

Inland Wetlands Commission

MINUTES

Regular Meeting

October 9, 2019

7:00 p.m.

Main Level Meeting Room

Members Present: Mr. Papsin, Mr. Bedini, Mr. Davis, Mr. Kassis, Alt.

Members Absent: Mr. LaMuniere, Mr. Bennett, Ms. Branson, Alt.

Staff Present: Ms. White

Public Present: Mr. Francis, Mr. Riefenhauser, Mr. Monteleone, Ms. Harris, Ms. Hickingbotham, Mr. Lleshi

Call to Order:

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

Seated: Mr. Papsin, Mr. Bedini, Mr. Davis, Mr. Kassis, Alt.

Consideration of the Minutes (0:13):

The Commissioners considered the September 25, 2019 meeting minutes:

MOTION: To approve the October 9, 2019, Regular Meeting Minutes as amended, by Mr. Bennett, seconded by Mr. Bedini, passed 5-0 vote.

Subsequent Business (00:23):

Motion: 1) To add Consideration of 10-2-19 Special Meeting Minutes from the site inspection at 214 West Shore Road to the agenda, 2) To move item C. to item B. under New Applications, 3) To add item E. Town of Washington/5 East Shore Rd/Permit #IW-19-51 to replace pedestrian footbridge over the East Aspetuck River, under New Applications, 4) To add item F. Roman/102 East St/Modification request to Permit #IW-19-24/Revision to construct in-ground pool, patios, and walls under New Applications, by Mr. Bedini, seconded by Mr. Kassis, passed by 4-0 vote.

Consideration of the Minutes from 10-02-19 Site Visit (01:28):

Mr. Papsin added Mr. Kassis to those members who were present at the site walk to the site report.

MOTION: To approve the minutes from the October 2, 2019 Site Inspection for WLR214, LLC. at 214 West Shore Rd. as amended, by Mr. Davis, seconded by Mr. Papsin, passed by 4-0 vote.

Pending Applications:

Williams/West Shore Rd (MBL 12-6-24)/Permit #IW-19-38/Replace stairs, construct landings and walls (3:28): Ms. White stated that Mr. Neff, the agent and engineer for the property owners, informed her that his clients are considering withdrawing this application. Ms. White noted that a formal letter of withdrawal has not been received at this time.

The Commission tabled this discussion until the next regularly scheduled meeting of the IWC on October 23rd.

WLR214, LLC. /213-214 West Shore Rd/Permit #IW-19-43/retaining walls, walkways and associated appurtenances within review area (03:57): Mr. Francis from Arthur H. Howland was present to represent the property owners at 213-214 West Shore Rd.

The Commissioners and Mr. Francis reviewed the renderings titled "Herzan Residence, 214 West Shore Road, Lake Waramaug, Washington, CT" dated October 1, 2019. These renderings show the previously approved scheme and the currently proposed schemes. Mr. Francis informed the Commissioners that the lot coverage is reduced by 12 sf with the proposed plan. He noted that the proposed patio area is located in close proximity to the septic system and per the Health Code no drainage is allowed within 25 feet of the tanks which has been noted on the plan titled "Site Development Plan," prepared for WLR214, LLC, by Arthur H. Howland & Associates, revision date 9/23/19, sheet SD.1. Mr. Francis noted that the proposed drain on sheet SD.1 is exactly 25 feet away from the septic. He informed the Commission that the retention system is oversized to store extra volume of runoff.

Mr. Papsin noted that the revision dated 7/25/16 of the Site Development Plan indicates that existing plantings and a proposed plant list for a rain garden should be on the plan and it is not. The Commission would like the connection for the septic indicated on the plan. They questioned what the proposed property boundary wall was for and would there still be room for a rain garden.

Mr. Francis responded that the landscape architect is still working on the plant list and landscape plan. The proposed property boundary wall is part of the aesthetic design. He told the Commissioners that he will look into the septic connection and the rain garden.

There was a brief discussion regarding the shoreline wall.

The Commissioners tabled the discussion until the next regularly scheduled meeting.

Monteleone (Maniatis-Teicholz)/110 Blackville Rd/Permit #IW-19-44/Construction of a kitchen addition within the review area (12:55): Mr. Monteleone was present to represent the property owners of 110 Blackville Rd for this application.

The Commissioners and Mr. Monteleone reviewed the plan titled "Proposed Construction Plan," prepared for Teicholz-Maniatis, Sheet 102, dated 10-5-19, by Kent Kitchen Works. Mr. Monteleone informed the Commission that he will be removing part of the existing deck off the kitchen to bump out the wall for a 3'x 18' addition.

Mr. Monteleone informed the Commission that he will be removing about 5 ft. of decking and excavating the footings for the block foundation with a small excavator. The materials stockpile will be located to the left side between the house and Sabbaday Lane as per the hand drawing in the file. He noted that the mason will be removing the dirt which will then be removed and taken off-site and the decking will be reinstalled after the addition is built. Mr. Monteleone stated that the grade from

the deck to the pond is a gentle downslope and they will be installing silt fence around the deck/construction area.

The Commissioners agreed that they had enough information and there was no need for a site visit.

Motion: To approve Permit #IW-19-44, for Monteleone (for Manaitis-Teicholz) at 110 Blackville Rd – to construct kitchen addition within review area, per the plan titled “Proposed Construction Plan,” prepared for Teicholz-Maniatis, Sheet 102, dated 10-5-19, by Kent Kitchen Works, and supporting documents in the file, for two 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, 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. Davis and seconded by Mr. Kassis, passed by 5-0 vote.

New Applications:

Harris-Seligman/133 West Shore Rd/Permit #IW-19-47/Repair existing dry stacked stone wall along shoreline &

Adams/136 West Shore Rd/Permit #IW-19-49/Repair existing dry stacked stone wall along shoreline

(25:15): Ms. Harris was present to discuss the repairs done to the existing dry stacked stone wall. It was noted that the ZEO had given a verbal cease and desist order on the reconstruction of the stone wall until a permit was applied and approved for both properties.

Ms. Harris and the Commissioners looked at photographs of the existing wall. Ms. Harris informed the Commission that she has been picking up rocks out of the sand and putting them back on the wall and the wall has never been repaired. The wall at 133 West Shore runs along and is joined with the wall at 136 West Shore shoreline so the neighbors decided to have it repaired by a stonemason for both properties. They did not realize that a permit was needed.

The Commission accepted the application and tabled further discussion of both these applications until the next meeting on October 23rd when the Enforcement Officer will be at the meeting.

The Gunnery/22 South St/Permit #IW-19-48/Installation of water & power line through wetlands to connect Well #10 to control building (30:10): Mr. Riefenhauser, P.E. from Smith & Company was present to represent The Gunnery for this application. Ms. White confirmed that the application was complete.

The Commissioners reviewed the site plans titled “Proposed Well Line” and “Notes and Details,” prepared for The Gunnery by Smith & Company, sheets 1 of 2 and 2 of 2 dated 10-1-19.

Mr. Riefenhauser stated that they are proposing a well service line from the new well that was drilled near the top athletic field area to the Control Building that is approximately 1100 feet away. He explained that they considered running the line along the driveway but were concerned about the number of conduits already located there and the number of utilities. They are not proposing to put the line in wetlands but through a review area. Mr. Riefenhauser informed the Commission that a small excavator would be used as the line is 1 ¼ inch polyethylene and they would be installing below frost level. They plan to put in more than one line in case future connections are needed. He stated that they would have to hammer or chip out

any ledge or elevate and insulate the line but he does not anticipate running into ledge. The work would take approximately 3 weeks, there would be silt fencing on both sides of the trench where the wetlands are located and the trench would be backfilled as they lay the line.

The Commission felt that they had enough information to make a decision and would vote on this application at the next regularly scheduled meeting. They agreed that it was not necessary for Mr. Riefenhauser to come to the next meeting.

Cross/255 West Shore Rd/Permit#IW-19-50/Repair existing stone wall and concrete pad in review area (37:23): Mr. Lleshi and Ms. Hickingbotham of Outdoor Living Stone & Garden Design were present to represent the property owners. Mr. Lleshi stated that the property owner would like to repair the existing stone walls, replace the existing stairs with granite stairs, replace the deteriorated concrete pad and resurface the existing concrete pad. He noted that the existing wall is dry stacked but he would like to use mortar in the repair.

The Commissioners looked at the hand-drawn plan titled "Cross Repair Work," prepared for Cross by Outdoor Living Stone and Garden Design, LLC, dated 10-7-19 and the map titled "Existing Conditions Map," prepared for Bryan A. & Samantha C. Cross by Arthur H. Howland Associates, Sheet EC.1 dated October 25, 2018.

Mr. Lleshi and the Commissioners looked at photographs of the site and indicated the areas of repair that are being proposed with this application. He noted that the steps are different sizes, uneven, and are a combination of stones of set in mortar, and some just mortar. Mr. Lleshi showed the approximate level of the lake in the pictures. He noted that the area is about 4 feet from the water and the repair area is several feet from the high water mark of the lake.

Mr. Lleshi stated that he will be taking the existing rock wall down and rebuilding it with a small amount of mortar. He confirmed that the repaired wall will be the same height and width as the existing wall. He added that the steps would be granite steps set on $\frac{3}{4}$ " stone gravel.

There was a brief discussion regarding the water runoff from the road. Mr. Lleshi stated that the road is sloped away from the property.

The Commissioners agreed that a site visit would be beneficial and schedule one for Tuesday, October 15, 2019, at 4 pm. They will continue the discussion of this application at the next regularly scheduled IWC Meeting on October 23, 2019 at 7 pm.

Town of Washington/5 East Shore Rd/Permit #IW-19-51/Replace pedestrian footbridge over the East Aspetuck River (50:39): The Commission accepted this application and tabled the discussion for the next regularly scheduled IWC Meeting on October 23, 2019.

Roman/102 East St/Modification request to Permit #IW-19-24/Revision to construct in-ground pool, patios, and walls (submitted 10-09-19) (51:30): This application was accepted by the Commission as complete and discussion was tabled until the next regularly scheduled IWC Meeting on October 23, 2019.

Other Business:

There was no other business to discuss.

Enforcement (52:20):

Enforcement Activity Report:

Mr. Papsin reviewed the report with the Commissioners.

List of Files Closed by WEO – Projects Signed Off as Completed Per Approved Permit:

The Enforcement Officer is out this week and will be attending the next meeting.

Bowen/121 West Shore Rd/Permit #IW-19-42/Repair existing stone wall along shoreline:

It was noted that the wall was finished without a permit. Ms. White stated that the property owner informed her that there was a communication issue with the contractor and the wall was built without an approved permit.

The Commission discussed a notice of violation, “after the fact applications,” fines, putting more “tooth” into the regulations. Ms. White stated that she would look into how other towns deal with “after the fact” applications. The Commission would like to consult with their attorney to discuss how the regulations could be amended to address non permitted activity.

Mr. Bedini stated that he forwarded Section 11 of the IW Regulation to Dr. Kortman. Dr. Kortman informed Mr. Bedini that there cannot be anything done to all the existing, grandfathered walls but he would do some research to see if there was something that could help address this dilemma.

The Commission briefly discussed bonds for proposed work. A possible blight ordinance was discussed.

The Commissioners agreed to compile a list of topics that they would like to discuss with Attorney Olsen.

Administrative:

There was no administrative business to discuss.

Communications:

There were no communications to discuss.

Adjournment:

MOTION: To adjourn at 8:20 pm by Mr. Papsin, passed unanimously.

Respectfully Submitted,



Shelley White
Land Use Administrator
October 16, 2019