

# Inland Wetlands Commission

## Regular Meeting

### MINUTES

October 28, 2020

7:00 p.m.

Via Zoom Video Conference

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

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

**Public Present:** Mr. Howard, Mr. Williams, Mr. J. Bennett, Mr. Altum, Mr. Szymanski, Mr. S. Sabin, Mr. Schwartz, Ms. Zukauskas, Mr. Talbot, Members of the Public

#### Call to Order:

Mr. Papsin called the meeting to order at 7:02 pm.

**Members Seated:** Mr. Papsin, Mr. Bennett, Ms. Branson, Mr. LaMuniere, Mr. Gendron, Alt, (For Mr. Bedini)

#### Consideration of the Minutes (0:24):

**Regular Meeting Minutes: 9-23-2020:**

**Motion:** To approve the Regular Meeting Minutes: 10-14-2020, by Mr. LaMuniere, seconded by Ms. Branson, passed by 5-0 vote.

**Special Meeting Minutes: 10-19-2020 – Site Inspection Report Submitted by L. Gendron – Glengate for Allen/158 Popple Swamp Rd/ Application for Permit #IW-20-54:**

Two typos were noted: Jeff Hammer **should be** Jeff Hammond, and Susan Bramson **should be** Susan Branson.

**Motion:** To approve the Special Meeting Minutes: 10-19-2020 – Site Inspection Report Submitted by L. Gendron – Glengate for Allen/158 Popple Swamp Rd/ Application for Permit #IW-20-54, by Mr. Bennett, seconded by Mr. LaMuniere, passed by 5-0 vote.

**Special Meeting Minutes: 10-19-2020 – Site Inspection Report Submitted by S. Branson - Schwartz for Erben Properties, LLC/169-173 West Shore Rd/Application for Permit #IW-20-51**

**Motion:** To approve the Special Meeting Minutes: 10-19-2020 – Site Inspection Report Submitted by S. Branson - Schwartz for Erben Properties, LLC/2169-173 West Shore Rd/Application for Permit #IW-20-51, by Mr. LaMuniere, seconded by Mr. Gendron, passed by 5-0 vote.

#### Subsequent Business (02:15):

**Motion:** To add "B. Doherty/212-214 Calhoun St/Application for Permit #IW-20-63/to construct new home with driveway, septic, well, grading and utilities and restore historic house within review area"

under **V. New Applications** on the agenda, by Mr. Bennett, seconded by Mr. Gendron, passed by 5-0 vote.

**Pending Applications:**

**Howard/99 West Shore Rd/Application for Permit #IW-20-53(3:39):**

The Commissioners wanted verification that the replacement boards on the dock were not pressure treated boards. Mr. Tsacoyannis, WEO, confirmed that he observed the replacement boards were not pressure treated wood at the time of his inspection.

There were no further questions or comments from the Commissioners.

**Motion:** To approve the application submitted by Howard for the property located at 99 West Shore Road for Permit #IW-20-53 to replace boards on existing dock and remove dead tree along shore per the application signed and dated 10-01-2020 with accompanying map dated 10-28-2020 showing the location of the deck and the proposed tree removal, and photographs of deck and tree, this permit is valid for two (2) years and is subject to the following conditions: 1. that the Land Use Office be notified 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, and 3. any changes to the plans as approved must be submitted to the Commission for review. In considering this application, the Commission has determined that no feasible and prudent alternatives exist and believe that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. LaMuniere, seconded by Mr. Bennett, passed by 5-0 vote.

**Glengate for Allen/158 Popple Swamp Rd/ Application for Permit #IW-20-54/Construction of sports court and pool structure w/in review area (6:51):**

The Commissioners discussed that the sports court needed to be a pervious surface. It was noted that the newly submitted plans indicates that the surface of the pickleball court will be permeable.

**Motion:** To approve the application submitted by Glengate for Allen at 158 Popple Swamp Road for Permit #IW-20-52 to construct a pervious sports court barn, and pool structure within the review area per the maps titled "Concept Base, " Sheet P-1, and "Planting Base" Sheet P-2 prepared for Allen by Glengate, both with a handwritten approval date of 10-28-2020, as well as the permit application signed by the property owners and dated 9-25-2020 with supporting documents, this permit is valid for two (2) years with the following conditions: 1. that the Land Use Office be notified 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, and 3. any changes to the plans as approved must be submitted to the Commission for review. In considering this application, the Commission has determined that no feasible and prudent alternatives exist and believe that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. Gendron, seconded by Mr. Bennett, passed by 5-0 vote.

**A. H. Howland & Associates for LGA Holdings, LLC/Application for Permit #IW-20-55/Lakeside Improvements (11:51):**

Mr. Szymanski confirmed that the property owners are willing to remove the sediment every month from the sump pump and the swale was incorporated that is shown on the plan as 4 (four) contour lines near the 15" pipe that empties into the rain garden.

The Commissioners discussed the construction of the stone wall along the wet pond. They agreed that the wall should be no more than a 45-degree angle and the stones should be randomly placed to allow for better wave dissipation.

**7:20 pm – Mr. Bedini joins the meeting**

Mr. Szymanski explained that they showed both the previously approved work to the site and the proposed work to the site on the plan to show that they work cooperatively together. He noted that the previously approved areas are labeled on the plan as such in magenta ink. He added that the maintenance agreement would include monthly monitoring and maintenance of the sump, rain garden, and wet pond which could be a condition of approval so that it is on the record.

The Commissioners agreed that the maintenance plan should be a condition of approval and that the stone wall along the wet pond should be at a 45-degree angle and stones should be randomly stacked rather than placed uniformly, which can also be a condition of approval.

Mr. Szymanski stated that his clients are amenable to these conditions and he will provide a new plan with the details of the stone wall labeled to show randomly places stones at a 45-degree angle.

The Commissioners requested a planting plan for the proposed work. Mr. Szymanski stated that he would submit one to the Land Use Office.

**Motion:** To approve the application submitted by Arthur H. Howland & Associates for LGA Holdings, LLC at 23 Loomarwick Rd, (Lakeside) for Permit #IW-20-55 for lakeside improvements including a storm water infiltration system and drainage storm water repair per plan titled "Proposed Site Development & Sedimentation Control Plan" prepared for LGA Holdings, LLC., by Arthur H. Howland & Associates, PC, sheet SD.1 with most recent revision date of 10/5/2020 and Permit Application dated 10-7-2020 with accompanying documents, this permit is valid for two (2) years with the following conditions: 1. that the Land Use Office be notified 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 a 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 to the Commission for review, 4. the sump pump, rain garden, and wet pond will be monitored and maintained on a monthly basis within 5 (five) days of the first of each month by the property owner and any issues be reported to the WEO in perpetuity, 5. the stone wall alongside the wet pond shall be constructed of randomly placed stones at a 45 degree angle, and 6. the Enforcement Officer monitors the site to check on soil and erosion controls on a weekly basis until the site is stable. In considering this application, the Commission has determined that no feasible and prudent alternatives exist and believe there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

**Schwartz for Erben Partners/169-173 West Shore Road/Application for Permit #IW-20-57/Removal of existing walkway, placement of boulders, and drainage improvements within review area (36:50):**  
There were no further questions or comments from the Commissioners.

**Motion:** To approve the application submitted by Schwartz for Erben Properties at 169-173 West Shore Road for Permit #IW-20-57 to demolish existing walkway, place boulder, and improve drainage in review area per plan titled " Preliminary Site Plan for Restoration," prepared for Schwartz Residence by Sabin Landscape Architects, sheet L-1 dated 5-30-20, the Permit Application signed by the property owner and dated October 14, 2020, with accompanying documentation, this permit is valid for two (2) years and is subject to the following conditions: 1. that the Land Use Office be notified 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, and 3. any changes to the plans as approved must be submitted to the Commission for review. In considering this application, the Commission has determined that no feasible and prudent alternatives exist and believe that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

**New Applications:**

**Arthur H. Howland & Associates, PC for BCLC, LLC. /217 West Shore Rd/Application for Permit #IW-20-62/Construct single-family dwelling and in-ground pool within review area (41:09):**

The IWC accepted this application and a site inspection was scheduled for Monday, November 2, 2020, at 3:30 pm.

**Doherty/212-214 Calhoun St/Application for Permit #IW-20-63/to construct new home with driveway, septic, well, grading and utilities and restore historic house within review area (43:30):**

The IWC accepted this application and a site inspection was scheduled for Friday, November 6, 2020, at 3:30.

**Other Business (46:15):**

There was no other business to discuss.

**Enforcement (46:22):**

**Enforcement Activity Report & List of Files Closed by WEO – Projects Signed Off as Completed Per Approved Permit:**

●**99 West Shore Rd:** Mr. Tsacoyannis stated that he sent out the notice of violation and the property owner has the right to appeal to a Hearing Officer within 30 days.

**7:49- 7:53 pm – Technical issues - Mr. Tsacoyannis reconnected**

●**28 Tinker Hill Rd:** WEO is monitoring the work that is being done on West Shore Rd portion of this property. He noted that they need to finish their front yard and driveway and doing work in the rear location of the property.

●**25 West Shore Rd:** Mr. Tsacoyannis stated that the First Selectman asked to talk to him before he sends anything out to the property owners regarding a fine. The WEO informed the Commissioners

that he was not sure if the property owners intended on submitting an application and that this was repair work from a fallen tree that had damaged landscaping that was approved by the Inland Wetlands Commission previously.

● 24 Sabbaday Rd: WEO informed the IWC that he needs to reach out to the property owners. He said that they know that they need to get a permit for what they have done and for additional work they are planning in the future.

Mr. Tsacoyannis noted that 3 (three) permits were closed out and there were 3 (three) administrative approvals since his last report.

● 35 Potash Hill: The IWC asked for the status on the ditch on this property. Mr. Tsacoyannis explained that the ditch is for the intake line from the pond for the irrigation system which was included on the approved plan. He stated that the property owners still plan to install the aeration system and that an administrative approval for a permit to rebuild/renovate an existing barn on the existing foundation within the review area was granted.

● 23 Loomarwick (Lakeside): WEO visited the site and they were in the process of securing the area by placing hay bales and installing the silt fence.

● 169 West Shore Rd: It was noted that the silt fence was down and there will be rain tomorrow. The WEO confirmed that he will call the engineer to have this silt fence fixed.

● 60 River Rd: It was noted that the frame construction was started for the barn.

● 90 Tinker Hill Rd: Ms. White has sent an email to Counsel regarding the bond and what steps the IWC could take in this situation.

● 6 West Mountain Rd: The IWC noted that this exemption was approved 2 (two) years ago and they have not seen that any farming activity has been done on the site. The Commissioners agreed that the WEO should send a letter to the property owner requesting an update on the progress of the development of the farm.

#### **Administrative:**

There was no administrative business to discuss.


#### **Communications:**

There were no communications to discuss.

#### **Adjournment:**

**Motion:** to adjourn the meeting at 8:19 pm, by Mr. Papsin.

Respectfully Submitted,



Shelley White

Land Use Administrator, November 4, 2020

