

# Inland Wetlands Commission

## Regular Meeting

### MINUTES

October 14, 2020

7:00 p.m.

Via Zoom Video Conference

**Members Present:** Mr. Papsin, Mr. Bennett, Mr. Bedini, Ms. Branson, Mr. LaMunier

**Members Absent:** Mr. Gendron, Alt.

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

**Public Present:** Mr. Francis, Mr. Howard, Ms. Sarnoff-Williams, Mr. Mathews, Mr. Altum, Members of the Public

#### **Call to Order:**

Mr. Papsin called the meeting to order at 7:02 pm.

**Members Seated:** Mr. Papsin, Mr. Bennett, Mr. Bedini, Ms. Branson, Mr. LaMunier

#### **Consideration of the Minutes (0:25):**

##### **Regular Meeting Minutes: 9-23-2020:**

**Motion:** To approve the Regular Meeting Minutes of 9-23-2020, by Mr. Bedini, seconded by Ms. Branson, passed by 5-0 vote.

##### **Special Meeting Minutes: 9-30-2020 – Site Inspection Report Submitted by C. LaMunier – A. H. Howland for Bantam River, LLC./166 & 176 West Morris Rd/ Application for Permit #IW-20-52:**

**Motion:** To approve the Special Meeting Minutes: 9-30-2020 – Site Inspection Report Submitted by C. LaMunier – A. H. Howland for Bantam River, LLC./166 & 176 West Morris Rd/ Application for Permit #IW-20-52, by Ms. Branson, seconded by Mr. Bennett, passed by 5-0 vote.

##### **Special Meeting Minutes: 9-30-2020 – Site Inspection Report Submitted by B. Bennett - Gaggini/213 Roxbury Rd/Application for Permit #IW-20-51:**

**Motion:** To approve the Special Meeting Minutes: 9-30-2020 – Site Inspection Report Submitted by B. Bennett - Gaggini/213 Roxbury Rd/Application for Permit #IW-20-51, by Ms. Branson, seconded by Mr. Bennett, passed by 5-0 vote.

#### **Subsequent Business (02:18):**

**Motion:** To add "Schwartz for Erben Partners/169-173 West Shore Road/Application for Permit #IW-20-57/removal of walkway, add boulders and improve drainage within the review area," under New Applications, item D. to the agenda, by Mr. Papsin, seconded by Mr. Bennett, passed by 5-0 vote.

**Pending Applications:**

**Gaggini/213 Roxbury Rd/Application for Permit #IW-20-51/Tree removal in a review area and wetlands (3:16):**

The Commission noted that a scope of work was submitted by the applicants' arborist.

Ms. Branson stated that during the site inspection it was noted that there were several more trees marked on the site to be removed than what is shown on the plan that was submitted with this application. She explained that the site plan shows approximately seven and there were 13 trees marked on site.

The Commissioners agreed that the number of trees should be included in the motion if approved and that the Enforcement Officer will monitor the amount of trees that are marked and the stumps that remain after the work is done.

**Motion:** To approve the application submitted by Gaggini for the property located at 213 Roxbury Road for Permit #IW-20-51 to remove 13 trees in the review area and wetlands per the letter regarding "Scope of Work" from Corey Mathews, Arborist, dated September 13, 2020, Site Inspection Report by Bruce Bennett, dated September 30, 2020 by B. Bennett and application dated 9-2-2020 with supporting documents on file, 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 give the contractor a copies of both the motion of approval and approved plans prior to the commencement of work, 3. any changes to the plans as approved must be submitted to the Commission for review, 4. That work is to be done in the winter time when the ground is hard, and 5. All trees to be removed are marked for inspection by the Enforcement Officer. The Commission has determined that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

**Arthur H. Howland & Associates for Bantam River, LLC./166 & 176 West Morris Rd/ Application for Permit #IW-20-52/Construction of barn & patio, install septic, underground propane tanks, generator and remove trees within the review area (10:05):**

Mr. Francis was present to represent the property owners. He confirmed that there were no other revisions to the plan. He briefly clarified the cross sections A-A & B-B that are indicated on the SDS.1 plan but not on the SD.1 plan that was submitted.

The Commissioners had no further questions or comments about this application.

**Motion:** To approve the application submitted by A.H. Howland for Bantam River, LLC. for the property located at 166 & 176 West Morris Road for Permit #IW-20-52 to construct barn, patio, install underground propane tanks, generator and remove trees within the review area per the maps titled "Proposed Site Development & Soil Erosion Control Plan, " and "Proposed Site Development Plan" prepared for Bantam River, LLC, by Arthur H. Howland & Associates, PC, both with revision date of 10-06-2020, as well as the permit application signed and dated 9-16-2020 with supporting documents, this permit is valid for two (2) years with 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 give the contractor a 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 to the Commission for review. The Commission has determined that there is no reasonable probability of significant adverse impact on any wetlands or watercourses, by Mr. LaMunier, seconded by Mr. Bennett, passed by 5-0 vote.

#### **New Applications:**

##### **Howard/99 West Shore Rd/Application for Permit #IW-20-53(16:33):**

The IWC accepted this application and noted that the submission of this application is complete.

##### **Glengate for Allen/158 Popple Swamp Rd/ Application for Permit #IW-20-54/Construction of sports court and pool structure w/in review area (16:55):**

The IWC accepted this application and scheduled a site inspection for Monday, October 19, 2020 at 4:00 pm.

##### **A. H. Howland & Associates for LGA Holdings, LLC/Application for Permit #IW-20-55/Lakeside Improvements (20:25):**

The IWC accepted this application. Mr. Francis from Arthur H. Howland and Associates confirmed that the plan that was submitted with this application is the same as the plan that was previously withdrawn earlier this year. The IWC did not feel another site walk would be necessary as they have had many site inspections for this property in the past.

##### **Schwartz for Erben Partners/169-173 West Shore Road/Application for Permit #IW-20-57/Removal of existing walkway, placement of boulders, and drainage improvements within review area (24:42):**

The IWC accepted this application and scheduled a site inspection for Monday, October 19, 2020, at 5:00 pm.

Ms. White will confirm that an agent or the property owner will be able to attend the inspection.

#### **Other Business (26:42):**

There was no other business to discuss.

#### **Enforcement (26:48):**

##### **Enforcement Activity Report & List of Files Closed by WEO – Projects Signed Off as Completed Per Approved Permit:**

● **99 West Shore Rd:** Mr. Tsacoyannis stated, this is a first time offence for this property owner. An application has been submitted to correct the violation

**Motion:** To authorize Mr. Tsacoyannis, Wetlands Enforcement Officer, to issue a \$150.00 fine to Howard, 99 West Shore Road for working within wetlands without a permit, by Ms. Branson, seconded by Mr. Bennett, passed 5-0.

● **25 West Shore Rd:** Mr. Tsacoyannis stated a few retaining walls were built within the review area. There was a brief discussion regarding the slope of the property. Mr. Tsacoyannis stated that an application has not been submitted to correct this violation. The IWC requested information regarding the construction of the walls, how they affixed to the ledge, and the stability in the event of heavy rains. The Commission feels that an as-built and application should be submitted to the IWC.

Mr. Tsacoyannis noted that this is the property owners' second violation.

**Motion:** To authorize Mr. Tsacoyannis, Wetlands Enforcement Officer, to issue a \$350.00 fine to Angiollo-Stiles, 25 West Shore Road for working within the wetlands review area, by Mr. Bennett, seconded by Ms. Branson, passed by 5-0 vote.

●217 West Shore Rd: Ms. Branson asked for an update regarding the Bald Eagle's nest that was in the tree on this property.

Mr. Tsacoyannis stated that both the Bald Eagle and their nests are protected. He informed the IWC that he spoke to the engineer on the project and the tree and nest will not be disturbed. The engineer and DEEP are in contact with each other.

●Steep Rock – Streambank Improvements: Ms. Branson stated that she noticed that Steep Rock has submitted their Start Card for this project and asked if they are required to submit a Finish Card.

Mr. Tsacoyannis, Wetlands Enforcement Officer, stated that he inspects the sites before work and after. A Finish Card is required.

●90 Tinker Hill Rd: Mr. LaMuniere asked how long the IWC is going to have to wait to get the as-built for this property and is there a way to get the property owner to submit this sooner. He noted that the work that was approved was not the work that was done.

Ms. White stated that she will contact Counsel to see if the Town can do anything to speed the process in order to have the as-built submitted.

●101 Wykeham Rd: Mr. LaMuniere asked about the progress of the cleanup for 101 Wykeham Rd and if the Town could push the property owners to get their bond in.

Ms. White stated that they were advised that all progress for this property has been halted as it is still in the courts.

Ms. White stated that she will contact Counsel to advise the IWC on what steps to take next regarding 90 Tinker Hill. The IWC discussed the possibility of the WEO issuing a violation. The Commissioners stated that this should have come back to them as a revision since the property owner did not follow the approved plan.

**Administrative:**

There was no administrative business to discuss.

**Communications:**

There were no communications to discuss.

**Adjournment:**

**Motion:** to adjourn the meeting at 7:57 pm, by Mr. Papsin.

Respectfully Submitted,

Shelley White, Land Use Administrator, October 21, 2020

IWC Mtg 10-14-20