

Town of Washington
Inland Wetlands Commission
November 23, 2021
Regular Meeting
MINUTES

Members Present: Mr. Papsin, Mr. Bennett, Mr. Gendron, Ms. Audet, Ms. Bogue, Alt. Mr. Koppel, Alt., Via Zoom: Ms. Dubow, Alt.

Members Absent: Ms. Branson

Staff Present: Ms. White, Ms. Haverstock

Public Present: Mr. Sabin, Mr. Talbot, Mr. Dismukes, Mr. Zorn, Mr. Angell, Mr. Woodward, Mr. McTigue
Via Zoom: Mr. Larson, Public

Regular Business:

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

Members Seated: Mr. Papsin, Mr. Bennett, Mr. Gendron, Ms. Audet, Mr. Koppel, Alt. for Ms. Branson

Consideration of the Minutes (00:16):

11-10-2021 Regular Meeting Minutes:

Mr. Papsin noted that the date was incorrect at the top of the minutes.

Motion: To approve the Regular Meeting Minutes of 11-10-2021 as amended, by Ms. Audet, seconded by Mr. Bennett, passed by 5-0 vote.

Special Meeting Minutes: 11-16-2021 Site Inspection Report - 36 Hinkle Rd - Permit #IW-21-58 submitted by B. Bennett:

Motion: To approve the Special Meeting Minutes – Site Inspection Report written by Mr. Bennett for the 11-16-2021 Site Inspection at 36 Hinkle Rd - Application for Permit #IW-21-58/ Construction of driveway crossing wetlands and review area, by Mr. Gendron, seconded by Mr. Bennett, passed by 5-0 vote.

Special Meeting Minutes: 11-18-2021 Site Inspection Report –44 Bell Hill Rd/Permit #IW-21-59 submitted by Mr. Koppel:

Motion: To approve the Special Meeting Minutes – Site Inspection Report written by Mr. Koppel for the 11-18-2021 Site Inspection at 44 Bell Hill Rd - Application for Permit #IW-21-59/ Activity within review area, by Mr. Bennett, seconded by Mr. Gendron, passed by 5-0 vote.

Subsequent Business:

None added

Pending Applications:

Gray-Lyons/62 Old Litchfield Rd/Application for Permit #IW-21-56/Renovated Existing Tennis Court in Review Area (2:01):

Mr. Sabin of Sabin Landscape Architects was present to represent the applicant. He explained the updates that he made to the plan titled "Tennis Court Restoration," and "Sequence of Construction," prepared for Grey-Lyons Residence by Sabin Landscape Architects, dated October 26, 2021, with a revision date of November 23, 2021 to address questions about the equipment to be used and the lines indicating limits of construction.

The Commissioners reviewed the corrections.

Motion: To approve application for Permit #IW-21-56, submitted by Sabin Landscape Architects for Gray-Lyons at 62 Old Litchfield Road per plan titled "Tennis Court Restoration," and "Sequence of Construction," prepared for Grey-Lyons Residence by Sabin Landscape Architects, dated October 26, 2021, with a revision date of November 23, 2021 submitted with permit application signed by John Lyons, dated 10/26/2021 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. 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. Gendron, passed by 5-0 vote.

Erben Partners/169-173 West Shore Rd/Application for Permit to Correct a Violation #IW-21-57/Clean up and restoration of dump site in wetlands (6:11):

Mr. Sabin was present to represent the property owners. He noted that he tried to get in touch with the Town Highway Department but wasn't able to.

Ms. Haverstock stated that, in a previous meeting with Mr. Smith of the Highway Department, this matter was discussed and they would not be able to use the gravel material that is in the debris pile.

Mr. Sabin informed the Commission that the debris will be put into a dumpster and the dumpster will be hauled off site.

There was a brief discussion regarding installing a "no dumping" sign.

Motion: To approve the Application to Correct a Violation - Permit #IW-21-57, submitted by Sabin Landscape Architects for Erben Partners at 169-173 West Shore Road per plans titled "Debris Removal" dated 10/26/2021, prepared for the Schwartz Residence by Sabin Landscape Architects, submitted with permit application signed by Mark Schwartz, dated 10/26/2021 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 fine of \$750.00 per the citation issued on 6-22-2021 shall be paid before any work commences, and 5. all materials shall be hauled off site for disposal. 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. Gendron, passed by 5-0 vote.

Perlman-Hanson/36 Hinkle Rd/Application for Permit #IW-21-58/Construction of driveway crossing wetlands and review area (15:12):

Discussion for this application has been tabled to the next regularly scheduled meeting on December 8, 2021, beginning at 7:00 p.m.

Talbot/44 Bell Hill Rd/Application for Permit #IW-21-59/Dredging of pond (15:16):

Mr. Talbot was present to discuss this application. He informed the IWC that he made some changes to the plan and some of the numbers that changed on the application as a result of questions from the site inspection of 11-18-2021. He noted the square footage of the pond as it exists today is approximately 6,503 sq. ft. and the proposed changes will increase the size of the pond to approximately 7,157 sq. ft. The original note to regarding taking out the top soil was crossed out on the application.

The Commissioners and Mr. Talbot reviewed the revised plans titled "Pond Dredging Plan," sheet DP.1, revised date of 11-22-2021, "Pond Planting Plan," sheet DP.2, dated 11-22-2021. Mr. Talbot informed the IWC that the plans show that the top soil will only be stripped at the beginning of the temporary access to allow for a tracking pad and the location of the temporary access was revised to go directly to the pond and decrease the impact. He reviewed the planting list/plan on sheet DP.2. and discussed the maintenance plan.

Motion: To approve the application for Permit #IW-21-59, submitted by Talbot at 44 Bell Hill Road per plans titled "Pond Dredging Plan," sheet DP.1, revised date of 11-22-2021, "Pond Planting Plan," sheet DP.2, dated 11-22-2021, prepared for Barbara & Peter Talbot by Talbot Architects, submitted with permit application signed by Peter Talbot, dated 11-2-21, revised 11-21-21 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, and 4. all work will be conducted during the dry season. 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. Gendron, passed by 5-0 vote.

New Applications to be Received by the Commission:

Lake Waramaug Country Club/22 Golf Links Rd/Application for Permit #IW-21-60/Construction work up-gradient of the URA (35:27):

Mr. Zorn, Mr. Dismukes, P.E., and Mr. Angell were present to represent Lake Waramaug Country Club. The LWCC are proposing to add two additional tennis courts and a sports court up-gradient of the review area and drainage improvements within the upland review area.

Mr. Dismukes reviewed the plan title "Proposed Tennis and Sports Court Plan," prepared for Lake Waramaug Country Club by Jason Dismukes Consulting Engineers, LLC. Mr. Dismukes explained how the drainage would flow down the hill to the existing swale along the south side of the driveway, across the driveway into a wood lot. He added that they are not proposing to change the existing drainage patterns but will be directing any water around the proposed courts. It was noted that there is a proposed drainage pipe underneath one of the courts. Mr. Dismukes explained that the water comes down the side of the gravel driveway, collected in a storm drain that will bring it further down the driveway. He indicated the areas on the plan where there are culverts that will be collecting the water and directing it to the wood lot. Mr. Dismukes pointed out the culvert that is in a low spot near the proposed retaining wall to avoid trapping water behind the wall. A trench drain is proposed on each court and water will be directed to the drainage pipe that will carry it to the wood lot. He noted that the existing septic serving the beach and snack house shown on the plan will be abandoned as a new one is being built.

There was a brief discussion regarding maintenance for the proposed courts which would include sweeping regularly and painting every couple of years. No chemicals will be used to clean the courts.

Mr. Dismukes stated that the proposed retaining wall will be constructed of Stone Strong Blocks that do not require weeping holes. He displayed the plan titled "Drainage and S&E Details," by Jason Dismukes Consulting Engineers, LLC., dated 10-29-2021, sheet 4 of 4 and reviewed the Stone Strong Gravity Wall Cross Section W/ Drain Tile. It was noted that an excavator would be used to place the larger - heavier blocks. Additionally, bulldozers, rollers, dump trucks and concrete trucks would be used to construct the new courts and install the additional drainage. The existing driveway would be used for access and no additional construction access is being proposed.

The IWC accepted this application and scheduled a site inspection for Tuesday, November 30, 2021 at 3:00 p.m. Mr. Papsin requested that the proposed structures are staked out for the site inspection.

Woodco/78 Litchfield Turnpike/Application for Permit #IW-21-61/Removal debris, scrap metal, old machines in wetlands and review area (57:40):

Mr. Woodward, property owner, was present to discuss this application.

Ms. Haverstock, Enforcement Officer, informed the IWC that the Land Use Office received a phone call expressing concern that there was activity occurring on the property. The Land Use Office reached out to Mr. Woodward and scheduled a time to visit the site. Ms. Haverstock and Mr. Papsin visited the site the next day and noted the removal of equipment in the wetland soils. She stated that this activity was being performed without a permit and an Inland Wetlands Permit Application was left with Mr. Woodward with a request to submit to the Land Use Office as soon as possible.

Mr. Woodward explained the history of the property to the IWC and stated that there was a large amount of machinery, a storage trailer, equipment, scrap metal, etc. as the previous owner was planning on starting a

nursery business at this location. Mr. Woodward stated that he purchased this property at a tax auction through the Town and is now trying to clean it up. He informed the IWC that everything but a 40' trailer has been removed which he expects to be removed soon.

It was noted that the site has been stabilized and there was no visible disturbance.

The Commission did not feel that a site inspection was necessary as the EO and Chairman Papsin have been out to the site. This application was accepted as complete by the IWC and the

Steep Rock Association/138-149 Church Hill Rd/Application for Permit #IW-21-62/Phragmites Management:

Mr. Larson, Conservation Science Manager for Steep Rock Association was present via Zoom Video Conference to represent Steep Rock Association and the Careys (adjacent property owners). He explained that there is a .98 acre stand of phragmites on SRA's Fenn Hill Road Preserve which also extends across Route 109 to property owned by the Careys. He explained how the spread of phragmites impairs the critical and rare plants in the preserve.

Mr. Larson informed the IWC that they are proposing a mechanical and chemical method. He agreed to send an MSDS Sheet to Ms. White for the file.

The Commission accepted this application and did not schedule a site inspection.

The Premier Trust, Inc/157 Calhoun St/Application for Permit #IW-21-63/Construct pool decking within review area:

Mr. McTigue, from Arthur Howland and Associates, was present to represent the property owners for this application. The property owner is proposing a pool with a wood deck with a retaining walls on the north and south sides of the pool, as well as relocating the septic system to make room for the pool. All of the proposed activity is within the upland review area.

The IWC accepted this application and scheduled a site inspection for Tuesday, November 30, 2021 at 4 p.m. Mr. Papsin asked that the septic, pool, pool equipment and retaining walls be staked out for the site inspection.

Other Business:

None to discuss

Enforcement and Compliance Initiatives (1:19:00):

Ms. Haverstock updated the IWC on the following properties that were discussed at the last meeting and the progress that has been made up to this point. Please see attached report.

No additional properties discussed.

Administrative Business:

None to discuss

Communications:

None to discuss

Adjournment:

Motion: To adjourn the meeting at 8:25 pm, by Mr. Papsin

Respectfully submitted,

Shelley White

Shelley White
Land Use Administrator
12-01-2021

Attachment

1. EO Report 11-23-2021

Link to recording of meeting:

https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/swhite_washingtonct_org/EabL8Bqb2exLoxIB4_kfhQBDRu1sD4EXE4aaFfW7kFXjQ?e=1sN65e

Dated	Citation	Property Owner	Address	Notes
8/27/2021 (no change)	2021-W001	Garcevic/DeVelasco	134 Roxbury Road	Removed trees in upland area of wetland Update: 9/30/21 - email sent re: fine and permit application. 10/7/21 email from Mr. Garcevic stating he will be moving forward with an A2 survey that includes wetlands Awaitig A2 survey
Friday, August 27, 2021	2021-W002	Dobson	255 New Milford Turnpike	Entered into and removed material from a watercourse without a permit email sent 9/22/21 to J Dobson. Reply on 9/22 of receipt. Certified Letter dated 10/6/21 requesting appeal of Citation #2021-W002 11/9/21 correspondence with Hearing Officer 12/2/21 hearing date sent
8/27/2021 (no change)	2021-W003	Hunt	25 Juniper Meadow Road	Failed to comply with permit, scope of activities in permit, exceeded scope of activities in permit, failed to comply with construction practices in the permit, violated municipality's regulations// 9/17/21 call with Mr. Hunt for permit application with planting plan. 10/6 email from Mr. Hunt that he will be moving forward with permit and contact IWEO when complete as requested
Permit Date	Permit	Property Owner	Address	Notes
Thursday October 27, 2021 (receipt)	IW-21-55	Nicholas Eiseenmann & Elizabeth Wolff	41 Tinker Hill Road	Site Inspection previously conducted by commission. Moving shed, drainage improvements, masonry and general landscaping Revisions submitted 11/8/21: added stockpile area, updated sequence of construction and added septic area 11/19/21: Inspection for Start Card 11/22/21: Photos sent of additional silt fencing and above required hay bales to ensure compliance by contractor.
Wednesday November 10, 2021 (receipt-new application)	IW-21-56	Gray-Lyons	62 Old Litchfield Rd	Renovated existing tennis court in review area
Wednesday November 10, 2021 (receipt-new application)	IW-21-57	Erben Partners	169173 West Shore Rd	Clean up of restoration of dump site in wetlands
Wednesday November 10, 2021 (receipt-new application)	IW-21-58	Perlman-Hanson	36 Hinkle Road	Construction of driveway crossing wetlands and review area pending/on hold for new plans. 11/23/21: Scheduled start site inspection for sediment and erosion control measures for house demolition renovation
Wednesday November 10, 2021 (receipt-new application)	IW-21-59	Talbot	44 Bell Hill Road	Dredging of pond
Date	Site Inspection	Notes		
Friday November 19, 2021	254-258 New Milford Turnpike	Review of permit and current activity		
Lake Waramaug	329 West Shore Road	Compliance with sediment and erosion control measures 11/19/21 photos sent.		

