

**Town of Washington
Inland Wetlands Commission
MINUTES
Regular Meeting
June 10, 2020**

7:00 p.m.

Zoom Video Conference

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

Staff Present: Ms. White, Mr. Tsacoyannis

Also Present: Mr. Francis, Mr. Conroy, Mr. Giaponni, Mr. Weaver, Mr. Schwartz, Mr. Weaver, Mr. S. Sabin, Mr. D. Sabin, Mr. Reale, Mr. Larson, Members of the Public

Call to Order:

Mr. Papsin called the meeting to order at 7:05 pm.

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

Consideration of the Minutes (00:20):

A. Regular Meeting Minutes: 5-27-2020:

Mr. Lamuniere suggested the following amendment for pg. 2, under Pending Applications, IW-20-19, 4th paragraph: "...a lot of sediment from the 24" pvc pipe would fill up fairly quickly after large storm events."

MOTION: To approve the May 27, 2020, Regular Meeting Minutes as amended, by Mr. LaMuniere, seconded by Ms. Branson, passed 5-0 vote.

B. Special Meeting Minutes: 6-02-2020 – Site Inspection Report – 8 Painter Ridge Rd/Permit #IW-20-26:

MOTION: To approve the Special Meeting Minutes submitted by Ms. Branson for the 6-02-2020 Site Inspection at 8 Painter Ridge Rd/Permit #IW-20-26, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

C. Special Meeting Minutes: 6-02-2020 – Site Inspection Report – 4 Plumb Hill Rd/Permit #IW-20-22:

MOTION: To approve the Special Meeting Minutes submitted by Mr. Papsin for the 6-02-2020 Site Inspection at 4 Plumb Hill Rd/Permit #IW-20-22, by Mr. LaMuniere, seconded by Mr. Bennett, passed by 5-0 vote.

D. Special Meeting Minutes: 6-02-2020 – Site Inspection Report – 157 Nettleton Hollow Rd//Permit #IW-20-25:

MOTION: To approve the Special Meeting Minutes submitted by Mr. LaMuniere for the 6-03-2020 Site Inspection at 157 Nettleton Hollow Rd/Permit #IW-20-25, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

E. Special Meeting Minutes: 6-03-2020 – Site Inspection Report – 131 West Shore Rd/Permit #IW-20-27:

MOTION: To approve the Special Meeting Minutes submitted by Mr. Bennett for the 6-03-2020 Site Inspection at 131 West Shore Rd/Permit #IW-20-27, by Mr. Bedini, seconded by Ms. Branson, passed by 5-0 vote.

F. Special Meeting Minutes: 6-03-2020 – Site Visit Report – 124 Christian St/Permit #IW-20-24:

MOTION: To approve the Special Meeting Minutes submitted by Ms. Branson for the 6-03-2020 Site Inspection at 124 Christian St/Permit #IW-20-24, by Mr. Bennett, seconded by Mr. Bedini, passed by 5-0 vote.

Subsequent Business (06:00):

MOTION: To include item D. under New Applications to be Received by the Commission for Durrett/7 Worcester Rd/Application for Permit #IW-20-33/Aquatic Herbicide/Algaecide Application, by Mr. Papsin, seconded by Mr. Bennett, passed by 5-0 vote.

Pending Applications:

A.H. Howland & Associates for LGA Holdings, LLC/23 Loomarwick Rd (lakeside)/Application for Permit #IW-20-19/ Lakeside improvements (06:45):

Mr. Francis from A. H. Howland and Associates was present to represent the property owners. He informed the Commission that they would like to table this discussion because they are waiting to receive more information from the client.

Mr. Papsin stated that he feels that a second opinion would be prudent because of the sensitivity of this site. He noted there are many components to consider such as the Town Road, State Road, cut into the bank/slope of the parcel, the boulders that are being placed close to the water's edge and much more. Mr. Papsin asked the other Commissioners for their opinion on whether they think a third party should review this application.

Mr. LaMuniere stated that the property owner and their engineer have improved the efficiency of this property and while it is not perfect it is a significant improvement to the site. He would like confirmation that there will be no building into the lake with the boulder wall and would like to wait for Mr. Hayden of The Lake Waramaug Task Force to provide a report.

Mr. Bedini feels that it would be a good idea to have a third party review the site plan. He originally agreed that Mr. Hayden should review the plan but feels it would be a conflict of interest.

Mr. Bennett agrees with Mr. LaMuniere that this proposed plan is a big improvement to the site compared to what is there now. He feels that having the WEO monitor the construction of the site will ensure that there will be no building into the lake. Mr. Bennett feels that where the shoreline ends and the lake begins is a continuing issue that comes before The Commission. He feels that a decision should be made tonight whether a third party review is necessary so as not to delay the project.

Ms. Branson agrees that a third party review is necessary. She feels Mr. Hayden is very competent but is not sure he is the most qualified to review all of the complicated aspects of the proposed plan and also that there is a conflict of interest.

Mr. Papsin stated that he feels a third party review is necessary especially in regards to a maintenance plan and would like professional advice on what kind of conditions should be considered if approved.

The Commissioners agreed to contact a third party to:

1. Review the proposed site plan,
2. Get expert opinion of the location of the shoreline at this particular property,
3. Confirm/ review whether the current runoff from Loomarwick that is emptying into a two culvert pipes, a 15" and a 24", each located on West Shore Rd, which will lead to a the sump located on said property off of West Shore Rd, that the sump is adequate for the amount of runoff in a large storm event? And, what maintenance is recommended for this?
4. Confirm/review whether the system that is proposed will be a significant improvement in treating any pollutants that travel down slope to the lake and will the rain garden and wet pond be able to handle this? And,
5. Recommendations for conditions of approval for this plan.

McCullers/4 Plumb Hill Rd/Application for Permit #IW-20-22/Stone Terrace Modifications & Tree Removal (22:51):

Mr. Weaver, Architect, was present to represent the property owners.

There was a brief discussion regarding some tree work that had been done before this application was approved. The WEO went to check the site and he noted that some trees were cut in the upland review area however the stumps were not removed. The contractor did not do any work in the area that is involved with this application.

The Commissioners noted that they received the revised plan.

MOTION: To approve the application for McCullers at 4 Plumb Hill Rd for Permit #IW-20-22 for stone terrace modifications and tree removal within the review area per submitted 5-8-2020 and plan titled "Title Sheet: Revised Site Plan, Key Plan, Area Calculations, USGS Topo Map & Notes," sheet T.001.00 and "Enlarged Site Plan – Planting Plan," sheet T.002.00 prepared for Michael McCullers by James Scott Weaver, AIA, both dated 06-08-2020, and the accompanying documents on file for this application. This permit is valid for two (2) years and is subject to 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 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. LaMuniere, passed by 5-0 vote.

Steep Rock/124 Christian St/Application for Permit #IW-20-24/Construction of Passive Recreation Structures within regulated area (29:00):

Ms. White confirmed that the Land Use Office received notification from DEEP regarding this proposed project and they do not have any concerns.

MOTION: To approve the application submitted by Steep Rock Association at 124 Christian St for Permit #IW-20-24 for construction of passive recreation structure within a regulated area per application dated 5-1-2020 and map titled "(Attachment E) Location Map of Recreational Infrastructure Improvements," prepared for Steep Rock Association by Mike Giaponni, dated 4/24/2020, and the accompanying documents on file for this application. This permit is valid for two (2) years and is subject to 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, 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. Bennett and seconded by Ms. Branson, passed by 5-0 vote.

A. H. Howland & Associates for DLT Properties of Washington, LLC. /157 Nettleton Hollow Rd/Application for Permit #IW-20-25/Construction of Single Family Dwelling w/Related Appurtenances within regulated area (31:47):

Mr. Francis, Arthur H. Howland & Associates, was present to discuss this application. He stated that the contractor did submit a sketch to him today and he explained that the bridge is basically a pedestrian bridge that needs to be wide enough to drive lawn equipment over it. Mr. Francis informed the Commissioners that the proposed bridge will be 4 feet wide, constructed of pressure treated wood on sonotubes.

The Commissioners requested that the location of the sonotubes and the trees that are to be removed be marked in the field and a sketch of how the bridge will be built and what it will look like. They requested that the vegetation be cleaned up so they could clearly see the location in comparison to the intermittent stream and then another site inspection should be scheduled.

Mr. Francis stated that he would contact the contractor to let him know that the Commission is requested sketches of the bridge and that this will be needed before another site inspection can be scheduled. He stated that he will provide a revised plan as well.

Dirk Sabin, Ltd. for Chaszar/8 Painter Ridge Rd/Application for Permit #IW-20-26/Screening berm, planting, redirecting drainage, entry stair renovation within review area (39:24):

Mr. S. Sabin was present to represent the property owners and stated that he will have a revised site walk for the Commissioners for the next site inspection.

The Commission tabled further discussion of this application and scheduled a site walk for Tuesday, June 16, 2020, at 4:00 pm.

Dirk Sabin, Ltd for Potolsky/131 West Shore Rd/Application for Permit #IW-20-27/Removal of invasive plants and replace with native plant buffer (41:40):

Mr. D. Sabin was present to represent the property owners for this application.

The Commissioners were satisfied with the site inspection from 06-03-2020 and with the proposed plan and supplemental documentation included with this application.

MOTION: To approve the application submitted by the Dirk Sabin, Ltd for Potolsky at 131 West Shore Rd for Permit #IW-20-27 to remove invasive plants, replace with native plant buffer and plant grubbing by hand along shoreline per application dated 5-22-2020 and plan titled "Final Plan; Site Plan," prepared for Potolskys Residence by Sabin Landscape Architects issued 4-22-2020 and accompanying documents on file for this application. This permit is valid for two (2) years and is subject to 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, 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. Bennett and seconded by Ms. Branson, passed by 5-0 vote.

New Applications to be Received by the Commission(46:00):

Ms. White will put together hard copies of the plans for the Commissioners to pick up at the Town Hall before the site visits.

Reale/34 Mygatt Rd/Application for Permti #IW-20-29/Construct drainage in review area:

The Commission accepted this application and scheduled a site inpection for June 16, 2020, at 4:45 pm.

Conroy/11 West Morris Rd/Application for Permit #IW-20-30/To bury 500 gal. propane tank, place a/c condenser unite and generator of concrete pad within review area:

The Commission accepted this application and scheduled a site inspection for June 17, 2020, at 4:45 pm.

Steep Rock Assoc./Old Curtis Rd (adjacent to 82 Tunnel Rd)/Application for Permit #IW-20-31/to remove culvert and restore stream:

The Commission accepted this application and scheduled a site inspection for June 17, 2020 at 4:00 pm.

Durrett/7 Worcester Rd/Application for Permit #IW-20-33/Aquatic Herbicide/Algaecide Application:

The Commission accepted this application and will discuss at the next regularly schedule IWC Meeting on June 24, 2020. No site inspection was scheduled.

Enforcement:

Enforcement Activity Report (53:50):

Mr. Tsacoyannis review his report with the Commissioners:

- 131 West Shore Rd: A certified fine letter was sent to the property owner.
- 223 Litchfield Turnpike: A certified fine letter was sent to the property owner and the Land Use Office has received the green return receipt card.
- 47 West Shore: The shoreline has been restored and the seating area has been created. The permit has been extended in order for the property owner to accomplish invasive plant removal and removal of some concrete that was left from when there was a casino at this location.
- 169 West Shore Road: the Land Use Office received the planting plan and both areas are stable and there is growth. He will send the planting plan out to the Commissioners for review.
- 323 West Shore Road: work has been completed, photos have been taken and he will send out to the Commissioners for their review. The Commission asked Mr. Tsacoyannis to look at the area on the west side further down from the seating area that was supposed to include invasive plant removal and report back to them. Mr. Sabin offered to answer any questions that the WEO might have regarding the planting plan.
- There was a brief discussion regarding the Steep Rock permit that was issued for work on Tunnel Rd. Mr. Tsacoyannis stated that the work was on hold until DEEP approval is submitted.
- 27 West Shore Rd and 28 Tinker Hill Road: Mr. Tsacoyannis has been in contact with Mr. Tittmann, Architect that is involved with both projects, and was told that the heavy rocks are being removed from the area in order to complete the approved landscaping.

Mr. Tsacoyannis reviewed the permits that were closed and the agent approvals that had been issued since the last IWC meeting.

Other Business:

There was no other business to discuss.

Administrative Business:

There was no administrative business to discuss.

Communications:

There were no communications to discuss.

Adjournment:

MOTION: To adjourn at 8:15 pm by Mr. Papsin, passed unanimously.

Respectfully Submitted,



Shelley White, Land Use Administrator
June 17, 2020