

Inland Wetlands Commission

Regular Meeting

MINUTES

April 28, 2021

7:00 p.m.

Via Zoom Video Conference

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

Staff Present: Ms. White, Mr. Tsacoyannis

Public Present: Mr. Kassis, Mr. Szymanski, Mr. Connor, Mr. Ciarlone, Ms. Hodza, Mr. & Mrs. Williams, Mr. Willenbrock, Ms. Zukaukas, Mr. Laurentano, Ms. Johnson

Call to Order:

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

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

Consideration of the Minutes (0:16):

Regular Meeting Minutes: 04-14-21:

Motion: To approve the Regular Meeting Minutes: 04-14-2021, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

Special Meeting Minutes: 04-19-2021 Site Inspection Report submitted by S. Branson for Application for Permit #IW-21-26 – 248 West Shore Rd:

Motion: To approve the Special Meeting Minutes of 04-19-2021 Site Inspection Report submitted by Ms. Branson for Permit #IW-21-26 – 248 West Shore Rd, by Mr. LaMuniere, seconded by Mr. Bennett, passed by 5-0 vote.

Special Meeting Minutes: 04-19-2021 Site Inspection Report submitted by L. Gendron for Application for Permit #IW-21-30 – 147 West Shore Rd:

Motion: To approve the Special Meeting Minutes of 04-19-2021 Site Inspection Report submitted by Mr. Gendron for Permit #IW-21-30 - 147 West Shore Rd, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

Special Meeting Minutes: 04-26-2021 Site Inspection Report submitted by Application for Permit #IW-21-23 – 88 East Shore Rd:

Mr. Bennett noted that per the photo survey the IWC received today from Mr. Szymanski, the report should indicate that there are five (5) 1.5'x1.5'x1.5' precast concrete column supports under the deck to be installed by hand.

Motion: To approve the Special Meeting Minutes of 04-26-2021 Site Inspection Report submitted by Mr. Bennett for Permit #IW-21-23 – East Shore Rd with amendments, by Ms. Branson, seconded by Mr. LaMuniere, passed by 5-0 vote.

Subsequent Business (03:30):

None to add

Pending Applications:**A.H. Howland & Associates for Ricker/88 East Shore Rd/Application for Permit #IW-21-23/Proposed dock and gangway (03:43):**

Mr. Szymanski was present to represent the property owner for this application. He explained that he was able to get a better view of under the deteriorating deck by kayak which he documented with a photo survey that was sent to the IWC. Mr. Szymanski included the location at which the turbidity curtain would be installed in the photographs. He confirmed that there will be five precast column supports as per photo survey and that the debris will be dug out and the concrete support installed by hand.

Motion: To approve the application submitted by Arthur H. Howland and Associates authorized agent for Ricker at 88 East Shore Road for Permit #IW-20-23 for the construction of a dock, gangway, remove debris under dock, install five (5) precast deck support footings and replace with new native stones at a 45 degree angle by hand per: 1. the application dated 03-05-2021, 2. accompanying plan titled, "Existing Conditions Map with Proposed Dock" Sheet EC.1, prepared for Stephani Ricker by A.H. Howland & Associates, PC, dated February 23, 2021, 3. application signed by S. Ricker and dated by 03-03-2021 with supporting documents, and 4. photographic survey of 18 photos submitted 04-28-2021. 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 Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

CSC Construction for Cook/248 West Shore R/Application for Permit #IW-21-26/Construction of patio in URA:

Mr. Ciarlone of CSC Construction was present to represent the property owner. He informed the IWC that he received a variance from ZBA with the condition that he submits an as-built upon completion.

There were no further questions from the IWC.

Motion: To approve the application submitted by CSC Construction authorized agent for Cook at 248 West Shore Road for Permit #IW-21-26 for activity within the 100" regulated area consisting of the removing and replacing stone patio by hand, installing fence with 5 ft. wide gate, planting of 20 feet of

2' high boxwoods and grinding of stump per map titled "Proposed Subsurface Sewage Disposal System Repair" with hand drawn amendments by CSC Construction, prepared for Manson Property by Curtis Hones and Associates, dated 15 July, 2002, as well as the application signed by the authorized agent and dated 03-16-2021 with accompanying photographs and documentation, 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. LaMunier, passed by 5-0 vote.

Kassis/4,6,16 West Mountain Rd/Application for Exemption IW-21-29E/For hay farm (16:15):

Mr. Kassis was present to discuss this request for a Farm Exemption.

Mr. LaMunier referred to the email received from Mr. Johnson on 4-26-2021 (on file in the Land Use Office). Mr. Johnson had shared his concern that the land was not suitable for the production of hay and because of the soil type and steep slope of the upland area is not suitable for the equipment needed for harvesting. Mr. LaMunier feels that an independent consultant should be hired to provide an opinion on whether a hay farm would be feasible.

Ms. Branson shared the research that she had done regarding the soil types on the Natural Resources Conservation Service website where she was able to obtain a web soil survey. She noted that most of the soils were not prime farmland which is required for a hay farm operation (See attachment A).

Mr. Bennett thanked Ms. Branson for her work and stated that he feels an independent consultant's opinion is necessary. He noted that what Ms. Branson has illustrated that it is much more complicated than it looks as proposed.

Mr. Gendron stated that he agrees that an expert should be hired to look at the soil types and the topography and provide an opinion. He feels that fertilizing and working the soil could damage the watercourse as the fertilizer has nowhere to go but downhill towards the watercourse.

Mr. Papsin confirmed that he was in agreement with the other Commissioners and he would like a professional to weigh in on the feasibility of a hay farm at these properties. He stated that he is not inclined at this time to move forward with this request for an Inland Wetlands Exemption.

The Commission noted that this consultant fee would need to be approved by Mr. Kassis as it would be at his expense.

Mr. Kassis agreed that the IWC could hire an expert second opinion if they felt it was necessary.

Ms. White stated that she would get a quote from the consultant and inform Mr. Kassis.

Mr. Kassis expressed his frustration that the arrangements for the goat farm did not go through with Shepaug Valley High School. He explained that he tried the Christmas Tree Farm but there were too many issues with the propose pond. He stated that his understanding of the meaning of a farm per the Tax Assessor's Office is that the farmer either spends \$15,000 or makes \$15,000 annually on the farm. He added that he could spend \$15,000 a year to make enough hay grow no matter what the experts say. Mr. Kassis stated that there would be enough work put into it to justify having a farm as defined by the Tax Assessor.

The Commissioners explained how they need to hire the third party to confirm that a hay farm in these soils is feasible as a precaution.

Mr. Kassis agreed that this makes sense. He stated that he did not withdraw his originally granted exemption for the goat farm because when he requested an exemption for the tree farm and then the hay farm he let the IWC that the withdraw was contingent upon approval of the other proposals being approved.

Mr. LaMuniere stated that it is the IWC's duty to make sure that when a property owner requests an activity, this activity will not have an adverse impact on the wetlands or watercourses.

Mr. Kassis stated that he wanted to revert back to his original exemption for the goat farm. He did not feel that the IWC wants him to have a hay farm. He said he would find someone to run the farm or run the farm himself. He feels that the Commission is trying to make this difficult.

Ms. White explained that the expert would be hired to examine the soils and topography and provide an opinion as to whether a hay farm is feasible.

Mr. Kassis responded that he has spoken to local farmers and they have confirmed this already. He stated that he is not happy with the way things are proceeding and would like to revert back to his granted exemption of the goat farm.

Carter-Kempf/147 West Shore Rd/Application for Permit #IW-21-30/Replacement of dock (44:50):

Mr. Kempf, property owner was present to discuss this application.

Mr. Papsin noted that he received an email from the WEO stating that this application should be tabled because a notice from the police department was received that the dock cannot be 70 feet long due to safety regulations.

After a brief discussion, the IWC and WEO agreed that the property owner could submit a modification to a granted permit.

Mr. Laurentano from Regatta Dock Systems was present to represent the property owner for this permit. He explained that part of their concern is the water depth and the safety of bringing a boat under power into those shallows. He asked why the property owners would not be allowed to get out as far as they can to operate the boat safely. Mr. Laurentano noted that if you look at the other docks in the area that this proposed dock would not be sticking out further than the others.

Mr. Bennett stated that he did not feel that the safety factor was the IWC's purview and that the focus should be on protecting the wetlands and watercourses. He noted that the safety issue does need to be worked out with the police department.

Mr. Kempf agreed with Mr. Bennett and acknowledged that he would have to come back to the IWC if the design of the dock changes.

The IWC agreed that they could vote on this permit application knowing that the property owner would have to come back to the Commission with a modification.

Mr. Tsacoyannis, WEO, stated that the other Town Commissions should be cognizant of other commission's regulations. In this instance, the application must be sent to the Lake Waramaug Authority on behalf of Zoning. Per Section 6.6.7 of the Town of Washington Zoning Regulations: "If the recommendation of the LWA is to approve the permit, the Zoning Enforcement Officer may issue a permit upon a finding that all other criteria of this Section 6.6 have been met. If the LWA recommends denying or modifying the permit, the application shall be submitted to the Zoning Commission for consideration as a Special Permit pursuant to Section 13 of these Regulations. The LWA's recommendation is advisory and is not binding upon the Commission." Mr. Tsacoyannis informed the IWC that the police and the LWA used laser measurements to find that this proposed structure would be 20 feet longer than the existing dock and boat house that at the neighboring properties.

Mr. Laurentano confirmed that there would be no changes as to how the dock would be affixed to the shoreline except maybe the width if they were to modify the design.

Motion: To approve the application submitted by Carter-Kempf at 147 West Shore Rd for Permit #IW-20-30 for installation of dock on Lake Waramaug per plan by Regatta Dock Systems date 3-14-21 prepared for Steve Kempf, as well as the permit application signed by property owner and dated 04-10-2021 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, 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 property owner must obtain necessary approvals from the Lake Waramaug Authority in conjunction with the Town of Washington Police Department. 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 Ms. Branson, passed by 5-0 vote.

DEW Construction for Meyer/76 Shearer Rd/Application for Permit #IW-21-24/Pond Dredging (1:02:41):

Mr. Willenbrock was present to represent the property owner. He explained that they are proposing to dredge the pond that has been taken over by invasives. He explained how he would dredge the sides of the pond, stockpile the spoils to the side and install a silt fence around it, install a temporary 30-foot rip rap anti-tracking pad for entry and exit off the road, spoils will be hauled off-site. Mr. Willenbrock stated that he estimates +/- 50 yards of material will be removed and will be using a track excavator with a longer arm.

It was noted that the pond is a little less than ¼ acre in size. Mr. Willenbrock stated that he would draw the pond down with a pump. He added that the spoils would need to dry out and with good weather he should be able to haul it away within a week or two. He confirmed that the invasive plant is Phragmites and if there were any left after the dredging the property owners would have to have it treated which would require an additional permit.

The IWC scheduled a site inspection for May 4, beginning at 4 p.m. and requesting that the anti-tracking pad and area of the spoils be staked out prior to the inspection.

DEW Construction for Meyer/106 Shearer Rd/Application for Permit #IW-21-25/Remove invasive plants in pond, remove stairs create path with stone landings in URA (1:10:13):

Mr. Willenbrock explained that the dredging was for the previous address discussed and was not part of this application. He stated that the property owners would like to put in a more natural looking path with stones and remove the large brownstone stairs.

A hand drawn plan of the path was displayed on the screen. The plan depicts the path leading to the house and a stone wall. From the stonewall to the house is not within the IWC's jurisdiction; below the stonewall to the pond is within the IWC's jurisdiction.

It was noted that there is an easement in favor of Steep Rock Association and a letter from them would be necessary. Mr. Willenbrock stated that he would follow up with SRA and get the letter sent to the Land Use Office.

The Commission scheduled a site inspection for Tuesday, May 4 following the site inspection at 76 Shearer Rd.

DEW Construction for Meyer/164 West Shore Rd/Application for Permit #IW-21-27/Remove old fence, install new fence with gate (1:22:45):

The Commission did not feel a site inspection was necessary and were able to act on this application as it was received at the April 14th meeting.

There were no further questions from the IWC.

Motion: To approve the application submitted by Dew Construction for Meyer at 164 West Shore Road for Permit #IW-21-27 to remove old fence and replace with new fence and gate within the regulated area of Lake Waramaug based on the map title “Existing Conditions Map” prepared for Robert Berne and Steffi Berne, by A. H. Howland and Associates, PC dated September 21, 2016 and the hand drawn plans titled “164 West Shore Rd – Meyers Lake House – New Fence Elevation” and 164 West Shore Rd – Meyers Lake House – Existing Fence, New Fence, “ dated 04-28-2021 and the permit application signed by property owner and dated 12-08-20, completed on 03-30-2021, 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. 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 Mr. Gendron, passed by 4-0 vote.

New Applications (1:28:00):

The Commission accepted the following applications:

LGA Holdings/23 Loomarwick Rd/Application to Modify Permit #IW-20-55/Addition of Landscaping-Planting plan:

Mr. Williams, property owner, was present to discuss this application.

Mr. Papsin stated that the IWC will schedule a site inspection for Wednesday, May 5, 2021 as the 2nd inspection on that day.

A. H. Howland & Assoc. for Auth & Hanifan/329 West Shore Rd/Application for Permit #IW-21-31/demolish existing SFD and driveway in partially in the URA, build new SFD (outside of URA), reconfigure driveway, & build barn partially in URA:

Mr. Szymanski was present to represent the property owners.

The IWC scheduled a site inspection for Wednesday, May 5, 2021 at 4 p.m. This will be the first site inspection and then they will proceed to 23 Loomarwick Rd.

Other Business:

There was no other business to discuss.

Enforcement (1:31.47):

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

- 135 Wykeham Rd: waiting to receive a permit application for the work that was performed.
- 69 Wykeham Rd: Mr. Tsacoyannis stated that he visited the site and confirmed the area is restored.
- 102 East St: The fine letter was received and the site was visited. He is waiting for the remediation plan from Mr. Szymanski.
- 259 New Milford Turnpike: Removing and replace paved driveway within 100' of a watercourse. They were told to cease and desist but due the proximity of the river they were told to continue the work due to the pending heavy rains that could affect the area if left unpaved. They will be fined and required to submit an application after the fact.
- 60 River Rd: Barn is almost complete all the work is done outside of the 200 ft. setback from the Shepaug River. WEO is following up on planting plan per Zoning Commission's request.
- 90 Tinker Hill Rd: Waiting for evaluation of the as-built to what was approved by the Commission.

Administrative:

There was no administrative business to discuss.

Communications:

Notice from Town of New Milford dated April 15, 2021 – Proposed residential addition – 105 Walker Brook:

Ms. White read the above referenced letter into the record. There were no further questions or comments from the IWC.

Adjournment:

Motion: to adjourn the meeting at 8:59 pm, by Mr. Papsin.

Respectfully Submitted,

Shelley White

Shelley White
Land Use Administrator
May 5, 2021

Link to recording:

https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/swhite_washingtonct_org/ER9rkO9RJj9kW75PIYPgBwioZcAQDQP2eoF9jy585Pg?e=87qPAL