

Town of Washington
Inland Wetlands Commission
May 25, 2022
Regular Meeting
Hybrid – Zoom and Main Level Conference Room
MINUTES

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

Staff Present: Ms. White, Ms. Haverstock

Public Present: Mr. McTigue, P.E.

Via Zoom: Mr. Conroy, Ms. Zukauskas, Ms. Brodie, Mr. Pushlar

Regular Business

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

Members Seated: Mr. Papsin, Mr. Bennett, Ms. Audet, Mr. Gendron, Ms. Bogue

Consideration of the Minutes (00:34)

5-11-2022 Regular Meeting Minutes:

Motion: To approve the Regular Meeting Minutes of 5-11-2022 as submitted, by Mr. Bennett, seconded by Ms. Bogue, passed by 5-0 vote.

Special Meeting Minutes: 5-17-2022 Site Inspection Report, by B Bennett and J Audet – 91 & 95 West Shore Rd - #IW-22-18:

Motion: To approve the Special Meeting Minutes of 5-17-2022 Site Inspection Report by Mr. Bennett & Ms. Audet for 91 & 95 West Shore Rd - #IW-22-18 as submitted, by Mr. Gendron, seconded by Ms. Audet, passed by 5-0 vote.

Special Meeting Minutes: 5-17-2022 Site Inspection Report by J Bogue – 108 New Milford Tpk - #IW-22-17 (permit # changed to IW-22-20):

Motion: To approve the Special Meeting Minutes of 5-17-2022 Site Inspection Report for 108 - #IW-22-17 (changed to IW-22-20) by Ms. Bogue as submitted, by Mr. Gendron, seconded by Ms. Audet, passed by 5-0 vote.

Special Meeting Minutes: 5-17-2022 Site Inspection Report, by L Gendron– 217 West Shore Rd - #IW-20-62:

Motion: To approve the Special Meeting Minutes of 5-17-2022 Site Inspection Report by Mr. Gendron for 217 West Shore Rd – Modification to #IW-20-62 as submitted, by Mr. Bennett, seconded by Ms. Bogue, passed by 5-0 vote.

Motion to Include Subsequent Business Not Already Posted on the Agenda

None to add

Pending Applications

Town of Washington/108 New Milford Turnpike/Application for Permit #IW-22-20 (Formerly #IW-22-17) to mechanically remove phragmites in wetlands (03:15):

The IWC discussed drone photos to show the progression of the timeline to show how this mechanical removal method is working.

There were no further questions or comments regarding this property.

Motion: To approve application for Permit #IW-22-20, submitted by Town of Washington Conservation Commission at 108 New Milford Turnpike to mechanically remove invasive Phragmites in a wetland per plan titled: "Property Survey," prepared for Washington Partners, LLC, by Charles Farnsworth, dated 2-2-2006, "Overall Existing Conditions Map," prepared for Washington Partners, LLC, by CCA, LLC., dated 1-12-2009, and the permit application signed by Ryan Conroy, dated 4-27-22 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. Conduct aerial drone photographic survey of the subject area before and after work is done. 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 Ms. Audet, passed by 5-0 vote.

Arthur Howland & Associates for BCLC, LLC. /217 West Shore Rd/Application for Modification to Permit #IW-20-62/Construct SFD, sports court, detached garage, pool, driveway, septic, grading, drainage w/in regulated area (08:35): Mr. Papsin requested that this property be discussed under Enforcement.

Nettleton/91 & 95 West Shore Rd/Application for Permit #IW-22-18/Construction of driveway, SFD, within URA and proposed dock at shoreline (8:45): The property owner asked that discussion be tabled while they prepare revisions to the plans based on feedback from the 5-17-2022 site inspection.

It was noted that the URA was extended to 250 feet versus 100 feet due to the slope of the site. Ms. Audet pointed out that the proposed single-family residence would be within this 250-foot area and she has a couple of questions and comments that she would like addressed: 1. Would there be a basement? Or, what is the lowest floor elevation? 2. How much excavation is planned for the foundation? If there is solid ledge, will the footings be poured directly onto the ledge? Or, is there another construction method that would be used? 3. With the site conditions given, excavation and blasting could be kept to a minimum if the structure was designed accordingly.

New Applications to be Received by the Commission

Brodie/17 Wheaton Rd/ Application for Permit #IW-22-12 for removal of tree and installation of drainage in URA (11:55):

The IWC accepted this application and scheduled a site inspection for Tuesday, May 31, 2022, at 3 p.m. The Commission will meet at the site and asked that the property owner mark the location of the proposed drainage pipe.

Harris/254 New Milford Tpk/Application for Permit #IW-22-23 for construction of fence, house demolition, shed removal, deposition of materials in URA (15.27):

The IWC accepted this application and scheduled a site inspection for Tuesday, May 31, 2022, at 3:30 p.m. The Commission will meet at the site and asked that the small wetland pocket in the upper portion of the proposed parking area.

Other Business:

Revisions to Section 15 of the Inland Wetlands and Watercourses Regulations:

Ms. White has forwarded the language to counsel for approval before sending to DEEP and scheduling a public hearing.

Enforcement and Compliance Initiatives:

Ms. Haverstock stated that she will be issuing Notice of Violation to 217 West Shore Rd for failing to comply with the permit.

The IWC agreed that they would not be moving forward with the requested Modification to Permit #IW-20-62 until the Application to Correct a Violation is submitted to the Land Use Office.

Mr. Papsin stated that this is one of the worst sites he has been on in a while with regards to disturbance of a wetlands, unseeded areas, and filling of the wetlands. He does not feel that the eagles nest tree was properly protected and sees that the tree is in decline.

Ms. Audet stated that the violations are egregious. She noted that the site plan was very well developed and was ignored.

Mr. Papsin stated that the wetland pocket should be restored completely.

The Commission and Mr. McTigue looked at the plan titled "Proposed Site Development Plan," prepared for BCLC, LLC. by Arthur Howland and Associates, PC, sheet SD.1, dated 05-03-2022. Mr. McTigue distributed photographs of the site from today. He noted that there is a wood chip berm that is functioning to keep the silt back and it has been repaired all along the easterly side of the residence. He noted that the photographs show the silt fences were installed and corrected. Mr. McTigue informed the IWC that the stockpile is still in the wetlands and the contractors have been told to remove the material immediately. Some of the material will be used on the site and the rest will be carted away. He had the contractors dig a trench to relieve the ponding area around the trees. Additionally, the debris at the site has been cleaned up.

Mr. McTigue, from Arthur Howland and Associates, informed the IWC that the property owner is very upset about the work that the contractor has done. There is an estimated completion for the project of a year to a year and a half.

There was a brief discussion regarding the height of the woodchip berm.

The IWC noted that amount of material excavated from the site was underestimated. The ultimate responsibility is on the property owner. Mr. McTigue stated that the property owners are aware of this and they are working toward correcting the site.

The IWC recommended having a soil scientist evaluate the soils of the wetlands after the stockpile is removed and provide a report on the status of the site so the Commission could consider what steps will be needed for remediation. They would like a timeline going forward from the Notice of Violation and how remediation will be executed, then the permitted work can continue. The remediation plan should be included in the sequence of construction of the overall project and the original permit will probably require an extension request from the property owner.

Administrative Business:

Communications:

Adjournment:

Motion: To adjourn the meeting at 7:50pm, by Mr. Papsin

Respectfully submitted,

Shelley White

Shelley White
Land Use Administrator
5-31-2022

Link to recording of meeting:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/swhite_washingtonct_org/EZGVrtprnWxHmXUdcSrb68sBxrVYFQoLGlfJ510CbZgZEw?e=gFAazg