

# Inland Wetlands Commission

## Regular Meeting

### MINUTES

March 24, 2021

7:00 p.m.

Via Zoom Video Conference

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

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

**Public Present:** Mr. Kassis, Mr. Sheikh, Mr. Pushlar, Mr. Harris, Mr. Davis, Mr. Gironda, Ms. Audet, Mr. Neff, Ms. Brodhead, Mr. Crouch, Mr. Connor

#### Call to Order:

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

**Members Seated:** Mr. LaMuniere, Mr. Bennett, Ms. Branson, Mr. Gendron

#### Consideration of the Minutes (0:31):

##### **Regular Meeting Minutes: 03-10-21:**

**Motion:** To approve the Regular Meeting Minutes: 03-10-2021, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

##### **Special Meeting Minutes: 03-17-2021 Site Inspection Report submitted by C. LaMuniere for 200 Church Hill Rd/Application for Permit #IW-21-16:**

**Motion:** To approve the Special Meeting Minutes of 03-17-2021 Site Inspection Report submitted by Mr. LaMuniere for 200 Church Hill Rd-Application for Permit #IW-21-16 by Ms. Branson, seconded by Mr. Bennett, passed by 5-0 vote.

##### **Special Meeting Minutes: 03-17-2021 Site Inspection Report submitted by L. Gendron for 181 West Shore Rd/Application for Permit #IW-21-17:**

**Motion:** To approve the Special Meeting Minutes of 03-17-2021 Site Inspection Report submitted by Mr. Gendron for 181 West Shore Rd – Application for Permit #IW-21-17 by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

#### Subsequent Business (03:00):

Ms. White stated there were some applications submitted earlier this week that look complete upon her initial review but she has not had time to perform a thorough review.

**Motion:** To accept the following applications but table the discussion until a full administrative review for completeness is performed for each: 1. Arthur H. Howland & Associates, PC for Ricker at 88 East

Shore Rd, install proposed dock, gangway & stairs, 2. Meyer at 76 Shearer Rd to dredge pond, 3. Meyer at 106 Shearer Rd to remove invasive plants in pond, remove stairs, put in path in upland review area, 4. CSC Construction for Cook at 248 West Shore Rd, construction of patio within regulated area, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

**Pending Applications:**

**Continued – Kassis/4, 6,16 West Mountain Rd/Application to request Exemption #IW-20-67E/Christmas Tree Farm and pond (07:40):**

Mr. Kassis submitted a survey.

Mr. LaMuniere expressed concerns about getting some more technical questions answered. He would like Mr. Kassis to address the following questions/requests:

1. How deep will the pond be?
2. How will the pond be dug and where will the soil be disposed of?
3. Will the egress of the pond function during a heavy rainstorm? Where will the water go?
4. The IWC will need a time frame and sequence of construction.

Mr. Papsin added that the applicant is responsible for explaining how the proposed pond is necessary for the operation of the tree farm.

The Commissioners scheduled a site inspection for Monday, March 29, 2021 at 4pm.

**Continued - Sheikh/68 Painter Ridge Rd/Application for Permit #IW-21-10/Construction of an addition within review area (12:02):**

Mr. Sheikh, property owner, was present to answer any questions for the IWC. He explained that the drainage pipe that comes from the road and will exit into his property into rip rap will be made of 18" High Density Polyethylene Pipe.

The Commissioners stated that they feel the recently submitted plans with the sequence of construction have addressed all of their questions and concerns.

**Motion:** To approve the application submitted by Sheikh at 68 Painter Ridge Road for Permit #IW-21-10 for the proposed construction of an addition in the review area per the application dated 02-16-2021, accompanying survey titled, "Property Survey," with sequence of construction and proposed improvements added 3-23-2021, prepared for Nicholas Sheikh & Katherine Pope, by Michael J. Riordan, originally dated December 4, 2020 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. 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. Bennett, passed by 5-0 vote.

**Teicholz/110 Blackville Rd/Application for Permit #IW-21-15/Application of aquatic herbicide and algaecide (18:47):**

Mr. Davis was present to represent the property owners.

The IWC agreed that this was an activity that has been approved before and the property owner just let the permit lapse. It was confirmed that the MSDS sheets and product labels for the aquatic herbicide and algaecide were submitted and are on file.

**Motion:** To approve the application for Teicholz at 110 Blackville Rd for Permit #IW-21-15 for application of aquatic herbicide and algaecide to existing pond on property area per the application signed by the property owner and dated February 24, 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 Mr. Bennett, seconded by Mr. LaMuniere, passed by 5-0 vote.

**Crouch for Santa Cruz/200 Church Hill Rd/Application for Permit #IW-21-16/ Clear invasives, restack stonewall, planting within URA (22:44):**

Mr. Crouch was present to represent the property owners.

The Commission felt that all their questions were answered at the site inspection. They stated that they are satisfied with the supporting documentation and feel that this is a straightforward application.

**Motion:** To approve the application submitted by Crouch for Santa Cruz at 200 Church Hill Road for Permit #IW-21-16 to clear invasive plants, restack stonewall, plant shrubs and perennials within review area per the plan titled "Property Boundary Survey," prepared for Breeze Hollow Farm, by T. Michael Alex, LS, with hand drawn additions by R. Crouch, dated March 2021, as well as the permit application signed by property owner and dated 03-03-2021 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. LaMuniere seconded by Mr. Bennett, passed by 5-0 vote.

**Pushlar for Harris/181 West Shore Rd/Application for Permit #IW-21-17/Build retaining wall and shed within URA (26:08):**

Mr. Pushlar, Agent, and Mr. Harris, property owner, were present to discuss the application.

Mr. LaMuniere stated that the site inspection and report were very thorough. However, he requested that in accordance with Section 11A.04.g of the IWW Regulations the applicant needs to submit drawings showing a horizontal and profile elevation detail of the proposed work so there is a record of the relation of these retaining walls and shed to the existing shoreline. Mr. LaMuniere explained that he has concerns about the lower curved wall that is 6-7 feet from the edge of the lake and questioned whether the height would be sufficient.

Mr. Pushlar stated that the plan was based on the survey done by Arthur H. Howland & Associates. He added that the size of the wall mathematically works and added that he would supply the Land Use Office with the requested cross section and elevation detail. Mr. Pushlar confirmed that nothing will be stockpiled on the property and the gravel will be in a dump truck and wheelbarrowed down to the site or dumped over the guardrail. He confirmed that they will put coir logs along with hay bales at the lakeside edge for additional protection.

Mr. Papsin noted that under Section 11A.04.b)" Existing vegetative cover, including trees, shrubs, and groundcover, shall be preserved to the greatest extent possible and its expansion encouraged around the lake to help with bank stabilization and to enhance the availability of habitat for aquatic and land based species."

**Motion:** To approve the application submitted by Pushlar for Harris at 181 West Shore Road for Permit #IW-21-17 to construct shed and retaining walls within the regulated area of Lake Waramaug per the plan titled "Shed Plan," dated March 4, 2021, prepared for Jonathan Harris, by Dean Pushlar ASLA, PLA Licensed Landscape Architect and the permit application signed by property owner and dated 02-25-2021 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, and 4. The applicant must submit "drawings showing a) precise horizontal and profile elevation detail of the work envisaged, b) the relation of this work to the existing shoreline, and c) identified fixed points of reference..." pursuant to Section 11A.04.g of the Inland Wetlands and Watercourse Regulations, before any work commences.

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 5-0 vote.

#### **New Applications (45:22):**

The IWC accepted the following applications and scheduled site inspections for each:

**Bibbo Associates for Baratta/236 Nettleton Hollow Rd/Application to Modify Approved Permit #IW-20-07/reduction of land disturbance – construct 2 additions to existing single family dwelling:**

Site Inspection scheduled for Tuesday, March 30, 2021 at 3 pm.

**Brodhead for Beck/4 Perkins Rd/Application for Permit #IW-21-18/Demolition of existing dwelling and construction of new dwelling partially within the review area:**

Site Inspection scheduled for Wednesday, March 31, 2021 at 3 pm.

**Neff for Trevenen/69 Wykeham Rd/Application to Modify Approved Permit #IW-20-49/for paved driveway and reduce driveway surface area within the review area:**

Site Inspection scheduled for Tuesday, March 30, 2021 at 4 pm.

**Neff for Cowles/21 West Shore Rd/Application for Permit #IW-21-21/Replacement of Septic System within review area:**

Site Inspection scheduled for Wednesday, March 31, 2021 at 4pm.

#### **Other Business:**

There was no other business to discuss.

#### **Enforcement (49:50):**

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

- **23 Bell Hill Rd:** Fine was assessed and paid for activity performed within a review area without a permit.
- **135 Wykeham Rd:** Owners were reconfigured their driveway within a review area, fine was assessed.
- **22 Golf Links Rd:** Agent approval issued for septic system about 2 feet into the review area.
- **94 Tinker Hill Rd:** Agent approval for removing a tree that will be cut and at the base and the stump will be ground down.

- 60 River Rd: status the same as last reported.
- 90 Tinker Rd: EO contacted owner and engineer for the project. AHH will do survey of the property and will note the differences of what was approved and what was done.
- 101 Wykeham Rd: The owner of 23 Bell Hill Rd used the 101 Wykeham Rd property Bell Hill Rd access way to do some tree removal at 23 Bell Rd. The owner is the same for both properties and the fine was assessed and paid.

**Administrative:**

There was no administrative business to discuss.

**Communications:**

There were no communications to discuss.

**Adjournment:**

**Motion:** to adjourn the meeting at 8:08 pm, by Mr. Papsin

Respectfully Submitted,



Shelley White  
Land Use Administrator  
March 30, 2021