

# March 14, 2012

7:00 p.m. Land Use Meeting Room

**MEMBERS PRESENT:** Mr. Bedini, Mr. LaMuniere, Mr. Wadelton

**MEMBERS ABSENT:** Mr. Bohan, Mrs. Hill

**ALTERNATES PRESENT:** Ms. Cheney, Mr. Martino, Mr. Papsin

**STAFF PRESENT:** Mr. Ajello, Mrs. J. Hill

**ALSO PRESENT:** Mr. Smith, Mr. Neff, Press

Mr. Bedini called the Meeting to order at 7:00 p.m. and seated Members Bedini, LaMuniere, and Wadelton and Alternates Martino and Papsin for Mrs. Hill and Mr. Bohan.

## Consideration of the Minutes

MOTION:

To accept the 2/15/12 Public Hearing minutes as corrected.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 5-0.

Page 7 and throughout: "Mr." Cohen should be "Dr." Cohen.

Pages 1 – 10: Mrs. J. Hill noted that Atty. Williams had sent corrections regarding some of the technical presentations for The Gunnery application. These had been forwarded to the commissioners for review. It was agreed to accept these corrections and to attach them to the original minutes on file.

*A copy is also attached to these minutes and can be reviewed by clicking [HERE](#)*

MOTION:

To accept the 2/22/12 Regular Meeting minutes as corrected.

By Mr. LaMuniere, seconded by Mr. Papsin, and passed 5-0.

Page 4: 2nd line under Long: Mr. Long was issued the permit. Delete: "Wright, electrician."

MOTION:

To accept the 3/1/12 Special Meeting minutes as written.

By Mr. Papsin, seconded by Mr. Martino, and passed 5-0.

## Pending Applications

The Gunnery, Inc./22 South Street/#IW-11-40/Install Athletic Fields:

Mr. Bedini noted the Commission had worked on a possible motion of approval and that this had been reviewed by Atty. Olson. All of the commissioners had reviewed the draft motion. Mr. LaMuniere noted that under consideration was the second motion from Atty. Olson, which addressed the performance bond without knowing what its exact amount would be. He thought the amount of the bond for the Montessori School construction plus 10% might be a reasonable

amount for this bond. Two minor revisions to the motion were made: 1) page 3: In #3 WIWC was inserted before "enforcement officer." 2) page 4: In #9 (s) was added to "contractor." Mr. Wadeldon read the revised draft motion for the record. There was no further discussion

MOTION: A. Washington Inland Wetlands Commission (WIWC) Findings:

1. The application is to conduct regulated activities in connection with the establishment of two recreational fields to be associated with The Gunnery School.
2. The applicant provided information to the WIWC from qualified engineering and environmental consultants indicating that, with proper installation and management, the proposed regulated activities would have minimal impacts, if any, on wetland and watercourses resources.
3. Whereas, the evidence in the record demonstrates that the activities proposed in the application, as revised during the public hearing and in accordance with the conditions stipulated below, will have no significant adverse impacts on wetlands or watercourses on or in the vicinity of the subject property;
4. Whereas, because the applicant has sufficiently demonstrated that there will be no significant adverse impacts on wetlands and watercourses, it is not necessary for the WIWC to consider whether there are feasible and prudent alternatives to the proposed activities with less impact, the applicant nonetheless explained to the WIWC's satisfaction the alternatives that it had considered and the valid reasons for rejecting them;
5. Although members of the public and the interveners submitted information and expressed concerns with regard to the proposed activities, the information was not sufficient to demonstrate that the proposed regulated activities would pose any significant or enhanced risk of harm to wetlands and watercourses;
6. Whereas, the evidence received by the WIWC, in total, does not demonstrate that the proposed regulated activities would have, or would be reasonably likely to have, the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, or other natural resources of the state;
7. Whereas, the WIWC has considered the petitions of the interveners, their record submissions and supporting testimony and finds that they have failed to meet their burden of proving that the applicant's proposed activities are reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in air, water, or other natural resources of the state, and
8. Whereas, the WIWC finds that the interveners' request to deny the application on grounds of procedural errors is not supported by the record; and 9. Whereas, the WIWC, after considering all of the evidence presented during the public hearing, finds that the applicant, The Gunnery, Inc., has satisfied the requirements for a permit as set forth in the Connecticut General Statutes and Washington Inland Wetlands and Watercourses Regulations;

B. Decision

Based upon the foregoing findings and all the evidence provided, the WIWC approves Application #IW-11-40 submitted by The Gunnery, Inc. for athletic fields at 22 South Street per the plans, "South Street Athletic Fields," 8 sheets, by Smith and Company, dated 10/3/11 and revised to 1/31/12 and supporting documents; the permit shall be valid for 5 years and is subject to the

following conditions:

1. Performance Bond:

The applicant shall submit a cash performance bond in an amount equal to the costs of securing the site against any possible risks of adverse impacts to the wetlands and watercourses in conjunction with construction on or use of the site. The amount of the cash bond shall be estimated by the applicant's consultants within fifteen (15) days of approval. The estimate shall be subject to review by the WIWC's consultant(s) and the amount of the bond shall be finally established at the discretion of the WIWC. The cash performance bond shall be submitted to the Town by the applicant prior to the onset of construction. The establishment of a cash bond to ensure the faithful performance of the proposed regulated activities and to secure the wetlands and watercourses from potential harm is an integral part of this permit approval and, without such bond, this permit shall be null and void. The bond shall be held by the Town of Washington throughout the construction and subsequent monitoring periods. These monies may be used by the Town to secure the site in the event that malperformance or neglect by the applicant or its agents is deemed by the WIWC to create a risk of adverse impact to inland wetlands or watercourses. If the Town uses any bond funds pursuant to this condition, the applicant must, within fifteen (15) calendar days, replenish or restore the bond to the original amount before any construction may continue.

2. Consultant's Bond:

A qualified professional consultant in erosion and sedimentation control and stormwater management, acceptable to the WIWC, shall, on behalf of the Commission, monitor job site conditions for any unanticipated erosion and sedimentation risks, and confirm compliance with application details and the use of best management practices. The applicant shall be responsible for all of this qualified professional's fees for these services and shall, no later than the date of commencement of construction, submit to the Commission a cash bond, which shall be held by the Town and which must be maintained in the amount of \$5,000 throughout all phases of construction and monitoring. The Town shall pay the professional's fees from this bond and the applicant shall replenish the bond to the full \$5,000 amount within 15 calendar days thereof. The professional will issue a report to the Land Use Office, with a copy to the applicant, after each site inspection according to the following inspection schedule: Periodically, at the request of the Land Use Enforcement Officer as he or she deems necessary to ensure compliance with the permit and its conditions

- During the time of construction of level spreaders and sediment traps
- A minimum of once a week during general construction
- After any rainfall event of 2 inches or more within a 24 hr. period
- At any time at the request of the Land Use Enforcement Officer or because of malperformance, neglect, or serious weather conditions
- Seasonally post construction throughout the monitoring period

3. A Pre Construction Meeting shall be held on site at which time the construction managers shall deliver detailed and specific construction sequences to the WIWC enforcement officer and to the WIWC's consultant. These sequences should adhere to the approved sequences in the plans and be augmented by more specific description and timing.

4. The Site Shall Be Monitored seasonally for two (2) full years after the completion of construction and not until the disturbed areas of the site are fully stabilized. The site shall not be deemed to be

fully stabilized until the Commission makes a specific finding to that effect, thus signifying the beginning of the post construction monitoring period. Long term maintenance of the stormwater management system shall comply with the maintenance schedule provided by the applicant

5. Any Proposed Change in the Approved Plans and/or the Supporting Documents must be reviewed by the enforcement officer prior to implementation. The enforcement officer may authorize minor changes or reductions in the scope of regulated activities, provided that any such changes shall be reported to the Commission immediately, and further provided that the Commission may require a permit modification for such changes if it finds that they may have a previously unanticipated impact on wetlands or watercourses. Any substantial changes, such as changes in location, enlargements, or changes that may in any way impact wetlands and/or watercourses must be approved by the Commission prior to implementation.

6. Construction Period:

All excavation and grading shall be performed during a dry season between April 1st and October 1st. Disturbed areas shall be revegetated and/or mulched by October 1st in preparation for winter dormancy

7. Excess Wood Chips shall be removed permanently from the site and shall not be deposited on the forest floor. Wood chips used for temporary erosion control measures shall be collected and removed after use. References in the plans to the spreading of wood chips on the forest floor in #2 and #22 of The Sequence of Work for Site Construction shall be deleted.

8. Pesticide, Herbicide, and Fertilizer Applications shall strictly follow the guidelines of The Turf Management Plan submitted by Environmental & Turf Services, Inc. dated 2/2/12.

9. All Conditions of Approval shall be noted on the final construction plans. Four copies of the final plans shall be submitted to the Land Use Office and at least one copy of both the motion of approval and of the final plans shall be given to the contractor(s) prior to the commencement of work.

10. The Applicant Shall Notify the Land Use Office at least 48 hours prior to the commencement of work so that the Wetlands Enforcement Officer or the WWC's consultant can inspect and approve the erosion control measures.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 5-0.

On behalf of the applicant, Mr. Smith thanked the Commission for its time and effort.

Riano/154 Shearer Road/#W-12-06/Install Fire Pond:

Mr. Smith, surveyor, noted that since the last meeting a letter in support had been received from Mr. Showalter, Fire Chief. Mr. Showalter had requested an opportunity to comment on the hydrant locations and the pipe fitting specifications and Mr. Smith read the notes that had been added to the plans in response. Mr. Wadelton thought the change in location of the hydrants was reasonable. The plans, "Overall Site Plan, Proposed Fire Pond," 3 sheets, by Smith and Company, revised to 3/14/12 were reviewed.

## **MOTION:**

To approve Application #IW-12-06 submitted by Riano to install a fire pond at 154 Shearer Road in accordance with the plan by Smith and Company dated 10/25/11 and revised to 3/14/12; the permit shall be valid for 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 WEO 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 change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. Wadelton, seconded by Mr. Bedin, and passed 5-0.

## **Other Business**

### Bol/44 Slaughterhouse Road/Request to Revise Permit #IW-08-25:

The map, "Proposed Site Plan," by Mr. Neff, dated 2/2/08, and revised to 3/7/12 was reviewed. Mr. Ajello explained that when the building had been demolished it became apparent that the existing foundation would not be adequate to support the new construction, and therefore, the permit was being revised to include the excavation and construction of a new foundation. The limit of disturbance would not increase, mainly because there was no room on the property. Mr. LaMuniere asked if the cellar would be extended. Mr. Ajello said the footprint would not change, but areas that had previously been crawl space would become full basement. All excavated soil will be taken off site. Mr. Ajello noted the exterior bilco door would be eliminated. Mr. Papsin asked if there would be rain gutters. Mr. Ajello stated they would spill to grade as they did previously. He also stated that an exterior footing drain would make the sump pump unnecessary except in emergency situations.

## **MOTION:**

To approve the request to revise Permit #IW-08-25 issued to Ms. Bol/44 Slaughterhouse Road to add the demolition and reconstruction of the foundation per the map, "Proposed Site Plan," by Mr. Neff, revised to 3/7/12 and the "Soil Erosion and Sediment Control Plan," by Mr. Neff, revised to 3/7/12.

By Mr. LaMuniere, seconded by Mr. Martino, and passed 5-0.

### Notification of State Aquatic Pesticide Permit/Mnuchin/218 Nettleton Hollow Road:

Mr. Ajello thought this was a good opportunity for the Commission to assess its position on aquatic pesticide applications. Mr. Wadelton noted that the Commission may not deny these applications, but can put reasonable conditions on them. Mr. Ajello said that in the past when these permit notifications were received he would send a letter to the property owner to alert him that a local permit was also required. Mr. Bedini thought this was a good idea. Mr. Wadelton was not sure the Commission could require a local permit. It was noted that in the past due to conditions on site the Commission had placed additional conditions on these permits in order to protect downstream waterbodies. Mrs. J. Hill will contact Atty. Olson for advice.

## **Pending Application**

### Estate of Bennett/27 West Shore Road/#IW-12-05/Drainage Repairs:

Mr. Neff, engineer, said there had been no revisions since the last meeting. The plan, "Drainage

Repair Plan,” by Mr. Neff, dated 1/12/12 was reviewed. The questions raised by Mr. Smith, Director, Highway Dept., in his 3/14/12 email to Mr. Neff were discussed.

1) Is the 12 inch pipe proposed to replace the 18 inch pipe across Tinker Hill Road large enough? Mr. Neff responded that the 18 inch pipe had been oversized and the drainage area was very small so the 12 inch pipe would be adequate. Mr. Bedini noted he had seen the culvert full. Mr. Neff said that using 25 year storm calculations, the 12 inch pipe would be larger than it needs to be.

2) Is there a grading plan for the catch basin adjacent to Tinker Hill Road so that it won't be an exposed structure?

Mr. Neff stated there would be fill around the basin so that the top would be exposed but the sump and risers would be covered.

3) Who will be responsible for the maintenance of the 12 inch pipe between Tinker Hill and West Shore Roads?

Mr. Bedini noted the Town would not want this responsibility. Mr. Ajello said the horizontal section of pipe would be on the state right of way and so Mr. Neff thought it would make sense for the state to be responsible for maintenance. Elsewhere he said there was quite a slope so the pipe should not clog. Mr. Bedini asked Mr. Neff if he thought the proposed plan would prevent so much water from flowing over the Bennett property. Mr. Neff said it would. He also thought that the clearing on the upper side of Tinker Hill Road had increased the runoff in the area. Mr. Ajello said the drainage improvements were needed because the runoff now flows over the Bennett septic system. Mr. LaMuniere said the proposed improvements would also solve the current erosion problem. Mr. Neff said he would discuss the project with the DOT next week.

The commissioners did not voice any other concerns.

#### MOTION:

To approve Application #W-12-05 submitted by the Estate of E. Bennett for drainage repairs at 27 West Shore Road per the plans, “Drainage Repair Plan,” by Mr. Neff, dated 1/12/12; the permit shall be valid for 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 WEO 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 change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. Martino, seconded by Mr. Papsin, and passed 5-0.

Mr. Ajello noted that this application was for the correction of a violation and that the notice of violation on the Land Records would be released upon the satisfactory completion of the work.

#### **Enforcement**

Angell/47 West Shore Road:

Construction equipment parked near the lake was moved upon request.

Long/243 Bee Brook Road:

Mr. Ajello was not satisfied with the erosion control measures that had been installed. The contractor agreed to regrade and heavily mulch the disturbed areas.

Lodsinn/78 Litchfield Turnpike:

Ms. Cheney reported fresh tire tracks. Mr. Ajello will check out the site.

Town of Washington/11 School Street:

Mr. LaMuniere noted that another load of clay had been delivered and it was not covered. Mr. Ajello said he had been in contact with the Park and Rec Director urging better communication between the two commissions. Mr. Bedini noted that rain was forecast and he did not want newly installed catch basins to fill with silt. Mr. Ajello noted the IWC had jurisdiction over activities in this area because it is floodplain. Mr. Ajello will contact Park and Rec again.

**Administrative Business**

2012 Municipal IWC Training Program:

The brochure was circulated and Mr. Martino will be signed up using this year's voucher.

No Executive Session was needed.

Mr. Bedini thanked the commissioners for all the time they spent on The Gunnery athletic fields application.

**MOTION:**

To adjourn the Meeting. By Mr. Martino.

Mr. Bedini adjourned the Meeting at 8:30 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator