

Town of Washington  
Inland Wetlands Commission  
June 22, 2022  
Regular Meeting  
Hybrid – Zoom and Main Level Conference Room  
MINUTES

**Members Present:** Mr. Papsin, Mr. Bennett, Ms. Audet, Ms. Bogue

Via Zoom: Mr. Gendron, Ms. Dubow, Alt.

**Members Absent:** Mr. Koppel

**Staff Present:** Ms. White, Ms. Haverstock

**Public Present:** Mr. Nettleton, Mr. Rettenmeier, Mr. Lowenstein, Mr. McTigue, Mr. Sabin,

Via Zoom: Ms. Gallagher, Ms. Frank, Mr. Charles, Mr. Hackney, Mr. Thacher, Ms. Zukauskas, members of the public

**Regular Business**

Mr. Papsin called the meeting to order at 7:04 pm.

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

**Consideration of the Minutes (00:34)**

**6-8-2022 Regular Meeting Minutes:**

**Motion:** To approve the Special Meeting Minutes of 6-14-2022 Site Inspection Report by Ms. Audet for 17 Wheaton - #IW-22-22 as submitted, by Mr. Koppel, seconded by Ms. Bogue, passed by 5-0 vote.

**Special Meeting Minutes: 6-14-2022 Site Inspection Report, by J Audet – 91/95 West Shore Rd - #IW-22-18:**

**Motion:** To approve the Special Meeting Minutes of 5-31-2022 Site Inspection Report for 91/95 West Shore Rd - #IW-22-18 by Ms. Audet 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**

Ms. White noted that they received an application requesting an extension for Permit #IW-20-25 for construction of a single-family dwelling and driveway at 157 Nettleton Hollow. The IWC agreed that since none of the plans have changed and there is no request for modification that the extension may be granted administratively.

**Change in the Order of Items on the Agenda**

**Motion:** To rearrange agenda to hear New Applications followed by Pending Applications by Ms. Audet seconded by Ms. Bogue, passed by 5-0 vote.

**New Applications to be Received by the Commission**

**Adams/ 112 Lower Church Hill Rd/ Application for Permit #IW-22-27/removal of dead trees, paving of driveway and new plantings in URA:** The IWC accepted this application and scheduled a site inspection for Tuesday, June 28 at 4 p.m. A representative or the property owner is requested to attend.

**Arthur Howland & Associates for BCLC, LLC. /217 West Shore Rd/Application for Permit #IW-22-28/correct Violation #2022-W006:** The IWC will address this application under Enforcement.

**Arthur H. Howland & Associates for Harris/181 West Shore Rd/Application for Modification to Permit # IW-20-65/Changes to approved pool:** Mr. McTigue, from Arthur Howland & Associates, PC, explained that the orientation of the small plunge pool was turned 90 degrees so they are seeking a modification to the existing permit #IW-20-65. He noted that there were no other changes to the site regarding this permit.

The IWC asked about the rain garden that was included on the approved plan. It was noted that when the Enforcement Officer, Chairman and Land Use Administrator visited the site that the rain garden had standing water, no soil and no plant material. Ms. Haverstock explained that she cannot sign off on the Zoning Compliance until the site complies with their Inland Wetlands permit and that will delay the Building Official issuing a Certificate of Occupancy. Mr. McTigue stated that he would look into it.

The Commission stated that they would just consider the modification for the pool today. Mr. McTigue noted that the pool is not in the 100' review area but it was part of the IW permit that was issued.

There were no more questions from the Commission.

**Motion:** To approve modification to Permit #IW-20-65, submitted by Arthur H. Howland & Associates for Harris at 181 West Shore Road to reconfigure the location of the pool per plan titled "Improvement Location Survey," prepared for Jonathan Harris by Arthur H. Howland & Associates, P.C., dated June 13, 2022 and the Application to Modify an Approved Permit signed and dated by J. Harris, 6-20-22 with accompanying documentation. This permit is valid until November 24, 2022, and subject to the original conditions of Permit #IW-20-65. 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.

### **Pending Applications**

**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):** Discussion of this application will be tabled until enforcement issues are addressed.

**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):** Mr. Nettleton, property owner, Mr. Lowenstein, Engineer and Mr. Rettenmeier, Landscape Architect, were present on behalf of this application.

Mr. Nettleton stated that they tried to address all of the Commission's concerns on the revised plans, landscape maintenance plan and construction narrative. The "Tree Removal and Protection Plan," indicates the trees that will remain and will be surrounded by tree protective fencing. Mr. Nettleton noted that the tree protection is also included on the "Construction Narrative" and the plan titled, "Site Improvements for a Proposed Single-Family Residence, Soil Erosion and Sediment Control Plan," sheet C-2.

The Commission asked for a detailed drawing of the proposed rain garden. They stipulated that the general contractor, should meet with the Enforcement Officer between the 13 listed construction phases.

Mr. Nettleton agreed to this stipulation and added that they will be hiring LandTech to monitor the site and offered to send reports to Ms. Haverstock via email after every half inch rainfall event.

Mr. Nettleton reviewed the #6 on the Construction Narrative addressing the blasting phase of the construction. He informed the IWC that the blasting plan has to be reviewed and approved by the Fire Marshal but they will also have a qualified engineer and/or seismologist on site to monitor all the blasting to make sure everything is done correctly and as approved by the Fire Marshal. Mr. Nettleton noted that if the Fire Marshal does not approve the Geotech Plan they will have to revise it. He added that they will need to get approval from CT DOT for traffic controls during the blasting.

The IWC asked when the blasting would start and about how long it would take.

Mr. Nettleton responded it would begin in early autumn at the earliest and it would be best to do the blasting work in the winter months. He explained that these are very controlled blasts and will not be large blasts. He briefly described the measures that will be taken to prevent fly rock.

Mr. Nettleton stated that they could add that the stockpiles will be seeded and hayed to the sequence on LandTech's sheet C4.

The IWC discussed whether they should require a bond. Their general consensus was that the plan is very detailed and the control measures that would be put in place are pretty significant. The Commissioners stated that the regular meetings with the Enforcement Officer between phases adds a layer of confidence that things will be done correctly and monitored sufficiently.

**Motion:** To approve application for Permit #IW-22-18- submitted by Shaun Nettleton for 91 West Shore Road, LLC. for the property located at 91 & 95 West Shore Rd for proposed construction of driveway, single family dwelling, tree removal, blasting, and associated site improvements within 250 feet of Lake Waramaug per plans titled "Site Improvements for a Proposed Single Family Residence – Site Plan," sheet C-1, "...Soil Erosion and Sediment Control Plan," sheet C-2, "...Notes and Details," sheets C3-C4, prepared for Pinnacle Peak by LandTech with revision date of 6-17-22, "Planting Plan," sheet L1, "Landscape Details," sheet L2, "Tree Removal and Protection Plan," sheet L3 prepared for 91/95 West Shore Rd by Michael D'Angelo Landscape Architecture, with revision date of 6-17-22, letter regarding "91-95 West Shore Road – Landscape Maintenance Plan," including scope of work, addressed to Shelley White from Michael D'Angelo Landscape Architecture dated June 17, 2022, "Construction Narrative," signed by Shaun Nettleton, dated 6-22-2022, and letter from GEO Design, Inc. to Shaun Nettleton, regarding "Rock Removal – Proposed Single-Family Residence- 91/95 West Shore Road," sixteen (16) pages, dated April 29, 2022 permit application dated 5-3-22, revised 6-1-22 and signed by S. Nettleton 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, 4. Notes on the engineer drawing must include plans for ongoing maintenance of soil erosion controls following significant rainfall of ½" or more and reports submitted to the Enforcement Officer within 48 hours of the event, 5. A protection ring will be installed around all trees noted on the "Tree Removal and Protection Plan," dated 6-17-22, 6. The construction sequence will be broken down into clear and separate "phases" noting the specific scope of work & equipment to be used. There will be a photo journal maintained as the phases progress and a site meeting with the owner, general contractor, and interested parties will be scheduled with the Enforcement Officer at the end of each and every "phase", 7. At the proposed driveway entrance, controls for stone & soil retainage will be specifically detailed and included on the site plan or addendum, 8. Due to the required removal of several canopy trees at the proposed driveway entrance, the plan must include the planting of native, notable canopy trees with a caliper of 3-4" or more when planted. The quantity of these "replacements" must exceed the number of trees being removed, 9. Lots 91 & 95 must be merged into one (1) lot and mylar filed on the Town Land Records, 10. The E.O. or a qualified engineer is to be notified and be present when blasting is scheduled to take place and the Town of Washington must receive approval from the State of Connecticut for proposed work done along the state road, and, 11. Plans will be updated to show soils and detail specification of proposed rain gardens. 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.

**Harris/254 New Milford Tpk/Application for Permit #IW-22-23 for construction of fence, house demolition, shed removal, deposition of materials in URA (65 Days: 7-29-22):**

No one was present for this application. The discussion was tabled.

**Other Business:**

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

Ms. White distributed counsel's comments and suggested revisions. The IWC will review to discuss at the July 13, 2022 meeting. Ms. White requested that the commissioner forward any questions that they might have about the language so that she would be able to consult with counsel before the July meeting. scheduling a public hearing.

**Enforcement and Compliance Initiatives:**

Ms. Haverstock reviewed the Enforcement Report (Attachment A)

The Land Use Office asks that all enforcement concerns and/or complaints be accompanied by an address of the subject property. Due to time constraints, the staff cannot search for the subject property.

•**217 West Shore Rd:** Ms. Haverstock stated that she and Mr. Papsin have been making weekly visits to the sight and there are still some compliance concerns.

Mr. McTigue from Arthur Howland & Associates was present to discuss the subject property and noted that he made a site inspection today. He informed the IWC that the property owner is in between contractors and a new company will be working on the site. The new company has set a more aggressive schedule in addition to the overall plan. Mr. McTigue stated that he is expecting a report from the tree expert and will be submitting that to the IWC once he receives it. He explained that the woodchip erosion barrier is not typical but it is functioning and he has asked the contractor to augment the area in the northeast corner where the chips are a little low.

Mr. Bennett asked if the woodchips are being used in place of haybales. Mr. McTigue responded that they are using the woodchips in place of haybales and in most areas they are 5-6 feet tall.

Ms. Haverstock stated that when she visited the site she noticed that the double row of silt fence to the right of the driveway was failing, the seeding and haying was not done, the large stockpile was very unstable and the S & E controls measures were not in place after the contractor leaves for the day.

The IWC stated that the S & E Control measures must be replaced at the end of the day if they are removed during working hours and asked that Mr. McTigue inform the contractor to do so.

Mr. McTigue stated that the original Soil Erosion and Sedimentation Control Plan and Construction Sequence remains on the plan but he has supplemented it to address the issues that have come up.

It was noted that there should be a specific plan and schedule submitted to address only the violation.

There was a brief discussion regarding trees that were removed that were not marked to be removed on the original plan.

The IWC wanted to make clear that they would like to see: 1. All silt fencing in good condition, cleaned out, and maintained, 2. Make sure the woodchip barriers are doing their job and if they are not they must be augmented with silt fence and/or haybales, 3. The entire area around the house should be stabilized better by seeding any of the bare areas, 4. Removal of the stockpile, 5. Wetlands need to be restored to their original condition, 6. Review site monitoring and maintenance procedures with new contractor.

Mr. McTigue stated that they will inspect the site after every ½ rain event within 48 hours and provide a report to the Enforcement Officer.

The IWC asked that the tree report be handed in before the next meeting that is scheduled for July 13, 2022. They asked that the tree with the eagle's nest be included in that report, confirmation as to whether there is a plan to replace trees that were removed with any other plantings, schedule for the planting plan and a site visit after the new contractor has started.

•**169/173 West Shore Rd:** Ms. Haverstock noted that there are activities that are taking place that she has questions about. The 169 West Shore Rd property has created a pathway down to the road, there is work being done to a retaining wall at the water's edge, and a cobble stone driveway being repaired or replaced at the water's edge.

Mr. S. Sabin was present to represent the property owners to discuss the work currently being done at these properties. He stated that he sent Ms. Haverstock the start card to remove the debris from the previously issued violation because the contractor started removing the debris from the wetlands at the rear of 169 West Shore Rd. The contractor will be stabilizing the area tomorrow.

Mr. Sabin stated that he emailed a modification application to the Land Use Office to create a gravel covered in mulch path at 169 West Shore Rd. The contractor was laying down the filter fabric to stabilize the back of the wall because it needed to be extended to the base of the wall.

It was noted that if this installation of the filter fabric was not part of the original permit that it would be a violation.

Mr. Sabin stated that the work on the lakeside of 173 West Shore parking area was being repaired at the moment.

Ms. Haverstock stated that it looked like the entire area was being replaced and that it would need a permit for activity within a review area.

•**60 River Rd:** Ms. Haverstock and Mr. Papsin visited the property to review the activity that was reported. Stones were being put in the river and the property owner thought that it was part of the Agricultural Exemption. It was explained to them that they would need a permit for the activity.

**Administrative Business:** none

**Communications:** none

**Adjournment:**

**Motion:** To adjourn the meeting at 9:00 pm, by Mr. Papsin

Respectfully submitted,

*Shelley White*

Shelley White  
Land Use Administrator  
6-29-2022

Link to recording of meeting:

[https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/swhite\\_washingtonct\\_org/Ea0YVuzkJ2dOv9fuP5QaD4ABoLHqrvyxOkTZ0xskRZC?e=oxibN1](https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/swhite_washingtonct_org/Ea0YVuzkJ2dOv9fuP5QaD4ABoLHqrvyxOkTZ0xskRZC?e=oxibN1)

## Attachment A

Dated	Citation	Address	Notes
August 27, 2021	2021-W003	25 Juniper Meadow Road	Planting project planned and planted. Site visit on 6/13/22. Project completed, NOV compliance.
Friday, April 29, 2022	2022-W005	181 West Shore Road	Failure to maintain sediment and erosion control measures.
Wednesday May 25, 2022	2022-W006	217 West Shore Road	Failure to comply with permit requirements - specifically sediment and erosion control measures. Filling in Wetlands
Wednesday June 1, 2022	2022-W007	46 Christian Street	Creation of driveway not on approved plan in URA

Date	Site	Notes
ongoing	46 Christian Street	Created driveway for equipment in URA not on application
ongoing	169-173 West Shore Road	permit to correct violation, current activity on site requiring clarification and modification to project permit
ongoing	181 West Shore Road	Review of Permit requirements for compliance Site inspections for compliance. Modification for pool submitted.
Tuesday June 7, 2022/completed	109 Blackville Road	Landslide type action, fall of several trees, request for review for IW for removal of trees. Permit to remove trees, Project reviewed 6/20/22 completed

ongoing	217 West Shore Road	Review sediment and erosion control measures. Weekly inspections, photos, updates from engineer. NOV with required submittal for permit to correct the violation
June 16, 2022	Whittlesey Bridge	S&E controls, site visit - start card
June 17, 2022	Nettleton Hollow	Driveway concern
June 21, 2022 (rec'd)	32 Lower Church Hill Road	Demolition - meetings with contractor and property owner. No building permit No wetlands permit issued
June 21, 2022	13 Top Pasture	IW permit, generator