

Inland Wetlands Commission

Regular Meeting

MINUTES

November 10, 2020

7:00 p.m.

Via Zoom Video Conference

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

Staff Present: Ms. White, Mr. Tsacoyannis

Public Present: Mr. Talbot, Mr. Francis, Mr. Arseniadis, Members of the Public

Call to Order:

Mr. Papsin called the meeting to order at 7:01 pm.

Members Seated: Mr. Papsin, Mr. Bennett, Ms. Branson, Mr. LaMunier, Mr. Bedini

Consideration of the Minutes (0:12):

Regular Meeting Minutes: 10-28-2020:

Motion: To approve the Regular Meeting Minutes: 10-28-2020, by Mr. Bennett, seconded by Mr. Bedini, passed by 5-0 vote.

Special Meeting Minutes: 11-02-2020 – Site Inspection Report Submitted by C. Lamunier – A. H. Howland & Assoc. for BCLC, LLC. /217 West Shore Rd/Application for Permit #IW-20-62:

Motion: To approve the Special Meeting Minutes: 11-02-2020 – Site Inspection Report Submitted by C. Lamunier – A. H. Howland & Assoc. for BCLC, LLC. /217 West Shore Rd/Application for Permit #IW-20-62, by Ms. Branson, seconded by Mr. Bennett, passed by 5-0 vote.

Special Meeting Minutes: 11-06-2020 – Site Inspection Report Submitted by S. Branson - Doherty/212-214 Calhoun St/Application for Permit #IW-20-63:

Motion: To approve the Special Meeting Minutes: 11-06-2020 – Site Inspection Report Submitted by S. Branson - Doherty/212-214 Calhoun St/Application for Permit #IW-20-63, by Mr. Bennett, seconded by Mr. Bedini, passed by 5-0 vote.

Subsequent Business (02:15):

There was no subsequent business to add to the agenda.

Pending Applications:

The Commission agreed to proceed to item B. on the agenda per Mr. Szymanski's request.

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 (2:40):

IWC Mtg 11-10-20

Mr. Talbot, Architect, was present to represent the property owners for this application.

Ms. Branson discussed her concern that the application still indicated grading between the restored building and the proposed single-family dwelling. She noted that the Commission had expressed concern about the amount of grading in this area due to the wetland soils.

Mr. Talbot responded that he did revise the plan to show the revised grading and that there will still be a minimal amount of grading on the Northside of the historic building down towards the driveway. He noted the revised drawing includes revisions to the limit of disturbance, silt fence, and decrease of the grading so that is why it is still on the application.

It was noted that the soil piles were reduced on the revised maps titled "Site Plan – Proposed" sheet SP.100 & "Homestead Site Plan & Zoning Notes" sheet SP.101 with wetland revisions dated 11-10-2020, prepared for Myanne & Jeffery Doherty by Peter Talbot, AIA, Architects. Ms. Branson stated that she was still concerned about the wording on the application. Mr. Lamunier agreed that there should be no grading in the wetland soils just below the stone wall and it should be left alone.

Mr. Talbot referred to map SP.101 and showed the Commissioners how the contour lines are going to remain the same except for a small amount of fill northwest corner of the historic building (Studio) along the 940' contour line. He added that the silt fence has been located down gradient to make sure that there is no disturbance in the wetlands. Mr. Talbot explained that the green highlighted area on the map indicates the portion of the property that is outside of the 100-foot wetlands setback.

Ms. Branson stated that she feels the wording on the application "grading between the two" should be clarified because it could mean the larger area that was originally proposed with the submission of this application. She feels the wording should be "tightened up" a little bit.

The Commissioners requested that the plan indicate that the driveway will be gravel and how far the grading will be extended from the driveway. Mr. LaMunier recommended that it be a condition that the grading cannot extend past the 940' contour line.

Mr. Talbot suggested that he could make the drawing at a larger scale to clarify the questions that the Commissioners have. He informed the IWC that they are planning a 12-foot wide driveway and there will be no grading in the review area other than northwest of the stone wall. Mr. Talbot confirmed that the entire driveway and parking areas will be gravel.

Mr. Papsin recommended marking the area that is not going to be graded and have Mr. Tsacoyannis, WEO, verify it.

Mr. Talbot explained that they are proposing to add soil on the north, east and south side of the historic building bringing it out at its farthest point at 28 feet to the existing grade.

Motion: To approve the application submitted by Doherty at 212-214 Calhoun Street for Permit #IW-20-63 to construct new home with driveway, septic, well, grading and utilities and restore historic house within review area per the application revised 11-10-2020, maps titled "Site Plan – Proposed" sheet SP.100 & "Homestead Site Plan & Zoning Notes" sheet SP.101 with wetland revisions dated 11-10-2020, IWC Mtg 11-10-20

10-2020, prepared for Myanne & Jeffery Doherty by Peter Talbot, AIA, Architects, this permit is valid for five (5) 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, 3. any changes to the plans as approved must be submitted to the Commission for review, and 4. that there be no grading between the review area indicated with a red arrow between the stonewall and the historic home building indicated in yellow on sheet SP.101 other than for the excavation of the septic and minimal deposit of material on the north and east side at a maximum of 28 ft. against the reconfigured historic building, and minimal grading necessary for construction of a 12 ft. wide gravel driveway. 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 Mr. LaMuniere, passed by 5-0 vote.

Arthur H. Howland & Associates, PC for BCLC, LLC./217 West Shore Rd/Application for Permit #IW-20-62/Construct single-family dwelling and inground pool within review area (45:35):

The Commissioners stated that they felt their questions from the site inspection were addressed with the revised plans.

Mr. Francis was present to represent the property owners for this application. He stated that he would confirm with Mr. Szymanski that the entire driveway will be paved.

Motion: To approve the application submitted by Arthur H. Howland & Associates, PC for BCLC, LLC. at 217 West Shore Rd for Permit #IW-20-62 to construct a single family dwelling and in ground pool within review area per the maps titled "Proposed Site Development Plan" sheet SD.1, revised 11-05-2020, "Proposed Sanitary Disposal Plan" sheet SDS.1, revised 11-03-2020 and drawing titled "Proposed Sedimentation & Erosion Control Details," sheet SES.1, revised 11-02-2020, prepared for BCLC, LLC. by Arthur H. Howland and Associates, PC, as well as the permit application signed by the agent and dated 10-21-2020 with supporting documents, this permit is valid for five (5) 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, 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 Ms. Branson, passed by 5-0 vote.

New Applications:

Colville for Lawlor/71 West Shore Rd/Application for Permit #IW-20-64/to replace existing stone wall along lake, fill in old steps, construct new steps, remove and repave parking area at house, remove stone steps and porch at side entrance, build stonewall for erosion control within review area (55:55):

The IWC accepted this application and a site inspection was scheduled for Wednesday, November 18, 2020, at 3:00 pm.

A.H. Howland & Associates for Harris/181 West Shore Rd/Application for Permit #IW-20-65/to build single-family home and associated appurtenances within the review area (57:11):

The IWC accepted this application and a site inspection was scheduled for Wednesday, November 18, 2020, at 3:45.

Other Business:

Discussion regarding amending the IWC Motion of Approval (59:04):

Mr. Bennett stated that he and Mr. Papsin have discussed bonding possibly adding more specific language to the motion of approval.

The IWC discussed how applicants are often approved for a group of activities under one permit and sometimes the applicant does not carry out all of the activities which could result in an adverse effect on the wetlands and/or watercourse in terms of erosion, etc.

Mr. Bennett stated that he feels that when the IWC approves a permit based upon all of the activities included on the application, the documentation and plans that accompany that application. He thought that language such as “this permit is granted based upon the performance and completion of all activities and/or improvements to the satisfaction of the Inland Wetlands Commission. There shall not be any modifications, additions or deletions to the plans or scope of work except upon the approval of the Inland Wetlands Commission.” He noted that the third condition in the existing template: “any changes to the plans as approved must be submitted to the Commission for review. In considering this application,” is not specific enough. Mr. Bennett asked the other Commission members for their feedback.

The Commissioners agreed that more specific language would be a good idea.

Mr. Bennett explained that there are two types of bonds; a performance bond for projects that involve large areas and when projects carry the risk of significant adverse impact on wetlands and/or watercourse. He added that the specific language in the motion of approval would cover the majority of the permit applications that are submitted.

Ms. White stated that she will forward the suggested language for the motion of approval to Counsel for review.

Mr. Bennett read his suggested language and stated that he would email it to Ms. White to forward to Counsel.

Enforcement (1:16:14):

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

Mr. Tsacoyannis reviewed his staff report:

- 99 West Shore Rd: Mr. Tsacoyannis stated that Mr. Howard would be appealing the fine and he would follow up with him.
- 25 West Shore Rd: Mr. Tsacoyannis stated that he still has to speak with the First Selectman regarding the possible fine.

- 24 Sabbaday Rd: WEO informed the IWC that he needs to follow up with the property owners.
- 6 West Mountain Rd: The property owner is aware that he needs to come before the IWC for an exemption for his Christmas Tree Farm.
- 28 Tinker Hill Rd: WEO is monitoring the work and has observed that they have stabilized the West Shore Rd portion of the site.
- 60 River Rd: Continuing work on the barn, foundation is complete, and framing has begun. The property owner is aware that he needs to come before the IWC to get his farming exemption.
- 101 Wykeham Rd: No change. Mr. Bennett asked what was happening with the water testing. Mr. Gendron added that the stone wall that runs from the corner of Bell Hill along the front of this property has fallen into the stream. Mr. Tsacoyannis believes that this is Town property and the Town is aware of this issue. Mr. Gendron stated that he has noticed a lot of activity on the property and gave some examples.
- 125 Christian St: Steep Rock will be doing another round of treatment in Spring 2021. Regarding the beaver management – the water level device has been installed.
- 185 Tunnel Rd: Stabilization of the slope has been completed.
- 285 West Shore Rd: Remove debris from swamp – WEO stated the project was almost complete when he visited the site on Wednesday afternoon.
- 23 Loomarwick Rd: The WEO noted that the hay bales and silt fence have been installed.
- 90 Tinker Hill Rd: Ms. White stated that Counsel stated that one of the IWC's options was to call the bond. The request for an as-built was sent but there has been no response. The WEO stated that he would follow up. The Commission agreed that another letter requesting an as-built should be sent to the property owner explaining that if he does not comply that the IWC will have to hire someone to do the as-built and determine whether the project was finished as per the permit that was granted. Mr. Tsacoyannis will reach out to the engineer and will proceed from that point.

Administrative:

There was no administrative business to discuss.

Communications:

There were no communications to discuss.

Adjournment:

Motion: to adjourn the meeting at 8:51 pm, by Mr. Papsin.

Respectfully Submitted,



Shelley White, Land Use Administrator, November 17, 2020