

**The Roxbury Inland Wetlands Commission
Roxbury, Connecticut**

**MINUTES
Regular Meeting
September 22, 2009**

Members Present: Ms. Napier, Mr. Horrigan, Ms. Fitch and Ms. O'Conner

Alternates Present: Mr. Smoliga

Others Present: Mr. Kellerman, Mr. and Mrs. McDonald, Ms. Rosen, Mr. Wheeler and Tammy McVey-Camilleri of Voices

Ms. Napier called the meeting to order at 7:30 P.M.

SEATING OF MEMBERS

Acting Chairman Napier seated members Horrigan, O'Conner, Fitch and Napier. Mr. Smoliga was seated for Mr. Dirienzo.

CONSIDERATION OF MINUTES

The approval of minutes from the Regular Meeting of August 25, 2009

MOTION: To approve the minutes of the August 25, 2009 Regular Meeting. By Ms. O'Conner, seconded by Mr. Horrigan and passed 5-0.

WEO REPORT

Ms. Napier confirmed the Commission's receipt of the WEO report.

COMMUNICATIONS

Voices article dated Sept. 9, 2009

Ms. Napier confirmed the Commission's receipt of the Voices article dated 9/9/09.

Press Release re: Cell Tower/Transylvania Road

Ms. Napier reminded the Commission and the public that there will be an informational meeting regarding the proposed cell tower on Transylvania Road on 9/24/09. Ms. O'Conner questioned whether wetlands are present on the proposed site. The Commission reviewed the Wetlands Map, but was unable to determine whether there are wetlands on the site. Ms. Napier noted that an application has not yet been submitted to the Siting Council and believes they will need to make this determination upon receipt of the application.

NEW BUSINESS

Casey-Southbury Road (Map27, Lot 38) – Single-family dwelling

Ms. Napier reviewed the file and found that no application was in the file. Neither the applicant nor a representative for the applicant was present. The Commission determined that nothing

further could be done with this application at this time.

Rosen (Wheeler) – 44 Booth Road – Pond maintenance

Russ Wheeler, representative for the applicant, explained that this is a town approved man made pond which has become filled with silt. Their proposal is to merely remove the silt without any expansion to the pond. He reported that Russell Dirienzo has viewed the pond and made suggestions as to how the silt fence should be placed. He confirmed that the silt will remain on site, it will be spread and seeded. He submitted and reviewed a map of the site with the Commission.

MOTION: To approve the application of Rosen (Wheeler) – 44 Booth Road – Pond maintenance as a maintenance activity by Mr. Horrigan, seconded by Ms. Napier and passed 5-0.

Town of Washington – Shepaug High School – Empty swimming pool into adjacent pond

Ms. Napier looked for and confirmed that a representative for the applicant was not present. Ms. O’Conner voiced her concerns with the pool chemicals going into the pond. Ms. Napier reviewed the proposed plan to empty the pool. Mr. Horrigan noted that he believes that this activity had already taken place and this application is just for informational purposes.

COMPLAINTS/ENFORCEMENT

McDonald / 6 Baker Road - Show Cause Hearing / Cease & Desist Order continued

Ms. Napier reported that Mr. Hayden was unable to complete his report in time for this meeting. Mr. McDonald confirmed that the letter from ESM had been distributed to all the Commission members. The Commission agreed that they would like to review Mr. Hayden’s opinion regarding ESM’s letter.

Mr. Horrigan reported that he visited the site and noted that everything seemed to be stabilized. He noted that Mr. McDonald’s consultant referred to the bridge as temporary and questioned whether Mr. McDonald would be removing the bridge. Mr. McDonald explained that the bridge would be removed once the situation with the neighbor was resolved. The play-scape has not been removed by the neighbors; therefore, he will use the bridge as a way to remove it if necessary.

- Letter from Town Attorney to Mr. & Mrs. McDonald dated Sept. 1, 2009

Mr. McDonald confirmed the receipt of the letter from the Town Attorney. He noted that they have not signed the letter.

- Letter from ESM Assoc.

Mr. McDonald reported that an additional report has been submitted from ESM Assoc. The Commission agreed that they would like to review this report prior to making a decision. Mr. McDonald noted that he did not have a problem with continuing the hearing.

MOTION: To continue Complaint / Enforcement of McDonald / 6 Baker Road_-Cease & Desist Order hearing to the October IWC meeting. By Ms. O’Conner, seconded by Ms. Fitch and passed 5-0.

MOTION: To adjourn the meeting at 7:50 P.M. By Mr. Smoliga, seconded by Ms. O’Conner and passed 5-0.

By: ***Tai Kern***

Tai Kern, Secretary

cc: B. Henry, R. Lowe, R. Dirienzo, P. Hurlbut, R. Falconer, M. Barton, R. Munson, G. McTaggart and H. Rawson.

Minutes are filed subject to approval by the Roxbury Inland Wetlands Commission.