

Inland Wetlands Commission

MINUTES

Regular Meeting

November 13, 2019

7:00 p.m.

Main Level Meeting Room

Members Present: Mr. Bedini, Mr. Davis, Mr. LaMuniere, Mr. Bennett, Ms. Branson, Alt., Mr. Kassis, Alt.

Members Absent: Mr. Papsin

Staff Present: Ms. White, Mr. Tsacoyannis

Public Present: Mr. Francis, Mr. Sheikh, Mr. Olimpieri, Mr. Cole, Mr. Giroux, PE, Mr. Cermola, Mr. Weaver, Ms. Dupuis, Mr. Charles, Members of the public

Call to Order:

Mr. Bennett called the meeting to order at 7:00 pm.

Seated: Mr. Bedini, Mr. Davis, Mr. Bennett, Mr. LaMuniere, Ms. Branson, Alt. (for Mr. Papsin)

Consideration of the Minutes (0:26):

The Commissioners considered the October 23, 2019 meeting minutes:

MOTION: To approve the October 23, 2019, Regular Meeting Minutes as submitted, by Mr. Bedini, seconded by Mr. Lamuniere, passed 5-0 vote.

The Commissioners considered the Special Meeting Minutes from the Special Meeting of October 30, 2019:

The following amendments were made:

1st page:

The title should be: **Special Meeting**

7th paragraph, at the end of the sentence that ends with "...so that there is a record" **Add: on file of the time, location and nature of the violation.**

MOTION: To approve the October 30, 2019, Special Meeting Minutes as amended, by Mr. Davis, seconded by Mr. LaMuniere, passed 5-0 vote.

Subsequent Business (02:53):

There was no subsequent business to discuss.

Pending Applications:

Roman/102 East St/Modification request to Permit #IW-19-24/Revision to construct an in-ground pool, patios, and walls (03:01): Mr. Francis, P.E. was present to represent the property owners for this application. He displayed the plans titled "Pool Area Details," sheet L-601.00, "Pool Area Planting Plan," sheet L-400.00, and "Site Grading Plan," sheet L-300A.00 by Artemis Landscape. These plans were

provided to show the Commissioners the wall sections and details, the comparison of pervious to impervious surfaces and a planting plan.

The Commission agreed that Mr. Francis had answered all of their questions from the previous meeting

MOTION: To approve the modification to Permit # IW-19-24 for Roman at 102 East St, revision to plans to construct in-ground pool, patios, and walls, per the plan titled "Proposed Site Development & Erosion Control Plan," prepared for Holly Parker & Marc Roman by Arthur H. Howland & Associates, sheet SD.1, dated April 25, 2019 with revision date of 10-9-2019, and plans titled "Pool Area Details," sheet L-601.00, "Pool Area Planting Plan," sheet L-400.00, and "Site Grading Plan," sheet L-300A.00 by Artemis Landscape Architects, Inc., dated 10-31-2019, signed by Chris Francis P.E. and dated 11-13-19, along with supporting documents in the file, for two years with the following conditions: 1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the Wetlands Enforcement Officer can inspect and approve the erosion control measures, 2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and 3. any changes to the plans as approved must be submitted immediately to the Commission for review, in considering this application, the Commission has determined that no reasonable and prudent alternatives exist, and believes that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. Davis and seconded by Mr. LaMuniere, passed by 5-0 vote.

Town of Washington/5 East Shore Rd/Permit #IW-19-51/Replace pedestrian footbridge over the East Aspetuck River (11:35):

Ms. White stated that the Land Use Office received a letter of withdrawal from Mr. Sabin regarding this application.

Sheikh/68 Painter Ridge Rd/Permit #IW-19-52/Locate shed within review area (11:47):

Mr. Sheikh, Property Owner, was present to discuss this application. He and the Commissioners looked at photographs of the site.

Mr. Sheikh noted that this is the only flat area on the site and would require minimal disturbance. He stated that they are proposing to construct a shed in a location that is 30 feet from a retention pond on the property and informed the Commission that he would be setting the shed on a bed of $\frac{3}{4}$ inch crushed stone gravel, 6 inches deep and 15 feet by 23 feet area which would provide about a foot of gravel outside the perimeter of the shed. He noted that it will be anchored with auger type anchors that would be about 2 to 3 feet into the ground.

Mr. Sheikh stated that the proposed shed would be for storage of pond and lawn maintenance equipment and confirmed that he would not be storing any hazardous materials in the shed. He informed the Commission that he would dig about 6 inches down with a sub-compact Kubota to create the gravel bed and use the excess soil to level other areas on the property.

The Commission requested a more detailed sequence of construction including a timeline as well as equipment to be used and to drop this off at the Land Use Office to be included as part of the record. They also request that erosion controls are installed before beginning the work.

MOTION: To approve Permit #IW-19-52, for Sheik at 68 Painter Ridge Rd to construct shed in upland review area, per photographs and documentation signed by applicant and dated 11-13-19, for two years with the following conditions: 1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the Wetlands Enforcement Officer can inspect and approve the erosion control measures, 2. that the property owner gives the contractor copies of both the motion of approval and approved plans prior to the commencement of work, 3. any changes to the plans as approved must be submitted immediately to the Commission for review, and 4. applicant must provide a more detailed sequence of construction indicating equipment that will be used, to be filed in the Land Use Office as part of the record, in considering this application, the Commission has determined that no reasonable and prudent alternatives exist, and believes that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Ms. Branson and seconded by Mr. Davis, passed by 5-0 vote.

Adams/19 East Shore Rd/Modification to Permit #IW-18-58/Construct stone patio in review area (22:40):

The Commissioners agreed to move on to New Applications as the representative for Adams was not present.

New Applications:

Town of Washington/Calhoun Street Bridge/Permit #IW-19-59/Bridge Replacement (24:00):

Mr. Giroux, P.E. with Cardinal Engineering, explained the poor conditions of the existing bridge on Calhoun Street. He informed the Commissioners that his firm was hired by the Town of Washington to prepare contract documents for the replacement of the bridge as well as perform an inspection of the bridge. Mr. Giroux noted that the existing bridge was built in the 1940s, spans 10 feet, is a steel beam structure with a concrete deck sitting on masonry abutments and is considered structurally deficient and functionally obsolete. He continued to explain that the existing deck is only 14 feet wide which does not allow for two-way traffic. They are proposing that the width of the bridge, at a minimum, needs to be 22 feet wide to allow two-way traffic.

The Commissioners and Mr. Giroux looked at pictures of the existing conditions.

Mr. Giroux informed the Commissioners that the abutments will be replaced with a precast concrete box culvert. There will be natural streambed material in the bottom of the culvert to mimic the stream bed both upstream and downstream. He noted that the total impact would be 3,700 square feet and the masonry abutments will be entirely removed using an excavator. Standard D.O.T. certified material will be used to backfill the precast concrete box culverts. Mr. Giroux confirmed that sedimentation and erosion controls would be installed, then the bypass pipe and then the cofferdams will be installed both upstream and downstream. Once the area is dry, the existing structure will be removed, and the box culvert installed and backfilled. Mr. Giroux noted that all the earth material that is removed from the channel will be saved off to the side of the work area and put back into place to restore the area. Any material that is not reusable will be immediately removed from the site and the backfill material will only be brought in when they are ready to use it. Mr. Giroux informed the Commissioners that both the Army Corp of Engineers and DEEP have approved the proposed plans.

There was a brief discussion of the weight limit and what trees will be removed.

Town of Washington/Rabbit Hill Road Bridge over Bee Brook/Permit #IW-19-60/Bridge Replacement (41:23):

Mr. Giroux and Mr. Cermola of Cardinal Engineering were present to discuss this application. Mr. Giroux informed the Commissioners that the existing road is 14 feet wide with no existing protection on either side of the bridge and is a steel structure with masonry abutments. Currently, the bridge only accommodates one-way traffic and floods, on average, every two years. The bridge is low and they are proposing to raise the road approximately 2 feet and it will be widened to 22 feet to accommodate 2-way traffic.

The Commission looked at pictures of existing conditions. There was a brief discussion regarding the weight limit and the funding for these projects.

Mr. Giroux confirmed that this plan has been approved by the Army Corp of Engineers contingent on DEEP approval.

There was a brief discussion regarding Rabbit Hill Road being a designated scenic road for the Town.

There was a brief discussion regarding DEEP Water Quality Certification.

Pending Application (cont.)

Adams/19 East Shore Rd/Modification to Permit #IW-18-58/Construct stone patio in review area (1:01:39):

Mr. Weaver, Architect, was present to represent the property owner for this application. He explained what was approved under Permit #IW-18-58. He informed the Commissioners that they are requesting a modification to the permit to install a stone patio rather than the approved deck. They are proposing to build a stone terrace at grade and eliminate the deck altogether.

Commissioners questioned whether this is a modification of Permit #IW-18-58 or should they be looking at this request as an entirely new application.

Mr. Weaver explained that the original deck that was part of the structure was 730.79 square feet, then they were approved for a reduced deck of 572.51 square feet and with this modification, they are requesting another reduction to 380.05 square feet for the stone terrace. He added that they are trying to reduce the visual impact and site coverage of the property.

There was a brief discussion regarding the permeability of an above ground deck with ¼ inch gaps and on grade stones with 2-inch gaps between them.

Mr. Weaver explained that there is an existing 6-inch drop towards the river and they plan to level that out for the terrace. The stones would be less than 4 square feet in size and there will be an approximate 2-inch vegetated gap in between the stones.

The Commissioners requested a cross-section drawing of the area that would require fill to make the terrace level. They reviewed the sequence of construction that was approved with Permit #IW-18-58. It was noted that the applicant should provide a revised sequence of construction. The Commissioners discussed whether this application should be an application for a new permit.

The Commissioners agreed that the applicant should apply for a new permit for the stone terrace.

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New Applications (cont.)

Con Edison DBA Ross Solar/138 Litchfield Turnpike/Permit #IW-19-61/Installation of ground-mounted solar array w/trenching w/in review area:

Mr. Olimpieri, Project Manager for ConEd Solutions and Mr. Cole, Property Owner of 138 Litchfield Turnpike were present to discuss this application.

Mr. Olimpieri stated that a soil scientist has delineated the wetlands on the property and is shown on the plan titled "Proposed Array Layout," prepared for George Cole by Ross Solar, sheet SP-1 dated 01-17-2019. According to the sheet PV-1, the array dimensions will be 17.2' x 66.5'. He informed the Commission that the panels would be supported by 12 - 2 ½" helical piles that are driven in with a Bobcat auger. The location of the trench is indicated on the plan and is mostly out of the review area. They will use a ditch witch to dig the 2-3' deep trench to accommodate the 1 ½" conduit and all the soil will be put back into the trench. Mr. Olimpieri stated that there is no concrete involved with this installation. He confirmed that the wetlands flags are still on the property, and said they will flag the location of the array.

It was noted that the Health Department will have to approve and sign off on the proposed location as well as Zoning.

The Commission scheduled a Site Visit for Wednesday, November 20, 2019, at 4 pm.

Isaavi/166 East Shore Rd/Modification to Permit #IW-19-39/Removal of footing of concrete pier in wetlands (01:22:40):

Mr. Francis, P.E. from Arthur H. Howland & Associates was present to discuss this request for modification to the Permit #IW-19-39. He informed the Commissioners that there was some confusion as to what needed to be removed. He explained that the pier has been removed but the footings remain until they can get confirmation that it is to be removed.

The Commissioners looked at the site plan titled "Site Development Plan," prepared for Emil Issavi, by Arthur H. Howland and Associates, sheet SD.1 with a revision date of 11-07-2019. Notation of the footing removal was added to the site plan.

Mr. Francis confirmed that the floating turbidity curtain was still in place. The footings are in the water and will be broken up with a pneumatic jackhammer and removed by hand.

The Commissioners agreed that the footing removal is part of the granted Permit #IW-19-39 and the applicant may proceed with the removal.

Enforcement:

Enforcement Activity Report (01:37:25):

Mr. Tsacoyannis highlighted areas from his report and reviewed the permits that he closed out. He noted that the property owner of 47 West Shore Road will be going to ZBA this month with the approved permit from the IWC. He is waiting to send the letter to 101 Wykeham Road, LLC. once counsel has reviewed it.

Other Business:

Request for bond release for Permit #IW-15-52 – Bazos, 90 Tinker Hill Rd (01:40:55):

The Commissioners and Mr. Tsacoyannis looked at the approved plan for Permit #IW-15-52. Pictures of the existing conditions were reviewed. It was noted that the existing dock and the lake access path do not match the approved plan.

The Commissioners stated that they would like the property owner and/or his agents to come before them and explain the deviations from the approved plan. At this point, the Commission rejected the request to release the bond.

Administrative:

There was no administrative business to discuss.

Communications:

There were no communications to discuss.

Adjournment:

MOTION: To adjourn at 9:01 pm by Mr. Bennett, passed unanimously.

Respectfully Submitted,



Shelley White
Land Use Administrator,
November 20, 2019