

Inland Wetlands Commission

Regular Meeting

MINUTES

February 10, 2021

7:00 p.m.

Via Zoom Video Conference

Members Present: Mr. Papsin, Mr. Lamuniere, Ms. Branson, Mr. Gendron

Members Absent: Mr. Bennett

Staff Present: Ms. White, Mr. Tsacoyannis

Public Present: Mr. Sabin, Mr. Kandel, Mr. Virbickas, Mr. el Aguizy, Ms. Krause, Mr. Scovatto

Call to Order:

Mr. Papsin called the meeting to order at 7:04 pm.

Members Seated: Mr. Papsin, Mr. LaMuniere, Ms. Branson, Mr. Gendron

Consideration of the Minutes (0:18):

Regular Meeting Minutes: 01-27-21:

Motion: To approve the Regular Meeting Minutes: 01-27-2021, by Ms. Branson, seconded by Mr. LaMuniere, passed by 4-0 vote.

Subsequent Business (00:45):

There was no subsequent business to add to the agenda.

Pending Applications:

Continued – Kassis/4, 6,16 West Mountain Rd/Application to request Exemption #IW-20-67E/ Christmas Tree Farm and pond (00:55):

Mr. Kassis still is waiting for the survey.

Taft/31 Shearer Rd/Application for Permit #IW-21-03/Construction of stonewalls, demolition of existing pool, build new pool, planting, & tree removal within review area (01:08):

Mr. Sabin was present to represent the Tafts, property owners, of this property. He noted that he is working with the property owners on developing a new landscape plan for the site and noted that the property is surrounded by wetlands to the south and west. Mr. Sabin explained that they propose to remove invasive plant species by hand along the road and in the wetlands, demolish the existing vinyl pool that is in failure, relocate and replace with a gunite pool as indicated on the "Site Plan" prepared for Taft Residence, sheet L-1 dated January 8, 2020 [sic], by Sabin Landscape Architects, which Mr. Sabin displayed on the screen. He indicated the areas that are within the 100' setback; 1. Corner of gravel walkway, 2. Planting and stonework on a portion of the back terrace including step stones and seat walls, 3. Buffer planting along the wetland area, 4. Rebuilding existing stone wall at a slight radius,

5. The existing pool area and proposed pool are close to equal conveyance, 6. Addition of a sun terrace, 6. Fence around the new pool, and 7. Select tree removal. Mr. Sabin informed the Commissioners that the property owners would like to eliminate the existing pool area fence and install a code compliant temporary fence to be put around the existing pool which will be used until the new pool can be installed. With this in mind, Mr. Sabin requested a 5 year permit due to the backlog with the pool contractors work.

Mr. Sabin displayed the project narrative and sequence of construction on the screen and stated that he would forward it to the Land Use Office for the record. He explained that the spoils from the new pool will be used to fill in the old pool and anything left over will be used to feather out the grades onsite. Mr. Sabin stated that the process of removing the invasives will take more than one season and will need to be maintained over time. He added that they will be planting along the edge of the wetlands but not within because of the thick overstory and the species of plants that will be used are on the plan. Mr. Sabin confirmed that the pool will be using a cartridge system.

Motion: To approve the application submitted by Sabin Landscape Architects for Taft at 31 Shearer Road for Permit #IW-21-03 for removal of existing pool and fence, construction of new pool and fence, stone terrace and wall, tree and invasive plant removal and planting within the review area per the application dated 01-08-2021, accompanying narrative and sequence of construction provided by Sabin Landscape Architects, and "Site Plan" prepared for Taft Residence, sheet L-1 dated January 8, 2020 [sic], by Sabin Landscape 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, and 3. the approval of this permit is conditioned upon the performance and completion of all proposed activities and/or improvements in totality to the satisfaction of the Inland Wetlands Commission. There shall not be any modification of any kind to the plans and/or scope/sequence of the proposed activities and/or improvements shown on the approved plans without prior approval of the Inland Wetlands Commission or its designee. In approving this application, the Commission has considered all of the relevant criteria pursuant to Sections 11.02, 11A and 12.08 of the Inland Wetlands and Watercourse Regulations and finds that the proposed regulated activities as presented on the plans and conditioned herein, are not reasonably likely to lead to significant adverse impacts on any wetlands and watercourses, by Mr. Gendron, seconded by Ms. Branson, passed by 4-0 vote.

Kandel/Levin/28 Tinker Hill Rd/Application for Permit #IW-21-04/Rebuild stone wall, improve drainage, relocate stairs and walkway (20:45):

Mr. Sabin was present to represent Mr. Kandel, the property owner. Ms. White noted that a letter of agent authorization was submitted today.

Mr. Sabin explained the proposed plan is to rebuild the existing stone wall and improve the drainage by installing a pipe behind the wall as well as reconfigure the steps around the ledge rock.

The Commissioners feel the reconfiguring of the steps in a 'z' is an improvement due to the steepness of the slope.

Motion: To approve the application submitted by Kandel/Levin at 28 Tinker Hill Rd for Permit #IW-21-04 to repair stone wall with drainage, and relocated walkway and stairs within review area per the maps titled "Site Development Map," sheet SD.1, revision dated 08-23-2017, and hand dated 02-10-2021 with hand drawn modifications by the property owner, original prepared for Kandel & Levin, by Arthur H. Howland and Associates, PC, as well as the permit application signed by property owner and dated 01-10-2021 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. the approval of this permit is conditioned upon the performance and completion of all proposed activities and/or improvements in totality to the satisfaction of the Inland Wetlands Commission. There shall not be any modification of any kind to the plans and/or scope/sequence of the proposed activities and/or improvements shown on the approved plans without prior approval of the Inland Wetlands Commission or its designee. In approving this application, the Commission has considered all of the relevant criteria pursuant to Sections 11.02, 11A and 12.08 of the Inland Wetlands and Watercourse Regulations and finds that the proposed regulated activities as presented on the plans and conditioned herein, are not reasonably likely to lead to significant adverse impacts on any wetlands and watercourses, by Ms. Branson, seconded by Mr. Lamuniere, passed by 4-0 vote.

SMF Universal, LLC/9 Main St/Application for Permit #IW-21-06/Construction of deck and slope stabilization within review area (35:52):

Mr. Virbickas, from Artel Engineering, was present to represent SMF Universal, LLC. for this application. The applicant is proposing a deck and accompanying sidewalk for outdoor seating/dining deck for 9 Main. He described the site for the Commissioners.

Mr. Virbickas stated that the property owners are proposing a 30' x 60' dining/seating area elevated deck that would be located east to the existing building. The deck would be at the existing ground level and extend over the slope at which point the southern edge of the deck would be 10-15 feet above grade and the structure would be supported by poured footings. He noted that the nearest point of the deck structure would be approximately 64 feet away from the brook and they will only be removing enough trees to build the structure. The applicant is also proposing a level walkway from the parking lot to the deck, an enclosure for the trash containers (which are outside of the URA) and a generator that will use the existing propane tank. Mr. Virbickis noted that they will be installing a silt fence at the bottom of the slope to prevent any erosion into the brook and they plan to fill a naturally occurring ditch that has developed in the parking lot with riprap to prevent further erosion.

The Commissioners expressed concern regarding the preservation of the 72' Maple tree. Mr. Virbickas assured the IWC that the Maple tree will be preserved and they will reduce the deck in that area to remain at least 4-5 feet away from the trunk of the tree and the structure will be elevated and not intrude on the root system.

Mr. Virbickas displayed the map titled "Topographic Survey," and "Site Plan," prepared for SMF Universal, LLC., by Artel Engineering Group, LLC., dated 12/14/2020. He stated that he will let the property owner know that however the deck is built that they are to preserve the tree.

Ms. Branson expressed concern that the general construction sequencing note on the "Grading Utility Plan, Sediment and Erosion Control Plan," states that "existing trees in the proposed work area shall be removed..."

Mr. Virbickas responded that was a general note and they would agree to call out trees that are to remain and keep the 72' Maple and other substantial trees on the site.

Mr. LaMunier stated that there is no explanation as to what materials will be used for the construction of the deck and that pressure treated wood should not be used for decking material. The IWC noted that the runoff would make it into the stream that empties into the East Aspetuck River which is a Class Four Trout Stream.

Mr. Virbickas responded that he has not discussed the materials of the deck with his client. He stated they will most likely use a composite decking that is durable.

Mr. Virbickas stated that his client would be amenable to buffer planting.

The IWC discussed conditions that they would add to the motion of approval.

Motion: To approve the application submitted by SMF Universal, LLC. at 9 Main Street for Permit #IW-21-06 to construct 30' x 60' deck with walkway, tree and brush removal and stabilize slope, within review area per the plan set including "Topographic Survey," "Site Plan," "Grading Utility Plan, Sediment and Erosion Control Plan," "Sediment and Erosion Control Notes," and "Details," prepared for SMF Universal, LLC., by Artel Engineering Group, LLC., dated 12/14/2020, as well as the permit application signed by property owner and dated 01-08-2021 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, 3. the approval of this permit is conditioned upon the performance and completion of all proposed activities and/or improvements in totality to the satisfaction of the Inland Wetlands Commission. There shall not be any modification of any kind to the plans and/or scope/sequence of the proposed activities and/or improvements shown on the approved plans without prior approval of the Inland Wetlands Commission or its designee, 4. That all the 78" Maple and other substantial trees will remain, 5. A sequence of construction and list of construction materials for the deck, and 6. Plant native buffer on eastern side of sloped area. In approving this application, the Commission has considered all of the relevant criteria pursuant to Sections 11.02, 11A and 12.08 of the Inland Wetlands and Watercourse Regulations and finds that the proposed regulated activities as presented on the plans and conditioned herein, are not reasonably likely to lead to significant adverse impacts on any wetlands and watercourses, by Mr. Gendron, seconded by Mr. Lamunier, passed by 4-0 vote.

el Aguizy-Binnie/35 South St/Application for Permit #IW-21-07/Replacement and extension of pool fence, grading, partial removal of stonewall within review area (1:10:16):

Mr. el Aguizy, property owner, Ms. Krause, Landscape Architect and Mr. Scovatto, Landscape Contractor were present to discuss this application. Mr. el Aguizy explained that they would like to

create a larger level lawn area on the property for their children and replace the existing fence around the pool with a code compliant fence. He included that they have submitted another application for a permit to relocate the pool equipment and remove invasive plant species.

Ms. Krause stated that the plan is to open up the lawn area beyond the pool and create a level lawn. They are not planning on removing the large oak and maple trees. She added that there will be some slight regrading and they would like to remove the large pine tree near the pool that they would like to remove and replace with a garden of native shrubs.

There was a brief discussion regarding the location of the intermittent stream. Mr. el Aguizy confirmed that it was in the opposite direction of where they are proposing work.

There were no further questions from the Commission.

Motion: To approve the application submitted by el Aguizy/Binnie at 35 South Street for Permit #IW-21-07 to replace and extend pool fence, grading within new fence area, partial removal of existing stone wall within review area per the plan titled "Landscape Design Plan," dated 10/24/2020, prepared for el Aguizy-Binnie Residence, by Kristine Krause Design Studio, "Topographic Survey," prepared for Tarek el Aguizy by T. Michael Alex L.S. dated April 2020 and the permit application signed by property owner and dated 12-06-2020 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, 3. the approval of this permit is conditioned upon the performance and completion of all proposed activities and/or improvements in totality to the satisfaction of the Inland Wetlands Commission. There shall not be any modification of any kind to the plans and/or scope/sequence of the proposed activities and/or improvements shown on the approved plans without prior approval of the Inland Wetlands Commission or its designee, and 4. Property owner shall inform the Wetlands Enforcement Officer if the pine tree by the pool will be removed. In approving this application, the Commission has considered all of the relevant criteria pursuant to Sections 11.02, 11A and 12.08 of the Inland Wetlands and Watercourse Regulations and finds that the proposed regulated activities as presented on the plans and conditioned herein, are not reasonably likely to lead to significant adverse impacts on any wetlands and watercourses, by Mr. LaMunier, seconded by Ms. Branson, passed by 4-0 vote.

New Applications:

el Aguizy-Binnie/35 South St/Application for Permit #IW-21-08/Move pool equipment shed, and remove invasives within review area (01:19:08):

The IWC accepted the application as complete and will review the information before the next scheduled IWC Meeting on February 24, 2021.

Other Business (01:19:27):

There was no other business to discuss.

Enforcement (01:19:32):

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

- 25 West Shore Rd: no change in status
- 24 Sabbaday Ln: Property owner submitted the application for permit and it was signed off administratively.

Mr. Tsacoyannis stated that there was one agent approval at 24 Sabbaday Ln.

Administrative:

There was no administrative business to discuss.

Communications:

There were no communications to discuss.

Adjournment:

Motion: to adjourn the meeting at 8:27 pm, by Mr. Papsin.

Respectfully Submitted,



Shelley White
Land Use Administrator
February 17, 2021