

Town of Washington
Inland Wetlands Commission
July 13, 2022
Regular Meeting
Hybrid – Zoom and Main Level Conference Room
MINUTES

Members Present: Mr. Papsin, Mr. Bennett, Mr. Gendron, Mr. Koppel

Via Zoom: Ms. Dubow, Alt.

Members Absent: Ms. Audet, Ms. Bogue

Staff Present: Ms. White

Public Present: Mr. Szymanski, Mr. Pushlar, Mr. Sabin, Mr. Buell, Mr. Charles

Via Zoom: Ms. Gallagher, Mr. Hackney, Ms. Zukauskas, J. Harris, members of the public

Regular Business

Mr. Papsin called the meeting to order at 7:03 pm.

Members Seated: Mr. Papsin, Mr. Bennett, Mr. Gendron, Mr. Koppel (for Ms. Audet), Ms. Dubow (for Ms. Bogue)

Consideration of the Minutes (00:23)

7-22-2022 Regular Meeting Minutes:

Motion: To approve the Regular Meeting Minutes of 7-22-2022 as submitted, by Mr. Bennett, seconded by Mr. Gendron, passed by 5-0 vote.

Special Meeting Minutes: 6-29-2022 Site Inspection Report, by L Gendron – 112 Lower Church Hill Rd - #IW-22-27:

Motion: To approve the Special Meeting Minutes of 6-29-2022 Site Inspection Report for 112 Lower Church Hill Rd - #IW-22-27 by Mr. Gendron as submitted, by Mr. Bennett, seconded by Mr. Koppel, passed by 5-0 vote.

Motion to Include Subsequent Business Not Already Posted on the Agenda

None to add

Pending Applications

Arthur Howland & Associates for BCLC, LLC. /217 West Shore Rd/Application for Modification to Permit #IW-20-62/Construct SFD, sports court, detached garage, pool, driveway, septic, grading, drainage w/in regulated area (01:24): Ms. White stated that the Land Use Office received a request from the applicant requesting a 35-day extension.

Harris/254 New Milford Tpk/Application for Permit #IW-22-23 for construction of fence, house demolition, shed removal, deposition of materials in URA (65 Days: 7-29-22) (01:50): Mr. Pushlar, Landscape Architect, was present to represent Mr. Harris. Mr. Pushlar explained the changes that were made to the plan titled, "Wetland Plan Site Plan, "prepared for 258 & 254 New Milford Turnpike, by Dean Pushlar, ASLA, PLA, sheet L-1.0, dated June 20, 2022, addressing the concerns expressed at the site inspection on 5-31-2022 and noted on the Site Inspection Report submitted by Mr. Koppel (Attachment A). He noted that the plan was modified to include a rain garden at the north uphill end of the proposed

parking lot, a swale was added to direct the run off into the rain garden, rain garden maintenance schedule and cross section, additional plant material added and plant list, the removal of the pipe that was installed without a permit in the review area, a larger buffer area with more plantings between the neighboring property (still needs to be approved by the Zoning Commission), three lights moved away from the property line and lowered, bioretention area between gravel area and river, and pocket plantings along the river.

It was noted that there are three ash trees that the property would like to keep if they are alive and as they die he would like to remove them and replace with small flowering or shade trees. Mr. Pushlar stated that any trees that are removed would be cut flush to the ground and the stumps would not be removed.

The IWC stated that they would require a request for a modification to this permit if there are any additional tree removals. There was a brief discussion as to whether this should be a condition of approval. It was confirmed that the property owner still needs to get the water that is coming from the springhouse tested.

Mr. Pushlar stated that they are scheduled to have the two drainage pipes that are emptying into the East Aspetuck River scoped to see where they go. He explained that they will stabilize the area above the proposed parking area with an erosion control seed mix and that concrete separators are bulky and would cause a large amount of unnecessary ground disturbance.

The IWC asked that the exact location of the dumpster included on the plan.

This discussion will be continued to the next regularly scheduled meeting of the Inland Wetlands Commission on July 27, 2022 beginning at 7:00 p.m.

Adams/ 112 Lower Church Hill Rd/ Application for Permit #IW-22-27/removal of dead trees, paving of driveway and new plantings in URA (15:46): The IWC is waiting for revised plans so this discussion was tabled until the July 27, 2022 regularly scheduled meeting.

Arthur Howland & Associates for BCLC, LLC./217 West Shore Rd/Application for Permit #IW-22-28/correct Violation #2022-W006 (16:30): Mr. Szymanski, P.E. was present to represent the property owners for this application. He stated that his office, Arthur Howland & Associates, P.C., retained Shawn Emmons, CT Licensed Arborist to evaluate the 3 Red Maple Trees located within the wetland soils that were filled in. Mr. Szymanski read the Tree Inspection Report written by Mr. Emmons into the record (on file in the Land Use Office). In the report, Mr. Emmons explained the methods he could use to help save the trees but recommended that the trees be removed and replaced and the soils amended.

Mr. Szymanski read his letter addressed to the Inland Wetlands Commission dated July 13, 2022, responding to Ms. Haverstock's Citation dated May 25, 2022. He reported that the erosion controls have been installed per the site plan and any that were requested by Mr. Papsin and Ms. Haverstock, silt fence has been added and backed by staked haybales, and areas were seeded and hayed. Mr. Szymanski stat that the erosion controls are being inspected daily and this will continue through the remainder of the project. He confirmed that someone from his office will be visiting the site once a week as well as after any 1/4" or above rain event and his office will supply the E.O. with a report of their findings. A revised maintenance schedule has been included on the plan titled, "Proposed Site Development Plan," sheet SD.1 and long-term inspection and maintenance has been included on the plan titled,

“Proposed Sedimentation and Erosion Control Details, “prepared for BCLC, LLC by Arthur H. Howland & Associates, PC., dated June 14, 2022.

Mr. Papsin stated that aerating the roots is a last-ditch effort to save the three maple trees. He stated, that in his opinion, the trees did not look in good health.

Mr. Szymanski stated that if the IWC chooses to have the trees replaced, they would be replaced with 4 to 6-inch caliper trees.

The Commissioners discussed the option of leaving the trees and aerating the soil or removing and replacing the trees and restoring the wetland soils.

Mr. Szymanski stated that the maple trees could be cut down and the stumps would be ground.

There was a brief discussion regarding the change in contractors for the site.

Mr. Szymanski confirmed that the wetland soils could be replaced now, within 30 days remove the trees and grind the stumps and plant the new trees no earlier than September 15th.

IWC requested a planting plan for the three trees, maintenance plan for the trees, soils to be replaced and a cut sheet for the soil specifications. Mr. Szymanski calculated that approximately 20 cubic yards of soil would need to be replaced. The Commissioners agreed to add these conditions.

Motion: To approve application for Permit #IW-22-28- submitted by Arthur H. Howland & Associates for BCLC, LLC. for the property located at 217 West Shore Road for correction of violation – restoring wetlands, compliance and maintenance of sediment and erosion control measures, and stabilization of site per the plans titled “Proposed Site Development Plan,” sheet SD.1 and “Proposed Sedimentation and Erosion Control Details, “prepared for BCLC, LLC by Arthur H. Howland & Associates, PC dated June 14, 2022, Letter dated July 13, 2022 to the Town of Washington Inland Wetlands Commission from P. Szymanski addressing Citation #2022-W006, and permit application dated June 14, 2022, signed by B. Hermann with accompanying documentation. 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. 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. The applicant must provide the IWC a plan depicting the tree replacement for the three red maple trees (per the report titled “Tree Inspection – 217 West Shore Rd. Washington, CT” by Emmons Tree & Landscaping Service, LLC.) and approximate 20 cubic yards of soil replacement, 5. A mini excavator will be used for the soil replacement, 6. Applicant must provide soil cut sheet to the IWC, 7. Tree replacement shall not be undertaken before September 15, 2022, 8. E & S controls will be checked after every rain event of ¼ inch or more and a report sent to the Enforcement Officer within 48 hours, 8. Site shall be inspected weekly by applicant’s agent, and 9. Applicant shall provide a 3 year maintenance plan for the tree replacement. 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. Koppel, passed by 5-0 vote.

New Applications to be Received by the Commission:

Artel Engineering for YOLO Again, LLC./18 Parsonage Lane/Application for Permit #IW-22-0/Construct driveway, site improvements, remove existing garage within URA (44:18): The IWC accepted this

application and scheduled a site inspection for July 21, 2022. Ms. White stated that she would inform the applicant.

Carter/132 Romford Rd/Application for Permit #IW-22-31/Establish nature trails with wetland crossings (46:03): Mr. Sabin was present to represent the property owners and explained how they would like to create a trail, a little less than 1 mile, 3-4 feet wide on the property. He stated that he has flagged the trail avoiding major trees. The IWC looked at the map Mr. Sabin submitted with the application indicating the location of the proposed trail.

Mr. Sabin stated that they are proposing to put step stones in the stream to allow crossing, part of the trail would be an existing wood road, and they would lay wood chips along the rest of the trail, avoiding 20 feet on either side of the stream, with a Bobcat machine. He noted that there is a stockpile area of wood chips on site which location was approved with Permit #IW-20-56. Mr. Sabin noted that the machinery will not have to cross the watercourse as it will have access to both sides on the property.

The IWC requested that the size and separation of stepping stones be arranged as to not hinder the flow of the watercourse. Mr. Sabin agreed and stated that he could modify the plan to accommodate this.

This application was accepted by the IWC and a site inspection was scheduled for Thursday, July 21, 2022 following the site inspection at 18 Parsonage Lane.

The Commission requested a construction narrative including equipment that will be used and a clearing plan that included that trees greater than 1 inch will not be cut down. Mr. Papsin asked that the map include the markings and provide more detail on the width of the trail and the location of the wetlands. It was agreed that the wetlands would be marked in the field before the site inspection.

Other Business:

Revisions to Section 15 of the Inland Wetlands and Watercourses Regulations:

Mr. Papsin tabled this discussion for the 7-27-2022 regularly scheduled IWC meeting.

Enforcement and Compliance Initiatives:

Tabled until 7-27-22 meeting.

Administrative Business:

None

Communications:

A call from Nettleton Hollow regarding the flow of Sprain Brook.

There was a brief discussion regarding the lack of rain and the low flow of many of the watercourses.

Adjournment:

Motion: To adjourn the meeting at 8:01 pm, by Mr. Bennett

Respectfully submitted,

Shelley White

Shelley White
Land Use Administrator
7-20-2022

Link to recording of meeting:

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**TOWN OF WASHINGTON
BRYAN MEMORIAL TOWN HALL
PO BOX 383
WASHINGTON DEPOT, CT 06754**

INLAND WETLANDS COMMISSION SITE INSPECTION REPORT

- I. APPLICATION # IW-22-23 INSPECTION DATE: 05/31/22
- II. NAME: John Harris TIME: 15:30
- III. PROPERTY ADDRESS: 254 New Milford Turnpike
- IV. REASON FOR APPLICATION: Construction of fence, house demolition, shed removal, deposition of materials in URA.
- V. COMMISSION MEMBERS PRESENT: Robert Papsin, Bruce Bennett, Joline Audet, Jennifer Bogue, Melinda Ely Dubow, Christopher Koppel
- VI. STAFF PRESENT:
- VII. OTHERS PRESENT: Dean Pushlar (Licensed Landscape Architect)
- VIII. OBSERVATIONS:

The commission arrived to meet Dean Pushlar (Licensed Landscape Architect) on site. Owner wishes to create a parking for The White Horse Country Pub. The parking lot will occupy the area where a house was recently demolished. Owners will have to fix all violation before continuing further work.

Owner will remove gravel and lightposts 7' 6" back from property line. The exposed topsoil will be seeded with a no-mow fescue mix. Owner rep states there is no landscape fabric under current gravel area.

Toward the top of the hill, above the pond, all trash, broken shed, demolition debris, and wood is to be removed, and back to virgin soil. Swamp maple to be planted in this space. Owner will also submit a raingarden planting area, complete with a 5 year maintenance plan. Existing drain that was not permitted to be removed, pitch changed, to send water toward future raingarden, bioretention area, with separator.

Water coming from the springhouse up the hill will be tested, to be sure there is no septic contamination.

Down the hill, dead and dying Fraxinus (ash) trees to be removed. Stumps will be left to avoid soil disturbance. Trees will be replaced with native shrubs. Shrubs will also be planted by hand in open pockets along river. Dumpster area to be relocated away from the river edge, due to runoff and contamination concerns. Owner will locate sources of drain lines emptying directly into the river. Rain garden buffer area to be created with a

bioretention basin, to help slow direct runoff into river. This garden will run from the property line edge to the bridge.

SITE INSPECTION COMPLETION TIME: 16:30

Respectfully Submitted:

Christopher Koppel