

Inland Wetlands Commission

MINUTES

Regular Meeting

January 22, 2020

7:00 p.m.

Main Level Meeting Room

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

Staff Present: Ms. White, Mr. Tsacoyannis

Public Present: Mr. Giaponni, Public

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 (00:14):

The Commissioners considered the January 8, 2020 meeting minutes:

MOTION: To approve the January 8, 2020, Regular Meeting Minutes as submitted, by Mr. Bedini, seconded by Mr. LaMuniere, passed 5-0 vote.

Subsequent Business (00:34):

MOTION: To add consideration of the Minutes from the January 14, 2020 Site Visit at 101 Wykeham Road, by Mr. Bedini, seconded by Mr. LaMuniere, passed by 5-0 vote.

MOTION: To approve the January 14, 2020, 101 Wykeham Road – Application #IW-20-01, Site Visit Minutes as submitted, by Mr. LaMuniere, seconded by Mr. Bedini, passed by 5-0 vote.

Pending 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) (01:13):

Ms. White read the email addressed to her from Atty. Sherwood, dated Tuesday 1/21/2020, stating, "...in light of the recent court decision we ask that the Washington Inland Wetlands Commission table its consideration of this application until its next meeting, currently scheduled for February 12, 2020." She explained that the applicant, engineer, and the attorney will be meeting on Friday and if the Commission has any questions, she could forward them to Atty. Sherwood before that meeting.

Mr. LaMuniere asked how the water testing is going to take place and who will be paying for it.

Mr. Tsacoyannis stated that the applicant will be responsible for paying for any testing. He stated that a firm such as Land Tech or WSP could do the testing. He noted that it is recommended to do the water testing prior to any work and then when the work is completed.

The Commissioners agreed that the requirement of water testing before and after the demolition of the burned building should be part of this application.

Ms. White informed the Commissioners that Atty. Sherwood confirmed that the consultant fee bond will be replenished to the \$5000.00 balance. Ms. Klauer will be bringing the check to their meeting on Friday. She explained that the property owner knows they are 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 stated that if the property owner chooses to do the demolition of the entire site, then the total \$75,000 would have to be posted.

It was noted that the Minutes of the January 14, 2020 Site Visit at 101 Wykeham Road states that Mr. Szymanski would find out whether the brick from the burned buildings was going to be separated from the other debris and whether the dumpsters would be lined with plastic to prevent leakage. Ms. White stated that she would check with Mr. Szymanski regarding these items of concern. The Commissioners would like to know whether the brick was going to be kept in a separate container or if it was going to be stockpiled on the property.

Mr. Tsacyannis stated that there is no particular person or entity that will be monitoring the clean-up. 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.

The Commissioners agreed that they would like Mr. Bohan, the contractor that was hired for the clean-up, to attend the next meeting on February 12, 2020, to answer questions that they have.

New Applications:

Steep Rock Association/61 Barnes Rd; 94 River Rd/Application for Permit #IW-20-02/Removal of Tree and woody invasive plants along Shepaug River (16:22):

Mr. Giaponni, Trails & Preserve Coordinator of Steep Rock Association, was present to discuss this application. He distributed copies of the maps titled "Map A, B & C: Tree Removal and Invasive Woody Plant Management," drafted for Steep Rock Association by Mick Giaponni, dated 1/10/2019 [sic].

Mr. Giaponni stated that they are proposing to remove dead and dying ash trees around the main parking area as indicated on Map B. He noted 5 of the trees are in the review area and the other 9 are outside of the review area. The trees would be cut and the wood taken back to their equipment barn and processed as firewood. Mr. Giaponni stated that the trees have been diagnosed with Emerald Ash Borer. He explained that the second part of their proposal is to remove invasive species in and around the Shepaug River shown in orange on both Map B and C. Map B, just above the main parking area, is generally Japanese Barberry which the protocol will be a cut treatment in the fall with trimmers and possibly a small walk-behind mower, they will apply a cut stump treatment to anything with a 3" diameter or above. Mr. Giaponni noted that in the following year they might have to apply a foliar spray depending on how persistent the regrowth is.

Mr. Giaponni explained that the next project would be upriver on an approximately 3-4 Acre parcel between River Road and the Shepaug River. The green area on Map C indicates Early Successional Habitat which they plan to reclaim from the invasives. There are two (2) vernal pools in the area surrounded by woody invasive plants that will be treated with the same cut treatment, foliar application protocol as previously mentioned. He requested a 5-year permit to allow for management of the treatment over time.

Mr. Giaponni responded to questions from the Commissioner. He noted that the Early Successional Habitat will be mowed with a walk-behind mower and that there is a strip of wooded area between that area and the river that will protect the river. Mr. Giaponni stated that the dead trees near the parking area would most likely be

removed next month and the invasive management projects will take place in the fall as that is the most effective time. He stated that he and Mr. Larson, also from Steep Rock Association, will be removing the trees. He confirmed that they would mark all the trees to come down.

The Commissioners scheduled a site visit for Tuesday, January 28, 2020, at 3:30 pm at the Main Parking Lot at Steep Rock off of River Road.

Enforcement:

Enforcement Activity Report (27:40):

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. He informed the Commission that there was clearing in the wetlands at 169-173 West Shore Road – Erben Partners/Schwartz. Mr. Tsacoyannis stated that everything was done correctly and the property owner has submitted an application after the fact. He asked that the Commission decide on a fine for the activity done within the wetlands without a permit.

MOTION: Motion to assess a \$500.00 fine pursuant to Section 23, Town Ordinance #720, Subsection E. Schedule of Fines, #2 under the Inland Wetlands and Watercourses Regulations of the Town of Washington, Connecticut, against Mark Schwartz, 169-173 West Shore Road, for the clearing of invasive plants within the wetlands without a permit, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

Mr. Tsacoyannis, EO, noted the one permit that has been closed since the IWC's last meeting.

Mr. Papsin asked that Mr. Tsacoyannis check into the excavator that is parked along the river in New Preston.

Other Business:

There was no other business to discuss.

Administrative (39:16):

Ms. White stated that there is an error on the 2020 IWC Mtg. Calendar for the month of November. The first meeting on the 2nd Tuesday in November is the 11th which is Veteran's Day. The Commission changed the first meeting in November of 2020 to the 10th. Ms. White stated she would send out the revised schedule.

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 7 pm.

Adjournment:

MOTION: To adjourn at 7:49 pm by Mr. Papsin, passed unanimously.

Respectfully Submitted,



Shelley White, Land Use Administrator
January 29, 2019