

# Inland Wetlands Commission

## MINUTES

### Regular Meeting

January 8, 2020

7:00 p.m.

Main Level Meeting Room

**Members Present:** Mr. Papsin, Mr. Bedini, Mr. LaMuniere, Ms. Branson

**Members Absent:** Mr. Bennett

**Staff Present:** Ms. White, Mr. Tsacoyannis

**Public Present:** Mr. Neff, Mr. Szymanski

#### Call to Order:

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

**Seated: Mr. Papsin, Mr. Bedini, Mr. LaMuniere, Ms. Branson**

#### Consideration of the Minutes (00:16):

The Commissioners considered the December 11, 2019 meeting minutes:

**MOTION:** To approve the December 11, 2019, Regular Meeting Minutes as submitted, by Mr. LaMuniere, seconded by Mr. Bedini, passed 4-0 vote.

#### Subsequent Business (1:28):

There was no subsequent business to add to the agenda.

#### Pending Applications:

##### **Yourwith/259 New Milford Turnpike/Application for Permit #IW-19-66/Septic repair (1:33):**

Mr. Neff, P.E. was present to represent Ms. Yourwith, property owner of 259 New Milford Turnpike. He informed the Commissioners that the Health Department signed off on a corrected version of this plan on 12-17-19.

The Commissioners and Mr. Neff looked at the revised plan titled, "Septic Leaching Field Replacement Plan," prepared for 259 New Milford Turnpike, by Brian E. Neff, L.E., with a revision date of 12-11-19, sheet 1 of 1. Mr. Neff noted that he extended the leaching field 10ft per the Sanitarian's request but this extension is outside the upland review area.

**Motion:** To approve Permit # IW-19-66 for Yourwith, 259 New Milford Turnpike, to repair existing septic system, per plan titled, "Septic Leaching Field Replacement Plan," prepared for 259 New Milford Turnpike, by Brian E. Neff, L.E., with a revision date of 12-11-19, sheet 1 of 1, 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. LaMuniere and seconded by Ms. Branson, passed by 4-0 vote.

**Bramson/270, 270A, 280 & 284 Nettleton Hollow Rd/Application for Exemption #IW-19-67/For agricultural fencing &**

**Bramson/270, 270A, 280 & 284 Nettleton Hollow Rd/Application for Permit #IW-19-68/For fencing in wetlands (06:00):**

Mr. Szymanski, P.E., was present to represent the property owners for these applications.

The Commissioners and Mr. Szymanski reviewed the plan titled, "Proposed Fence Installation Plan," prepared for Edward J. Bramson & TFCPS, LLC & Brian E. Rafferty Esq. Dentons US, LLC, by Arthur H. Howland & Associates, sheet FIP.1, dated December 6, 2019 with a revision date of 12/13/2019. Mr. Szymanski noted that there is an intermittent stream that flows during heavy rains and the posts of the fence will be on either side of the stream and will not block the flow. Mr. Szymanski drew a rough picture of how the fence would be approximately two feet above the channel of the intermittent stream, which would prevent sedimentation buildup.

**MOTION:** To approve the Application for an Exemption #IW-19-67 for Bramson, 270, 270A, 280, 284 Nettleton Hollow Rd, to install agricultural fencing, per plan titled, "Proposed Fence Installation Plan," prepared for Edward J. Bramson & TFCPS, LLC & Brian E. Rafferty Esq. Dentons US, LLC, by Arthur H. Howland & Associates, sheet FIP.1, dated December 6, 2019, with a revision date of 12-13-19, sheet 1 of 1, and supporting documents in the file, by Mr. Bedini and seconded by Ms. Branson, passed by 4-0 vote.

**MOTION:** To approve Permit #IW-19-68 for Bramson, 270, 270A, 280, 284 Nettleton Hollow Rd, to install agricultural fencing within wetlands and review area, per plan titled, "Proposed Fence Installation Plan," prepared for Edward J. Bramson & TFCPS, LLC & Brian E. Rafferty Esq. Dentons US, LLC, by Arthur H. Howland & Associates, sheet FIP.1, dated December 6, 2019, with a revision date of 12-13-19, sheet 1 of 1, and 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 Ms. Branson and seconded by Mr. LaMunier, passed by 4-0 vote.

**New Applications:**

**101 Wykeham Road, LLC/101 Wykeham Rd/Application for Permit #IW-20-01/Demolition and removal of fire damaged debris (submitted 12-16-19) (14:35):**

Mr. Szymanski was present to represent the property owners of 101 Wykeham Road.

Mr. Papsin stated that the Commission will accept this application but would like to table discussion until there are more commissioners in attendance. He recommended a site visit.

Ms. White explained that the property owner is responsible for a \$10,000 bond before the commencement of work to clean up the burned building and debris. This \$10,000 is part of the \$75,000 bond that the property owner must post with the Town before any construction of the Inn commences. Ms. White informed the Commission that she would notify the property owner's attorney regarding the bond.

It was noted that 101 Wykeham Road, LLC. has a wetlands permit to demolish all the buildings but this one is just for the burned building and debris.

Mr. Szymanski stated that he sent Mr. Tsacoyannis, Enforcement Officer, a history of what was agreed to regarding stormwater sampling on the site. He would like to discuss it at the next meeting.

Mr. Tsacoyannis informed the Commission that a 3<sup>rd</sup> party reviewer from WSP has recommended that stormwater sampling should be performed on the 2 down gradient and 2 up gradient catch basins prior to the demolition and again after the demolition of the burned building and debris is complete. He stated that he will send Atty. Sherwood this request. Ms. White added that she will notify Atty. Sherwood that the Consultant Fee Bond is supposed to be kept at \$5000.00 and is down to \$2300.00 so the balance of \$2700.00 would have to be posted to the account. The Commissioners agreed that the testing could be required as a condition to approval.

A site walk was tentatively scheduled for Wednesday, January 15, 2020 at 3:30. Ms. White will check availability of other Commissioners and will confirm with everyone when a final date and time is decided.

**Enforcement:**

**Enforcement Activity Report (24:52):**

Mr. Tsacoyannis highlighted areas from his report (available in the Land Use Office). He informed the Commissioners of fines that have been paid to this date.

There was a brief discussion regarding 47 West Shore Road and noted that the 2-year permit would expire on April 20, 2020.

**Other Business:**

There was no other business to discuss.

**Administrative:**

**Discussion regarding electronic review of IWC application files (30:53):**

Ms. White stated that she would like to send electronic files to the Commissioners for review of new applications before the meetings that they are scheduled to be "received" (the 65-day time period begins) by the Commission. She said that she would send these out about a week before the next scheduled meeting which will benefit the Commissioners that cannot make it to the Land Use Office during business hours to review the files. The files will still be available for review in the Land Use Office if someone wishes to review a full size plan or map. She noted that these files are not to be discussed with anyone outside of a public meeting and are strictly for reviewing purposes.

**Communications:**

**Response from Counsel regarding questions from 10-30-19 Special Meeting – Possible schedule another meeting (37:49):**

The Commissioners scheduled a special meeting to discuss Atty. Olsen's responses, for January 29, 2020 at 7pm.

**Adjournment:**

**MOTION:** To adjourn at 7:40 pm by Mr. Papsin, passed unanimously.

Respectfully Submitted,



Shelley White, Land Use Administrator, December 18, 2019