

Town of Washington
Inland Wetlands Commission
MINUTES
Regular Meeting
March 25, 2020

7:00 p.m.

Zoom Video Conference

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

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

Also Present: Mr. Szymanski, Mr. Stewart, Mr. Neff, Mr. Sherr, Mr. Charles

Call to Order:

Mr. Papsin called the meeting to order at 7:00 pm.

Seated: Mr. Papsin, Mr. LaMuniere, Mr. Bennett, Ms. Branson, Mr. Bedini

Consideration of the Minutes (00:55):

Regular Meeting Minutes: 3-11-2020:

The Commissioners considered the March 11, 2020, Regular Meeting Minutes:

MOTION: To approve the March 11, 2020, Regular Meeting Minutes as submitted, by Mr. LaMuniere, seconded by Mr. Bennett, passed 5-0 vote.

Special Meeting Minutes: 3-16-2020 – Site Visit at 280 Nettleton Hollow Rd/Application for Permit #IW-20-11:

MOTION: To approve the March 4, 2020, Special Meeting Minutes for Site Visit at 236 Nettleton Hollow Rd/Application for Permit #IW-20-11 March 4, 2020 as submitted, by Ms. Branson, seconded by Mr. LaMuniere, passed 4-0 vote.

Special Meeting Minutes: 3-16-2020 – Site Visit at 169 West Shore Rd/Application for Permit #IW-20-13:

MOTION: To approve the March 16, 2020, Special Meeting Minutes for Site Visit at 169 West Shore Rd., Application #IW-20-13 as submitted, by Ms. Branson, seconded by Mr. Bennett, passed 5-0 vote.

Pending Applications:

Arthur H. Howland & Associates (for ACF Properties)/280 Nettleton Hollow Rd/Application for Permit #IW-20-11/Proposed demolition and removal of existing structures within regulated area (02:37):

Mr. Szymanski, P.E., representing the property owners, was in attendance to answer any questions the Commissioners might have from the site walk of March 4, 2020.

The Commissioners agreed that all their questions had been answered at the site visit.

MOTION: To approve application #IW-20-11 submitted by Arthur H. Howland & Associates for ACF Properties at 280 Nettleton Hollow Road for demolition and removal of existing structures within the review area per plan titled "Demolition Plan" prepared for ACF Properties, Inc. by Arthur H. Howland & Associates, sheet DEMO.1 with a revision date of 8/20/19, and the accompanying documents on file for this application. This permit is valid for two (2) years and is subject to the following conditions: 1. that the Land Use Office be notified at least 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 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 immediately to the Commission for review, the Commission has determined that no reasonable and prudent alternatives exist, and believes that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Ms. Branson and seconded by Mr. Bennett, passed by 5-0 vote.

WLR214, LLC/214 West Shore Rd/Modification to Permit#IW-19-43/Modify retaining wall location & gravel walkway from road within review area (06:40):

Mr. Szymanski was in attendance to represent the property owners of 214 West Shore Rd. He noted that the proposed ¾ inch processed gravel path with steel edge replaces the previously hardscaped path with retaining walls. There will be a lip at the edge of the path where it meets the road which will divert the water from running through the path. Mr. Szymanski informed the Commissioners that there is left over fill that will be used to make the grade of the gravel path more gentle at approximately a 10% slope. He offered to provide the Commission with the sizes and quantities of plants that are shown on the submitted planting plan as they were not included.

Mr. Szymanski confirmed that this proposed gravel path will replace the previously approved hardscape path and retaining walls on the Easterly side of the property. He also confirmed that the stockade fence that exists will be taken down after construction and is not permanent.

(14:10 – Mr. Bennett was disconnected)

(16:35 – Mr. Bennett reconnected)

MOTION: To approve the modification to Permit #IW-19-43 submitted by WLR214, LLC. for the modification of the location of the retaining wall and addition of a gravel walkway from the road within the review area at 214 West Shore Road, per application dated 3/6/2020 and plan titled, "Enlarged Site Development Plan with Revised Proposed Wall" prepared for WLR214, LLC., by Arthur H. Howland, dated March 6, 2020, planting plan titled "Landscape Concepts for the Herzan Residence" date February 2020, and supporting documents in the file, for two (2) years with the following conditions: 1. that the Land Use Office be notified at least 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. that any changes to the plans as approved must be submitted immediately to the Commission for review, in considering this application, the Commission has determined that no reasonable and prudent alternatives exist, and believes that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. LaMunier, seconded by Mr. Bennett, passed by 5-0 vote.

Bergen/35 Potash Hill Rd/Application for Permit #IW-20-12/Installation of pond aeration pump & landscape plantings (19:20):

Mr. Neff, P.E. was in attendance to represent the property owners. He informed the Commissioners that he submitted an updated planting list. Ms. White confirmed that it was in the file for the record. Mr. Neff stated that the line from the generator to the pond will be buried 18 inches below grade.

The Commissioners reviewed the plan titled "Site Plan" prepared for Bergen Residence, by Deborah Nevins & Associates, dated 03/2020 sheet L001. They requested a sequence of construction, and the crushed stone band around the motor court be included on the plan.

Mr. Neff noted that the 18" deep trench will be excavated and filled in one day. He confirmed that he could flag the trees to be removed and mark the line from the generator to the pond and the location of trees to be planted.

A site visit was scheduled for April 1, 2020 at 4:00 pm at 35 Potash Hill Rd.

Erben Partners/169 West Shore Rd/Application for Permit #IW-20-13/Connection of lakefront structure to existing leaching fields and well within review area (28:52):

Mr. Szymanski and Mr. Schwartz, property owner, were in attendance to discuss this application. This application is for the construction of a well uphill from the main structure. Mr. Szymanski noted that hay bales will be installed on the down gradient side of the well. He continued to explain that with this application they are seeking to connect the main accessory structure to the existing uphill septic system, placement of a propane tank up gradient from the lake on the side of the retaining wall facing the road, and the steel shoring between the road and the small accessory building.

Mr. Szymanski explained the addition of "Modified Construction Sequence Notes" to the plan titled "Proposed B100a Sanitary Code Complying Area Plan," sheet SDS.5, revision date 3/23/2020.

Ms. White stated that she did not send the revised plan to the Commissioners but could confirm that these changes were made to the plan.

The Commissioners noted that the previously approved septic system for the boathouse was attached to the septic system that is further uphill and closer to Tinker Hill Rd. They asked whether the boulders were going to be placed in front of the vertical wall facing the lake to reduce wave action.

It was noted that the insertion of the steel shoring was originally a temporary measure but the property owner would like to keep them but cut them 2 ft. below gradient so the subsurface drainage water will still flow.

The Commissioners questioned what process should have been taken to notify the Land Use Office about the installation of the steel shoring. Mr. Szymanski explained that this is part of the means and measures of the construction process and it was needed to stabilize the structure during excavation. Mr. Schwartz added that he was alerted that West Shore Road was in danger so he agreed to the

shoring as a means to protect the road from being damaged. He felt that safety was the most important thing to consider.

Mr. Schwartz confirmed that he will get the planting plan for the upper area that was approved under Permit #IW-20-04 and that no work will commence until the plan is filed with the Land Use Office. Mr. Papsin emphasized that it is importance of receiving the plan as soon as.

Mr. LaMuniere discussed the additional boulders being installed in front of the vertical wall for the foundation of the boathouse.

There was a brief discussion regarding the process of cutting the shoring below grade with a typical steel cutting torch.

The Commission briefly discussed whether they should approve this application or wait until they have time to review the revised plans. They agreed to make it a condition of approval. Ms. White will be distributing the revised plan tomorrow to the Commissioners tomorrow and they will confirm that they have reviewed the revisions.

MOTION: To approve application #IW-20-13 submitted by Erben Partners to connect lakefront accessory structure to the existing leaching fields that formerly served the main house and cottage, install well, place propane tank, and install steel shoring for the accessory building within the review area per the application dated 3-10-2020 and the plans titled "Proposed B100a Sanitary Code Complying Area Plan," sheet SDS.5, revision date 3/23/2020, which includes the work already approved under permit # IW-17-26 "Proposed B100a Sanitary Code Complying Area Notes," sheet SDS.6 dated March 5, 2020 prepared for Erben Partners, LLC., The Marie Schwartz Personal Residence Trust & The Mark Schwartz Personal Residence Trust by Arthur H. Howland & Associates and supporting documents in the file, for five (5) years and is subject to the following conditions: 1. that the Land Use Office be notified at least 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. that each Commissioner will review sheet SDS.5 with revision date of 3/23/2020 , 4. that any changes to the plans as approved must be submitted immediately to the Commission for review, and 5. to add boulders in front of the vertical wall to approximate the natural shoreline by July 1, 2020 to counteract wave action, in considering this application, the Commission has determined that no reasonable and prudent alternatives exist, and believes that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. Bedini, seconded by Mr. Bennett, passed by 5-0 vote.

New Applications:

There were no new applications to discuss.

Enforcement:

Enforcement Activity Report (1:08:35):

Mr. Tsacoyannis review his report with the Commissioners

The Commissioners discussed enforcement issues regarding West Shore Rd.

Other Business:

There was no other business to discuss.

Administrative Business:

There was no administrative business to discuss.

Communications:

There were no communications to discuss.

Adjournment:

MOTION: To adjourn at 8:31 pm by Mr. LaMuniere, passed unanimously.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Shelley White", with a stylized flourish at the end.

Shelley White, Land Use Administrator
April 1, 2020