

# Inland Wetlands Commission

## Regular Meeting

### MINUTES

#### Hybrid

Wednesday, September 27, 2023

7:00 p.m. - Main Conference Room/Zoom

Present: Mr. Papsin, Ms. Audet, Ms. Bogue, Mr. Gendron

Members Absent: Mr. Bennett

Alternates Present: Mr. Koppel, Ms. Dubow

Staff Present: Ms. Haverstock, Ms. Rill

Public Present: Mr. McTigue, Mr. Willenbrock, Other Members of the Public

#### **Regular Business:**

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

He seated himself, Ms. Audet, Ms. Bogue, Mr. Gendron and Mr. Koppel for Mr. Bennett

MOTION: To allow for Chair Papsin's response to an email dated September 19, 2023, from Arthur H. Howland & Associates regarding application # IW-23-57, BCLC, LLC, 217 West Shore Road, by Ms. Audet:

Mr. Papsin read the following statement:

"I would like to take a few moments for the record to extend my thanks to all of the Commissioners for the time it takes to review all of our applications, and the time that is spent and dedicated on Site Walks. Their insight and knowledge is invaluable to this Commission and our town at large. I want to remind everyone that each application received by our office is reviewed on its own merit and said applications are thoroughly vetted using many of the tools at our disposal to make our decisions, including but not limited to onsite inspections and the reviewing of plans. It is not the decision of any applicant to determine if or when Site Inspections are necessary, nor do they direct what persons or experts in a particular field need to be present at our meetings to answer questions regarding applications. Thank you".

#### **Consideration of the Minutes:**

MOTION: To approve the September 13, 2023, Regular Meeting Minutes of the Washington Inland Wetlands Commission, as submitted, by Ms. Audet, seconded by Ms. Bogue, approved 5-0 vote.

MOTION: To approve the Special Meeting Minutes for site inspection at 65 West Shore Rd., #IW-23-59, Site Inspection Report by M. Dubow, as submitted, by Ms. Audet, seconded by Mr. Koppel, approved 5-0 vote.

MOTION: To approve the Special Meeting Minutes for site inspection at 4 Perkins Rd., #IW-23-60, Site Inspection Report by B. Bennett, as submitted, by Ms. Audet, seconded by Mr. Koppel, approved 5-0 vote.

MOTION: To approve the Special Meeting Minutes for site inspection at 33 Fenn Hill Rd., IW-23-61, Site Inspection report by C. Koppel, as submitted, by Ms. Bogue, seconded by Ms. Audet, approved 5-0 vote.

MOTION: To approve the Special Meeting Minutes for site inspection at 24 Old North Rd., IW-23-62, Site Inspection report by M. Dubow, as submitted, by Ms. Bogue, seconded by Mr. Koppel, approved 5-0 vote.

**Motion to Include Subsequent Business Not Already Posted on the Agenda:**

There was no Subsequent Business.

**Pending Applications:**

Arthur H. Howland & Associates for BCLC, LLC/217 West Shore Rd./Application #IW-23-57/for improvements to the lakefront – relocation of trees, a seating area, stairs, grading, and other related appurtenances:

Jim McTigue of Arthur H. Howland & Associates, representative for the property owner, stated that he has provided revised plans for the proposed work, which eliminates the plantings below the wall that the Commission had voiced concern over, as well as eliminating the last platform of the stairs – pulling the activity 5 or 6 feet away from the shore.

Regarding the term, “rubble” on the previous set of drawings, Mr. McTigue clarified that there will be no foreign debris used in this area, as it is for the stones surrounding the firepit.

Mr. Papsin requested clarification from Mr. McTigue, regarding what will be removed. Mr. McTigue explained that a current retaining wall will be removed and replaced with three steps in an “L”-shaped pattern. Coming in from the street, there will be a stepping-stone and pea-stone walkway with blue stone bands coming down to the current lawn area. There will be a seating area and fire pit with pea-stone and some boulders to sit on. There will be three steps transitioning down to a lower patio – which is made of stepping-stones on pea-stone. A retaining wall will be constructed heading West, and a set of stairs will be constructed heading towards the bulkhead of the dock. The existing pathway is uneven and dangerous, and the owners are concerned over the safety in the area.

Ms. Audet questioned the greenway area of the patio and what percentage would be turned to patio/stone. Mr. McTigue did not have the exact percentage but stated that there would be denser vegetation in the area, and a submitted planting plan is still applicable.

The Commission voiced concern over the pouring of piers for the stairs and the ground disturbance that could be caused. The Commission has requested the following information:

- Where the staircase will be pinned.
- The least intrusive way to set the stairs – preferably pinned and not drilled through stone.
- Schedule a day/time to meet with the Landscape Architect and Mr. McTigue for a Site Inspection.
- Remove the term “sand/cement” from the plans – so a contractor does not mistakenly add cement.
- Add extra silt fencing to protect the rain garden.
- Confirm that maintenance checks will be performed.

The Commission has tentatively scheduled a Site Walk for October 23, 2023, or October 26, 2023. Mr. McTigue will contact Ms. Rill to confirm the date.

A&J Dock Builders for Bangser/65 West Shore Rd./Application #IW-23-59/for the replacement of a dock:

The Commission agreed the proposed work was straight forward, therefore, made the following Motion.

**MOTION:** To approve the application for Permit #IW-23-59 – A&J Dock Builders for Bangser/65 West Shore Rd./Application #IW-23-59/for the replacement, as per the application dated 8/30/2023 with accompanying documentation. This permit is valid for two (2) 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 will apply for a modification to the Inland Wetlands Commission if any changes to the Maintenance Plan are made. 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 Ms. Bogue, seconded by Mr. Koppel, passed by 5-0 vote.

Darin Willenbrock for Beck/4 Perkins Rd./Application #IW-23-60/for a Correction of Violation/repair and addition of double layer of silt fencing and hay bales:

**Ms. Audet has recused herself from this hearing. Ms. Dubow is seated for Ms. Audet.**

The Commission was satisfied with the proposed repairs and confirmed with Mr. Willenbrock that the Conditions set in the previous approval will remain.

**MOTION:** To approve the application for Permit #IW-23-60 – Darin Willenbrock for Beck/4 Perkins Rd./for a Correction of Violation/repair and addition of a double layer of silt fencing and hay bales, as per the Sequence of Construction/Remedial Work dated 9/21/2023, and the Site Plan titled, “Septic Design, prepared for Tracy and Jeffrey Beck, 4 Perkins Road, Washington, Connecticut”, by Berkshire Engineering & Surveying, LLC, dated 01/26/21, with a revision date of 9/1/2023 and 9/21/23, signed by Darin Willenbrock on 9/27/2023, with accompanying documentation. This permit is valid for two (2) 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 will apply for a modification to the Inland Wetlands Commission if any changes to the Maintenance Plan are made
5. All previous conditions from prior approval shall remain. 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. Koppel, seconded by Ms. Bogue, passed by 5-0 vote.

Ms. Audet is re-seated.

Arthur H. Howland for Dauwalter/33 Fenn Hill Rd./#IW-23-61/to construct a new home, driveway, grading, wetland crossing, drainage, and septic system, well, utilities and other related appurtenances:

This application has been tabled as more information is needed to proceed.

Arthur H. Howland for 24ONR, LLC/24 Old North Rd./Application #IW-23-62/for renovations and addition to existing home, a generator, drainage, sanitary system, and other related appurtenances:

Mr. Koppel has recused himself from this Hearing. Ms. Dubow is seated for Mr. Koppel.

The Commission is satisfied with the proposed application.

**MOTION:** To approve the application for Permit #IW-23-62/Arthur H. Howland for 24ONR, LLC/24 Old North Rd./for renovations and addition to existing home, a generator, drainage, sanitary system, and other related appurtenances, as shown in the Site Plans labeled S.D 1, dated 8/24/23, S.D.S.1 dated 8/24/2023, D-1 dated 8/29/2023 and EC.6 dated 4/25/2023 with accompanying documentation. This permit is valid for two (2) 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 will apply for a modification to the Inland Wetlands Commission if any changes to the Maintenance Plan are made 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 Ms. Audet, seconded by Ms. Bogue, passed by 5-0 vote.

Mr. Koppel is reseated.

#### New Applications to be Received by the Commission:

There were no New Applications

#### Other Business:

There was no Other Business.

#### Enforcement and Compliance Initiatives:

Ms. Haverstock reported that she and Chairman Papsin have been continuing weekly inspections of the West Shore Road area of Lake Waramaug, where several projects are currently. The Tunnel Road bridge project, Myfield Lane project and post-storm visits to Nettleton Hollow Road have also been taking place. In the area of 329 West Shore Road, the drain is not draining well, with the current high-water table most likely being the issue. The

owner of 99 West Shore Road has received the Certified letters and has informed Ms. Haverstock that his legal counsel will be contacting the Land Use Office.

Administrative Business:

There is no Administrative Business for this evening's meeting.

Communications:

Mr. Papsin informed the Commission that he will be away from October 6, 2023, until October 14, 2023. During that time, Ms. Audet will be acting as Chair, so Mr. Papsin has asked all Commission members to be present – in-person, for the October 11, 2023 meeting

Adjournment:

MOTION: To adjourn the September 27, 2023 Washington Inland Wetlands Commission meeting at 8:05pm, by Mr. Papsin, seconded by Ms. Bogue, approved 5-0 vote.

Meeting Recording can be found here:

[https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/EfHVgmkDmCdLqHaKdH9pLPcB5h\\_u2VV8Qm021rgXmDMXEQ?e=WvRWDk](https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EfHVgmkDmCdLqHaKdH9pLPcB5h_u2VV8Qm021rgXmDMXEQ?e=WvRWDk)

Respectfully Submitted,

Tammy Rill  
Land Use Clerk

\*Minutes filed, subject to approval.