, and passed 4-0. Mr. Picton voted No because there would be too large a structure too close to the stream and in the past the Commission's policy had been to keep new structures at least 75 feet from wetlands and watercourses.

Janowicz/51 Rabbit Hill Road/#IW-05-61/Driveway: Mr. Ross, contractor, said he had no additional information at this time. Discussion was tabled to the next meeting.

Herrmann/92 East Street/#IW-05-62/Dredge Pond: The plan, "Pond Cleanout Plan," by Mr. Neff, dated 9/15/05 was reviewed. Mr. Picton asked if after the work was completed, the pond would become a sterile basin with no organic material or aquatic vegetation. Mr. Neff, engineer, stated the decomposing organic material at the bottom of the pond would be removed instead of installing a fountain. He said no material would be removed from the pond sides for the first 3 to 4 feet in depth. Mr. Picton recommended a condition of approval that the shallow water slopes be left in tact. Mr. Neff also noted 100 cubic yards would be taken out and deposited on site in the same area used for deposition in the past. It was decided not to act on the application until the next meeting to give those who had not yet inspected the property the chance to do so.

Murgio/21 New Preston Hill Road/#IW-05-63/First Cut and Driveway: Mr. Charles, agent, presented the map, "Proposed Site Development Plan," by Mr. Neff, dated 10/6/05, but stated it did not

yet accurately show the proposed lot line. He pointed out where the probable lot line would be located and said the new parcel would contain most of the proposed right of way. Mr. LaMuniere noted there are significant wetlands located at the rear of the property. A site inspection was scheduled for Wednesday, November 2, 2005 at 4:00 p.m.

Pierce/31 Shearer Road/#IW-05-64/Dormer, Exterior Stairs, Clean Out Ditch, Etc.: Mrs. Pierce was present. The map, "Site Plan," by Sarracco, Inc., dated 7/21/87 with handwritten notes by Mrs. Donnelly and the renovation plans by Mrs. Donnelly, dated 10/5/05, 6 pp. were reviewed. Each item of proposed work as outlined in Mrs. Donnelly's 10/5/05 "Scope of Work Within Regulated Wetlands Area" was discussed. The Commission had no problem with items #1 through #3, install erosion controls, remove dead pines, and remove dead spruce. Regarding #4, clean out debris and invasives from Hinkle-Shearer Road corner and plant pines to screen, Ms. Purnell asked that native species be planted. Plans for #5 and #6, cleaning out the sediment in the ditch and repair of the check dam above the culvert were reviewed. Mr. Ajello said the Town would clean out the sand with a backhoe. Ms. Purnell noted the catch basin should be regularly maintained to prevent the ditch from filling with sand again. Mr. Picton noted there is water flowing in the ditch now and this work should wait until the dry season. He thought the limbs and organic matter could be cleaned out by hand now, but the excavation of the ditch should wait for a time of low flow. It was the consensus the work proposed to the rear of the house and the repair of the stone wall would not adversely impact the wetlands.

MOTION: To approve Application #IW-05-64 submitted by Mr. and Mrs. Pierce for various work including addition of stairs and a dormer, removal of dead trees, removal of sediment from ditch, repair of check dam, and reconstruction of stone wall at 31 Shearer Road per the 10/5/05 Scope of Work within the Regulated Wetlands Area and the site plan by Sarracco, Inc. dated 7/21/87 with undated hand written notations subject to the following conditions: no activities are approved in the wetlands to the south and west of the Hinkle Road driveway, sediment may be cleaned out of the channel upstream of the Hinkle Road driveway if the stream channel is not enlarged, the work is done during low flow conditions, and woody and leafy debris is removed by hand, the catch basin from Shearer Road is to be cleaned out as soon as possible. By Mr. Picton, seconded by Mrs. Korzenko, and passed 5-0.

New Applications

Greenfield/12 Ives Road/#IW-05-65/Reconstruction of Garage: Mr. Ross, contractor, presented the maps, "Site Analysis Plan," by Mr. Alex, dated 12/2004 with "Wetland Buffer Management Plan" dated 10/10/05 drawn in by Mr. Sabin, landscape architect and "Greenfield Barn, Septic Tank, and Pump Chamber," received 10/24/05. Mr. Ross stated the building would be enlarged within 50 feet of the wetlands and a dry stone wall would be built also within 50 ft. of wetlands. He noted the wetlands were flagged on site. A site inspection was scheduled for Wednesday, November 2, 2005 at 4:30 p.m. Mr. Ajello noted the wetlands violations on the property have remained unresolved for quite some time. He thought an after the fact fee should be submitted and noted the conservation easement form must be submitted by the property owner.

Godwin/35 West Morris Road/#IW-05-66/Construct Stone Wall: Mr. Ajello noted the conservation easement form had not been submitted. Mr. Money, contractor, proposed to construct a stone wall and mortared pillars along West Morris Road. He said he would excavate 2 ft. down for the concrete footings. Mr. Picton asked what the slope was between the work area and the wetlands. Mr. Money said it was 15% to 20%. Mr. Picton noted the only excavation required would be in the line of the wall. Ms. Purnell requested that a construction sequence be submitted. Mr. Picton asked that it include a description of how the excavation would be limited. It was noted that once constructed the wall could serve as a barrier between the road and the wetlands. The application will be discussed further at the next meeting.

Other Business

Adams/214 West Shore Road/Request to Amend Permit #IW-05-57/Repair Retaining Wall, Sod Lawn: The map, "Proposed Yard Improvements," by Mr. Neff, revised to 10/13/05 was reviewed. Mr. Neff, engineer, explained the owners proposed to remove two concrete slab sections above the retaining wall and put down sod in those areas. Ms. Purnell said she preferred low vegetation to lawn. Mr. Neff stated even if replaced with lawn, it would be an improvement as impervious surface would be replaced with pervious sod. Mr. Picton noted that rubble might be found under the concrete slabs. Mr. Neff said top soil would be placed under the sod and any sink holes found would be filled with rocks, gravel, and filter fabric. Ms. Purnell objected. She thought the work proposed was major and so did not qualify as an amendment to the existing permit. She was concerned the work would result in the retaining wall being extended out into the lake. Mr. Neff said the repair work to the wall would be completed first and that it would not be taken down. After the work on the wall was finished, the concrete slabs would be broken up with hand tools and removed. Ms. Purnell and Mrs. Korzenko thought removal of the slabs might cause the retaining wall to become unstable. Mr. Neff said the slabs were separate from the wall. Ms. Purnell noted all the work on the wall was going to be done by hand and Mr. Neff said that had not changed. He noted the entire project would take only a few days. Mr. Picton asked Mr. Ajello to take before photos from both sides of the wall so that it could be verified that the wall had not been extended.

MOTION: To approve the request to amend Permit #IW-05-57 by Mr. Adams for repair of a retaining wall and installation of sod at 214 West Shore Road per the plan, "Proposed Yard Improvements," by Mr. Neff, revised to 10/13/05 with the condition that if a porous material or rubble is found under the concrete slabs to be removed, the same procedure specified on the plans for the filling of sink holes shall be implemented. By Mr. Picton, seconded by Mr. Bedini, and passed 4-1. Ms. Purnell voted No because the installation of sod would require more maintenance than the existing surface and could result in herbicides and pesticides flowing directly into Lake Waramaug.

Enforcement

Taylor/11 Sunset Lane/Unauthorized Excavation in Wetlands: Mr. Ajello noted Mr. Taylor had been asked to supply data on the pre existing conditions on his property, but said he had been unresponsive to date. It was noted all the information required had been detailed in the enforcement order. It was also noted the citation had not yet been paid. Mr. Picton asked Mr. Ajello to check the Ordinance and to follow the procedures specified when a property owner does not pay the citation.

Carter/292 Walker Brook Road/#IW-04-V8/Repair of Retaining Wall: Mr. Ajello reminded Mr. Neff that the Commission is still waiting for the information it requested from him.

Reinhardt/10 Perkins Road and Cremona/8 Perkins Road/Clearcutting: Mr. Picton explained the Commission could not take further action until the court decides these appeals. He noted the Commission would be in a stronger position to act once its jurisdiction is confirmed. Mr. Ajello noted in the meantime there is a large brush pile on the hill to catch sediment caused by storms.

Paserteri/57 Findley Road/Septic Repair Within 100 Ft. of Intermittent Stream: It was noted the Health Department should have advised the property owner to apply to the IWC for a permit for the required septic repair work. Mr. Ajello said he expects an application will be submitted for the next meeting.

Ingrassia/9 Main Street/Construct Stone Wall: Mr. Ajello reported a stone retaining wall had been constructed without a permit within 50 feet of wetlands, but that he had called the contractor who had responded very quickly. Ms. Purnell noted the steep hillside had been cleared last year. She said the entire hillside needs vegetation for stabilization. It was the consensus that because the work was done

in a regulated area without a permit, a citation should be issued. Mr. Picton advised Mr. Ajello to ask the owner for a mitigation plan. Ms. Purnell noted that if the owner had applied for a permit prior to starting work, the Commission would have required a vegetative buffer. Mr. Ajello will ask for a planting plan when he issues the citation.

Other Business

Washington Montessori School/240 Litchfield Turnpike/Release of Bond: Ms. Purnell reported she is still working with Mr. McNaughton for full compliance with the permit.

Armstrong/72 Mygatt Road/#IW-05-04/Release of Bond: Mr. Ajello said he had inspected the site and recommended release of the bond.

MOTION: To approve the release of the bond for Armstrong/ 72 Mygatt Road/#IW-05-04. By Mr. Picton, seconded by Ms. Purnell, and passed 5-0.

Results of 10/5/05 Organizational Meeting: Mr. Picton explained his 4 page document, "Enforcement Officer/Wetlands Administrator Guidelines," was the result of the discussion that had taken place at the 10/5 meeting. He noted the purpose of the guidelines was to help the Commission shorten the length of its meetings and to help the Enforcement Officer establish procedures that would enable him to spend more time in the field. Mr. Bedini asked Mr. Ajello if he thought the guidelines were doable, and Mr. Ajello said he didn't know because they were confusing and lacked direction. Several issues were discussed.

- Working with the public: The Commissioners agreed the EO should spend less time handling routine matters with the public. To this end the land use brochure should be used more often to provide general information and the public should first be directed to the Land Use Coordinator. Weeding out matters that can be handled by other staff would free up more time for the EO to review applications and get out in the field. Mr. Ajello did not think the office functions could be separated from working with the public. Mrs. Hill said that after a trial period it might be determined that additional office staff is needed to fully implement the procedures recommended in the guidelines.
- Written reviews of applications: It was the consensus that Ms. Purnell and Mr. Bedini would work on a checklist to be used by the EO when he reviews applications for completeness. Mrs. Korzenko suggested the checklist also be handed out to applicants with the application form. Mr. Ajello said he had no problem with using a checklist, but thought there should be different standards for less complex applications. Mr. Picton noted the reason for the checklist was to make sure applications are complete prior to each meeting. It was noted that some applicants may have to hire a consultant to do some of the paperwork that Mr. Ajello currently does for them.
- Scheduling of Time: It was thought Mr. Ajello should make an office hours schedule and deal with the public only during those hours. This would allot more time for review of applications and inspections, which the Commission considered to be priorities that were more important than dealing with the public.
- Revision of application form: It was noted a requirement to describe proposed mitigation should be added to the form.
- Creation of data base: Ms. Purnell and Mr. Bedini agreed to work on a wetlands data base. One major problem noted was that the Town does not have the necessary hardware capabilities like Access and the data base would have to be done in Excel. Mrs. Korzenko suggested the Commission apply for a grant to get a software designer to work on the data base. She noted the

grant could also cover staff training costs.

Mr. Ajello will review the guidelines and they will be discussed again at the next meeting.

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

Mr. Picton adjourned the meeting at 9:58 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator