

Town of Washington
Inland Wetlands Commission
MINUTES
Regular Meeting
May 27, 2020

7:00 p.m.

Zoom Video Conference

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

Staff Present: Ms. White, Mr. Tsacoyannis

Also Present: Mr. Gendron, Mr. Szymanski, Mr. Tobin, Ms. Zukauskas, Mr. Weaver, Mr. Sabin,
Members of the Public

Call to Order:

Mr. Papsin called the meeting to order at 7:10 pm.

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

Consideration of the Minutes (00:37):

Regular Meeting Minutes: 5-13-2020:

The Commissioners considered the May 13, 2020, Regular Meeting Minutes:

MOTION: To approve the May 13, 2020, Regular Meeting Minutes as amended, by Ms. Branson, seconded by Mr. LaMuniere, passed 5-0 vote.

Special Meeting Minutes: 5-20-2020 – Site Visit Report - 23 Loomarwick Rd (lakeside)/Permit #IW-20-19:

The Commissioners briefly discussed whether pea stone or grass would be in the area of the shed. It was agreed that the Commissioners would discuss this with Mr. Szymanski under Pending Applications.

MOTION: To approve the Special Meeting Minutes submitted by Mr. LaMuniere for the 5-20-2020 Site Visit at 23 Loomarwick Rd (lakeside)/Permit #IW-20-19, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

Special Meeting Minutes: 5-20-2020 – Site Visit Report - 5 East Shore/Permit #IW-20-21:

MOTION: To approve the Special Meeting Minutes submitted by Mr. Papsin for the 5-20-2020 Site Visit at 5 East Shore Rd/Permit #IW-20-20, by Mr. LaMuniere, seconded by Mr. Bennett, passed by 5-0 vote.

Subsequent Business (04:27):

MOTION: To include Consideration of the Special Meeting Minutes submitted by Mr. Bennett for the 5-20-2020 Site Visit at 127 West Shore Road/Permit #IW-20-15, and Item D. under New Applications to be Received by the Commission for application submitted by Dirk Sabin, Ltd for Potolsky at 131 West Shore Rd, application for Permit #IW-20-27 for removal of invasive plants and replace with native planted buffer, by Mr. Papsin, seconded by Mr. LaMuniere, passed by 5-0 vote.

Special Meeting Minutes: 5-20-2020 - Site Visit Report – 127 West Shore Rd/Permit #IW-20-15:
MOTION: To approve the Special Meeting Minutes submitted by Mr. Bennett for the 5-20-2020 Site Visit at 127 West Shore Rd/Permit #IW-20-15, by Ms. Branson, seconded by Mr. LaMunier, passed by 5-0 vote.

Pending Applications:

Tobin for Donovan/127 West Shore Rd/Application for Permit # IW-20-15/to build shed within the review area (06:19):

Mr. Tobin was present to represent the property owner.

Mr. LaMunier asked how the application will reflect the revised plan to place the shed on 4 x 4 posts.

Mr. Papsin responded that the Commission could make it a condition of approval.

MOTION: To approve the application submitted by Tobin for Donovan at 127 West Shore Rd for Permit #IW-20-15 to build a 6'x 8' storage shed/boathouse in the review area per application dated 4-24-2020 and plan titled "Zoning Location Survey" prepared for Michael and Ashleigh Donovan by T. Michael Alex, L.S. dated March 2020 with revision dates of 4/22/2020, 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, 4. that upon inspection the structure is placed on 4'x4' posts 36" in the ground at each corner, rather than on gravel, with no disturbance to the ground other than the holes for sinking posts into the ground at 36 inches, 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. Bennett and seconded by Ms. Branson, passed by 5-0 vote.

A.H. Howland & Associates for LGA Holdings, LLC/23 Loomarwick Rd (lakeside)/Application for Permit #IW-20-19/ Lakeside improvements (13:15):

Mr. Szymanski was present to represent the property owners.

Mr. LaMunier stated that the stone infiltration trench that is proposed along West Shore Road should perform pretty well in controlling the runoff from the road into the property. He asked if there would be overflow during a large rain event at the eastern end of the proposed stone lined swale that proposes to carry the excess water to a proposed rain garden and if there should be an alternate egress route for the water that will connect to the rain garden in this case.

Mr. Szymanski stated that there is a low point in the grading of the property at the swale that is just uphill of the 15 inch pipe that goes underneath the roadway where the grass between the proposed infiltration trench and Loomarwick Road is built up to the curb and that is what is allowing the water to gather velocity along Loomarwick Road. Mr. Szymanski stated they are

proposing to remove that “berm” of lawn and are planning on levelling it with the roadway so the water will flow off the roadway instead of collect. He noted that there is a high level overflow for the infiltration trench with a stone swale that connects to the rain garden on the west side.

Mr. LaMunier noted that, in the 6' x 3' foot structure, a lot of sediment would fill the 24" pvc pipe fairly quickly during a large storm event. He asked how that would function.

Mr. Szymanski responded that the intent and purpose of that structure is to redirect the first flush of runoff to the rain garden and then into the wet pond and included that it does not have sediment trapping capability. He stated that they are proposing rip rap into the existing swale on the east side of Loomarwick Road that is currently eroding as well as fix the upgradient erosion approximately 50-75 feet on Loomarwick Road. He explained how the contractor will be working with the Mr. Smith from the Highway Department to mitigate the sedimentation and erosion occurring on Loomarwick Road.

Mr. LaMunier asked if the wet pond is intrinsically necessary for the whole functioning of the sedimentation and drainage control system.

Mr. Szymanski responded that they observed the scum line on the properties to the east and west of this property and were able to see that the high water line is approximately at the elevation of where the water is now at the lake, which is outside of the boundary where they are proposing the wet pond and the boulders. Mr. Szymanski stated that the large boulders will be important in that they break up the wave action in the cove area and the wet pond adds to the treatment of the runoff and, in his professional opinion, is not part of the lake.

Mr. Szymanski discussed the construction schedule for this proposed project. He informed the Commissioners that the property owners would begin the project late summer and should take two to three weeks to finish.

The Commissioners agreed that it should be a condition that the construction of the boulder wall should be monitored by the WEO before the boulders are put in place to see the proposed layout, then report to the Commission for discussion and consideration.

Mr. Szymanski stated that they will stake out the edge of the boulders facing the lake, then have the WEO come out to review and make sure it is adequate before they started and they would provide a post construction as-built to the IWC with all the features as part of a condition of approval to ensure that all the improvements were done per the proposed plan. He added that the Commission would be kept informed before, during and after the project to ensure that the construction was done per approved plans. Mr. Szymanski addressed the Commission's questions regarding the flat 8' x 30' area. He explained that the proposed plan indicates a pea stone infiltration area that has sod on top that is pitched back from the lake. He noted that there is zero runoff into the lake as there is full infiltration which provides greater treatment of the water. Mr. Szymanski clarified that this flat area will require a 4 foot cut for the retaining wall. He informed the Commission that this would allow for a usable 240 square foot area for a dock box, a couple of chairs and a grill. He added that the stone wall adds a permanent long term stabilization of the the slope that is eroding at the this time.

Mr. Szymanski explained that the rain garden would capture the sediments and that would be maintained and the wet pond capture the high level overflow from the rain garden. He added that in the first year they will have to weed the wet pond area until the plantings have been established. The property owners have offered to maintain the sump on Loomarwick Road by removing the sediment from it once a month and provide photo documentation to the Land Use Office and are willing to make this a condition of approval. Mr. Szymanski added that the rain garden may require sediment removal once every couple of years and feels that the maintenance of the rip rap on Loomarwick Road would be the responsibility of the Town Highway Department.

The Commissioners discussed whether they would like to get a second opinion on this proposed project regarding the effectiveness of the system handling the runoff and the impact of cutting into the slope for the retaining wall and making sure it does not encroach upon the lake. Mr. Bennett stated that the condition, as it exists now, is not acceptable and this plan proposes to improve the conditions. The Commissioners agreed that they would like Mr. Hayden from the Lake Waramaug Task Force to review the plan and provide a report addressing the Commission's concerns. The Commission also agreed that they would like a maintenance plan that is recorded on the Land Records to be a condition of approval.

Mr. Bennett requested confirmation that there is a disagreement among the Commissioner of the IWC whether or not they are being asked to approve a plan that includes building into the lake and that is why the WEO needs to be involved and observe all phases of construction. The Commissioners agreed.

Mr. Szymanski will request a report from Mr. Hayden and will forward the report to the Land Use Department.

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

Ms. Branson recused herself as she is a member of the Conservation Commission.

Town of Washington/5 East Shore/Application for Permit #IW-20-21/Invasive removal and regular maintenance (52:53):

The seated Commissioners all feel that this plan is an improvement and are in favor of approving it.

MOTION: To approve the application submitted by the Town of Washington at 5 East Shore Rd for Permit #IW-20-21 for invasive plant removal and regular maintenance per application dated 4-1-2020 and survey prepared for The Town of Washington – 5 East Shore Rd by T. Michael Alex, L.S. dated September 13, 1984 with revision date of 6-6-07, and the accompanying documents on file for this application. This permit is valid 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 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 Mr. LaMuniere and seconded by Mr. Bennett, passed by 4-0 vote.

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

McCullers/4 Plumb Hill Rd/Application for Permit #IW-20-22/Stone Terrace Modifications & Tree Removal (55:35):

Mr. Weaver, Architect, was present to represent the property owners. He noted that the trees are tagged with different color tags to indicate which trees are to be removed and which are to be pruned. He explained that the current terrace was partially demolished but the retaining walls around the perimeter and stone base are still in place but the bluestone has been lifted to allow demolition of the previous bay windows to allow for the reconstruction of the east façade. Mr. Weaver stated that they could stake out those areas for the Commission.

The Commissioners stated that they have some questions and concerns regarding this application and would like to schedule a site visit to the property.

Mr. Papsin stated that he would like to schedule site visits for the New Applications as well and they would have to schedule them for two days.

A site visit was scheduled for Tuesday, June 2, 2020 at 4:30 pm.

New Applications (58:56):

Ms. White will put together hard copies of the plans for the Commissioners to pick up at the Town Hall before the site visits.

Steep Rock/124 Christian St/Application for Permit #IW-20-24/Construction of Passive Recreation Structures within regulated area:

The Commission accepted this application and scheduled a site walk for Wednesday, June 3, 2020, at 4:30 pm.

A. H. Howland & Associates for DLT Properties of Washington, LLC. /157 Nettleton Hollow Rd/Application for Permit #IW-20-25/Construction of Single Family Dwelling w/Related Appurtenances within regulated area:

The Commission accepted this application and scheduled a site walk for Tuesday, June 2, 2020, at 5:15 pm.

Dirk Sabin, Ltd. for Chaszar/8 Painter Ridge Rd/Application for Permit #IW-20-26/Screening berm, planting, redirecting drainage, entry stair renovation within review area:

The Commission accepted this application and scheduled a site walk for Tuesday, June 2, 2020, at 4:00 pm.

Dirk Sabin, Ltd for Potolsky/131 West Shore Rd/Application for Permit #IW-20-27/Removal of invasive plants and replace with native plant buffer:

The Commission accepted this application and scheduled a site walk for Wednesday, June 3, 2020, at 4:00 pm.

Enforcement:**Enforcement Activity Report (1:07:22):**

Mr. Tsacoyannis review his report with the Commissioners:

- 131 West Shore Rd: The Commission discussed the work that they noticed was being done when they were on another site visit. Mr. Tsacoyannis issued a cease order and the property owner has submitted an application and planting plan. Silt fencing was also installed.

MOTION: to authorize the Enforcement Officer, Agent for the Commission, to issue a fine in the amount of \$350.00 to Potolsky, property owner of 131 West Shore Rd, for work performed in a regulated area without a permit, by Mr. Bennett, seconded by Mr. Bedini, passed 5-0 vote.

- 223 Litchfield Turnpike: Mr. Tsacoyannis received an anonymous phone call stating that soil was being deposited into the wetlands on the property. He confirmed and notified the property owners and they were instructed to remove it. Mr. Tsacoyannis stated that he would be visiting the property tomorrow to check that the deposited soils were removed and from what he observed the soil was not contaminated.

MOTION: to authorize the Enforcement Office, Agent for the Commission, to issue a fine in the amount of \$500.00 to Community Table at 223 Litchfield Turnpike, for deposition of materials in a wetland without a permit, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

Mr. Tsacoyannis reviewed the permits that were closed and the agent approvals that had been issued since the last IWC meeting.

- 47 West Shore: Mr. Tsacoyannis stated that he granted a two year extension to IW-18-24 to allow removal of invasive plants and steel poles on concrete slabs and concrete. He stated that the shoreline has been restored of which he took photos and sent to the Commissioners. The Commissioners agreed that they were comfortable with the photographs of the restoration of the shoreline.
- 60 River Road: Mr. Tsacoyannis noted that he continues to monitor the activity on the property. He stated that he is working with the property manager to see if there has been a violation.
- 90 Tinker Hill Road: The Land Use Office is still waiting for an as-built of the work that was done on the property.
- 136 West Shore Road: Fine was paid in January and Land Use was not notified.
- 169 West Shore Road: Mr. Tsacoyannis stated that he expects to receive the planting plan soon. Both areas are stable and there is growth.
- 323 West Shore Road: work has begun on the site and he sent photos out to the Commissioners. He feels the shoreline has been restored and that the property owners may proceed to the planting plan and seating area.

Other Business:

There was no other business to discuss.

Administrative Business:

There was no administrative business to discuss.

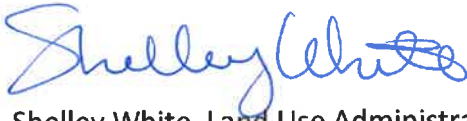
Communications:

There were no communications to discuss.

Adjournment:

MOTION: To adjourn at 8:36 pm by Mr. Papsin, passed unanimously.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Shelley White". The signature is fluid and cursive, with the first name "Shelley" being larger and more prominent than the last name "White".

Shelley White, Land Use Administrator
June 3, 2020