

# Inland Wetlands Commission

## MINUTES

### Regular Meeting

August 28, 2019

7:00 p.m.

Main Level Meeting Room

**Members Present:** Mr. Papsin, Mr. LaMuniere, Mr. Bedini, Ms. Branson, Alt.

**Members Absent:** Mr. Bennett, Mr. Davis, Mr. Kassis

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

**Public Present:** Mr. Francis, Mr. Neff, Atty. Ebersol, Ms. Turoczi, Mr. Young, Mr. Hrica, Mr. Charles

#### Call to Order:

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

**Seated:** Mr. Papsin, Mr. LaMuniere, Mr. Bedini, Ms. Branson, Alt.

#### Consideration of the Minutes (0:17):

**MOTION:** To approve the August 14, 2019, Regular Meeting Minutes as submitted, by Mr. Bedini, seconded by Ms. Branson, passed 4-0 vote.

#### Consideration of the Minutes from Site Visit of, August 20, 2019 (0:29):

**MOTION:** To approve the minutes of the August 20, 2019, Site Visit at West Shore Rd (MBL 12-6-24) for Permit #IW-19-38, with the addition of Dave Wilson in attendance and correct spelling of Sean (Shaun), by Mr. Papsin, seconded by Mr. Bedini, passed 4-0 vote.

#### Subsequent Business (1:25):

Ms. White informed the Commissioners that a petition came in today and will be added to the discussion under item F. on the agenda.

#### Pending Applications:

##### **Walberg/113 West Shore Rd/Permit #IW-19-34/Repair existing dock, deck and bulkhead (2:05):**

Mr. Young was present to represent the Walbergs, property owners of 113 West Shore Rd. He reviewed what was discussed at the last meeting. The decking on the dock and deck were rotting and they are proposing to replace it with composite decking. He noted that he plans to patch any cracks in the foundation of the bulkhead. Mr. Young stated that they will come back to the Commission if, once the existing decking is removed, any extensive repairs are needed to the bulkhead. Mr. Wilson informed the Commissioners that there will not be any increase in the size of the structures, no soil disturbance and no large equipment used.

There were no further questions from the Commission.

**MOTION:** To approve Permit #IW-19-34 - Walberg at 113 West Shore Rd – to repair existing dock, deck, and bulkhead , per the hand-drawn plan and Proposed Construction Sequence by Peter Young, dated 8-7-19 , 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 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, and 4. that silt fence be installed prior to construction; 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. LaMuniere and seconded by Ms. Branson, passed by 4-0 vote.

**Ricker/88 East Shore Rd/Permit #IW-19-35/Replace existing septic system (4:30):**

Mr. Neff, P.E. was present to represent the Rickers, property owners of 88 East Shore Rd. He reminded the Commissioners that the site is very difficult because of the slope and that this proposed septic plan has approved variances by both the local and state Departments of Health. The Commissioners looked at the plan titled “Septic System Replacement Plan” by Brian E. Neff with a revision date of 7-29-19. Mr. Neff stated that there have been no changes to the proposed plan since the last meeting on August 14, 2019.

There were no further comments.

**MOTION:** To approve Permit #IW-19-35 – Ricker at 88 East Shore Rd to replace existing septic system, per plan titled “Septic System Replacement Plan” by Brian E. Neff, revision date of 7-29-19, 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 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, and 4. that silt fence be installed prior to construction; 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 Ms. Branson and seconded by Mr. LaMuniere, passed by 4-0 vote.

**PH Partners, LLC/49 Potash Hill Rd/Permit #IW-19-36/Construction of SFD with associated appurtenances (7:53):**

Mr. Francis, from Arthur H. Howland & Associates, was present to represent the property owners of 49 Potash Hill Rd. He confirmed that there were no changes to the proposed plan reviewed at the last meeting on August 14, 2019.

There were no further questions from the Commission.

**MOTION:** To approve Permit #IW-19-36 - PH Partners, LLC at 49 Potash Hill Rd to construct single family dwelling with associated appurtenances, per plans titled “Proposed Site Development & Soil Erosion Control Plan” prepared for PH Partners, LLC., by Arthur H. Howland & Associates, sheet SD.1 dated July 25, 2019, 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. any changes to the plans as approved must be submitted immediately to the Commission for review, and 4. that silt fence be installed prior to construction; 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 and seconded by Mr. LaMuniere, passed by 4-0 vote.

**Bentzen/341 Nettleton Hollow Rd/Permit #IW-19-37/ Pond Silt Basin Dredging (11:40):**

Mr. Neff, PE., was present to represent the property owners for this application. He informed the Commissioners that this was a maintenance proposal and the proposed plan has not changed since the last Inland Wetlands meeting on August 14, 2019. Mr. Neff noted the silt fencing installation indicated on the plan.

There were no further questions.

**MOTION:** To approve Permit #IW-19-37 – Bentzen at 341 Nettleton Hollow Rd for pond & silt basin dredging per plan titled “Pond Maintenance Plan” by Brian E. Neff, dated 8-8-19, 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 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, and 4. that silt fence be installed prior to construction; 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. LaMuniere and seconded by Ms. Branson, passed by 4-0 vote.

**Issavi/166 East Shore Rd/Permit #IW-39-19/Installation of underground utilities and removal of existing pier (15:56):**

Mr. Francis was present to represent the property owners of 166 East Shore Rd for this application. The property owners are proposing to remove the existing concrete pier and install 2 underground utility conduits. Mr. Francis stated that they added silt fencing and hay bales to the plan titled “Site Development Plan,” prepared for Emil Issavi by Arthur H. Howland & Associates, revision dated 8-15-19, sheet SD.1 per the Commission’s request. There is a little over 2 yards of concrete that they will be removing. He noted that they will be leaving the existing fieldstone. At the request of the Commission, Mr. Szymanski offered to put silt fencing along the trench and hay bales around the catch basin for extra erosion control.

There were no further questions from the Commission.

**MOTION:** To approve Permit #IW-19-39 - Issavi at 166 East Shore Rd for Installation of underground utilities and removal of existing pier, per plans titled “Site Development Plan” prepared for Issavi, by Arthur H. Howland & Associates, sheet SD.1 revision dated 8-15-19, 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. any changes to

the plans as approved must be submitted immediately to the Commission for review, and 4. that silt fence be installed prior to construction; 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 Ms. Branson and seconded by Mr. Bedini, passed by 4-0 vote.

**Williams/West Shore Rd (MBL 12-6-24)/Permit #IW-19-38/Replace stairs, construct landings and walls (19:35):**

Ms. White explained that a signed petition was delivered to the Land Use Office today around 3:30 p.m.

Mr. Papsin stated that this petition will not be accepted tonight as it needs to be submitted 14 days prior to the meeting and the signatures need to be certified by the Town Clerk.

Mr. Neff stated that they have contacted the Connecticut Department of Transportation and are examining the drainage situation at this location. He informed the Commission that he did not have any revised plans at the moment and the property owner has taken the feedback from the Commission under advisement. Mr. Neff stated that they will hopefully have a revised plan for the next meeting on September 11, 2019.

Mr. Papsin asked the Commissioners what they thought of bringing in a third party to review and provide an opinion on this project due to the complexity of this proposed plan and the site. He stated that Ms. White will contact LandTech to get an estimate.

The Commissioners agreed that it is important that the Commission has a third party consider alternatives but they should wait to see what the CTDOT comes back with regarding the drainage so it can be included in the plan that is sent to the third party.

Mr. Papsin recused himself from the following discussion and seated Mr. Bedini as Chair.

**Seated: Mr. LaMuniere, Mr. Bedini, Ms. Branson**

**Collins/323 West Shore Rd/Permit #IW-40-19/Construct stone sitting area in the upland review area (24:25):**

Attorney Ebersol, Mr. Hrica, P.E., and Ms. Turoczi from Earth Tones were present to discuss this application for the property owners at 323 West Shore Rd. Atty. Ebersol acknowledged the letter that was submitted by Mr. Wilson on behalf of the Lake Waramaug Association.

Ms. Turoczi reviewed the drawing titled "Existing Conditions," prepared for Jay Collins by Earth Tones, LLC., with a revision date of 8-14-19. She indicated where the native trees, shrubs, and plants were located. The "Existing Conditions" drawing also indicated the invasive plants and the different mechanical control methods to use for removal. She explained the different methods and reaffirmed that this work would be done by hand with a trowel and shovel with minimal soil disturbance. The Commissioners and Ms. Turoczi looked at the plan titled "Planting Plan Shore Line Buffer Enhancement," prepared for Jay Collins, by Earth Tones, with an amended date of 8-27-19. Ms. Turoczi explained that the new one gallon and starter plug size native plantings would be put in the holes that were made when pulling out the invasive plants. In addition, she noted that they will take advantage of even more opportunities to provide native plantings.

Ms. Turoczi discussed the three different zones and the plantings that would work in each zone. She reviewed the Sequence of Activity and Maintenance Plan that was added to this amended version of the plan.

The Commissioners asked about the duration of the maintenance plan. They briefly discussed the possibility of the property owner committing to a maintenance plan.

Atty. Ebersol stated that Mr. Collins would agree to have Ms. Turoczi come back in two times in the growing season of next year to make sure the plants have taken. Ms. Turoczi stated that she could provide the Commission a report on her findings and will include photos.

Ms. Turoczi reviewed the plan titled "Sitting Area & Shore Line Buffer Restoration," prepared for Jay Collins by Earth Tones, LLC. dated July 7, 2019. She discussed how the original shoreline has been restored, remove the patio, and add more native plant material. She stated that they will leave any existing native plants, and bring in some new plant material to replace what was destroyed during the construction of the patio. Ms. Turoczi added that they would be adding more soil and plant material behind the large rocks to stabilize the shoreline. The stones will be set 10 inches or more apart to create a total surface area that is a ratio of 50% to 50% pervious to impervious. It was noted that there will be vegetation in between the stones and no stone will be more than 4 square feet. Ms. Turoczi added a handwritten note to the above-mentioned plan and dated it 8-28-19.

The Commissioners agreed that the maintenance plan should include this portion of the project as well. Atty. Ebersol was in agreement.

Mr. Hrica, P.E., stated that he will provide an Existing Conditions Plan with spot elevations if the Commission is willing to make it a condition of approval.

**MOTION:** To approve Permit #IW-19-40 - Collins at 323 West Shore Rd for Installation of stone sitting area in upland review area and enhancement of shoreline buffer, per plans titled "Sitting Area & Shoreline Buffer Restoration" dated July 7, 2019 with initialed revisions dated 8-14-19 and 8-28-19, and "Planting Plan Shore Line Buffer Enhancement" with amended date of 8-27-19, prepared for Collins, by Earth Tones, LLC., for two (2) years with the following conditions: 1. there will be a maintenance plan including monitoring the site two times in the following year after completion, 2. an additional map with spot elevations will be provided for the Land Use Office to file in the records, 3. 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, 4. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and 5. any changes to the plans as approved must be submitted immediately to the Commission for review, and 6. that silt fence be installed prior to construction; 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. LaMuniere and seconded by Mr. Bedini, passed by 3-0 vote.

**Seated: Mr. Papsin, Mr. LaMuniere, Mr. Bedini, Ms. Branson, Alt.**

#### **Enforcement:**

#### **Enforcement Activity Report**

#### **List of Files Closed by WEO – Projects Signed Off as Completed Per Approved Permit (58:42)**

Mr. Tsacoyannis stated that he will be emailing 101 Wykeham Rd, LLC. to request a schedule. He informed the Commissioners that he will be contacting the property owner of 47 West Shore Rd to let him know that he needs to apply for a variance for his patio structure with the Zoning Board of Appeals.

The Commission and Mr. Tsacoyannis discussed the progress on River Rd. Mr. LaMunier asked if a planting plan has been submitted. Mr. Tsacoyannis stated that a planting plan was submitted for the maple trees.

Mr. Tsacoyannis informed the Commissioners that the Land Use Office received a complaint that there was tree cutting on Route 202 near the White Horse. He stated that he checked and they were just trimming limbs.

**Administrative:**

**Review Conservation Commission Meeting Minutes from 6/5/19 and 7/10/19 (1:10:31)**

Mr. Papsin stated that Ms. White will be providing the Commissioners with a copy of the Conservation Commissions monthly meeting minutes so that the IWC can stay informed.

**Communications:**

There we no communications to discuss.

**Adjournment:**

**MOTION:** To adjourn at 8:14 pm, by Mr. Papsin, passed unanimously 4-0 vote.

Respectfully Submitted,

Shelley White  
Land Use Administrator  
September 4, 2019