

Town of Washington
Inland Wetlands Commission
September 14, 2022
Regular Meeting
Hybrid – Zoom and Main Level Conference Room
MINUTES

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

Staff Present: Ms. White, Ms. Haverstock

Public Present: Mr. Douskey, Mr. Sabin, Mr. Woronick, Mr. Colepaugh, Mr. McTigue, Mr. Neff,

Via Zoom: Mr. Pushlar, Mr. Mack, Ms. Madoff, Public

Regular Business

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

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

Consideration of the Minutes (00:17):

8-24-2022 Regular Meeting Minutes:

Motion: To approve the Regular Meeting Minutes of 8-24-2022 as submitted, by Mr. Bennett, seconded by Ms. Bogue, passed by 5-0 vote.

Special Meeting Minutes: 8-29-2022 Site Inspection Report by M. Dubow, 159 Woodbury Rd - #IW-22-40:

Motion: To approve the Special Meeting Minutes of 8-29-2022 Site Inspection Report for 159 Woodbury Rd – Permit #IW-22-40 by Ms. Dubow as submitted, by Mr. Bennett, seconded by Mr. Gendron, passed by 5-0 vote.

Motion to Include Subsequent Business Not Already Posted on the Agenda (01:26):

None

Pending Applications:

Harris/254 New Milford Tpk/Application for Permit #IW-22-23 for construction of fence, house demolition, shed removal, deposition of materials in URA (01:30)

Mr. Pushlar, agent for Mr. Harris, was present via teleconference to discuss this application. He informed the Commission that because of the stream of water being dry they have been unable to retrieve a sample to do the water testing. He stated that he believes the water is coming from an old stone structure with a spring in the bottom and is not connected with the septic system. Mr. Pushlar shared his screen with the plan titled “Wetland Plan-Site Plan”. It was noted that the leaching fields for the septic system were approximately 200 feet above gradient to this water source.

The Commission discussed a possible condition of approval regarding the water testing. The IWC agreed that testing should be done as soon as possible, preferably before or around the end of November of this year and if the stream is still not running, three months after that until a sample is available.

Mr. Pushlar and the IWC discussed the report he sent with the memo dated July 2, 2022 regarding the pipe investigation. Mr. Pushlar noted that the company came out and scoped the pipes which they determined were most likely tied into the leader drains of the building that was demolished. He agreed to cut off and cap the pipes.

Motion: To approve application for Permit #IW-22-23, for Harris – 254 New Milford Turnpike for installation of a fence, deposition of gravel, demolition of house, planting and removal of shed in URA per the plan titled “Wetland Plan-Site Plan,” prepared for 254 & 258 New Milford Turnpike by Dean Pushlar, Licensed Landscape Architect, with a revision date of 6-20-2022, the memo dated July 2, 2022 regarding the pipe investigation and the permit application signed by John Harris, dated April 25, 2022, 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, and 4. Testing of water from the bank alongside the parking area must be tested starting November 30, and every three months following until sample is available, with quality testing results sent to the IWC. 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.

Adams/ 112 Lower Church Hill Rd/ Application for Permit #IW-22-27/removal of dead trees, paving of driveway and new plantings in URA (19:55):

No one was present for this application. An extension was granted at the last meeting.

Stuart Somers Co., LLC for Cross/255 West Shore Rd/Permit #IW-22-39/activity within URA – demo existing and rebuild SFD, new septic, drainage (19:55):

The IWC rescheduled a site inspection for Wednesday 19, 2022 at 3:00 p.m.

Woronick-Colepaugh/159 Woodbury Rd/Permit #IW-22-38/activity in watercourse and URA – repair dry stacked stone retaining wall along stream, install new foundation under existing front porch, remove 4 trees, add bluestone patio, walkway, and stepping stones (22:03)

Mr. Woronick and Mr. Colepaugh, property owners, were present to discuss this application.

The IWC requested a sequence of construction for the file. They noted this can be included in the motion as a condition. They noted that the property owners would have to come back for a permit when they plan to install a new driveway. The 8-29-22 Site Inspection Report written by Ms. Dubow would be included in the motion as it gives the details of the trees to be flush cut.

Motion: To approve application for Permit #IW-20-40- submitted by Woronick-Colepaugh at the property located at 159 Woodbury Road to rebuild/repair existing dry stacked retaining wall along watercourse, install new foundation under front porch, flush cut trees add bluestone patio, walkway and stepping stones within the review area per the plan map prepared for Helen P. Stolt, Route 47, with hand drawn addition by Woronick-Colepaugh dated 9-14-2022, Report from 8-29-2022 Site Inspection by M. Dubow and application signed by property owners, dated 8-12-22 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. A sequence of construction must be submitted before commencement of work. 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 Mr. Gendron, passed by 5-0 vote.

Il Lago, LLC/164 West Shore Rd/Permit #IW-22-42/Correction of Violation – rake sand back from high water mark of lake (30:30)

Mr. Douskey, agent for the property owner, was present to discuss this application with the Commission. He stated that the application proposes to rake all the sand above the scum/highwater line and away from the water. The shoreline area was previously rocks and typical shoreline material.

It was noted that the rain had washed out some of the sand. Mr. Douskey stated that six and half yards of sand was deposited and estimated that six and one-quarter yards remain on the beach area.

The IWC expressed concerns that more sand would wash into the lake with when it rains.

An email from Mr. Philips, dated 9/13/22 was received by the Commission questioning why the violation wasn't corrected sooner. Ms. Haverstock explained the process of issuing a notice of violation.

Mr. Papsin noted that when he and Ms. Haverstock, WEO, visited the site last month the sand was right up to the water's end but when they visited it this week some of the sand was gone and a delta was created from the runoff.

The IWC felt that the steepness of the bank and the lack of rock would make it difficult for the sand to stay out of the water even if it were to be raked back above the high-water line.

After a brief discussion the IWC agreed that the deposited sand should be removed as there was no guarantee that raking it back would keep it out of the water.

Motion: To approve application for Permit #IW-22-42, for Il Lago, LLC. – 164 West Shore Road for correction of violation to remove all sand deposited in the URA and lake per plan titled “Existing Conditions Map,” with hand drawn location of sand deposit, originally prepared for Robert Berne & Steffi Berne, By Arthur H. Howland & Associates, dated 9-21-2016. 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. All sand is to be removed to the satisfaction of the Enforcement Officer by 5 p.m. Friday, September 16, 2022, 5. Applicant must submit sequence of operation and 6. If sand is not removed by this time a turbidity curtain must be installed the length of the area of the sand deposit no later than 10 a.m. Monday, September 19, 2022 and approved by the Enforcement Officer. 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. Bennett, seconded by Mr. Gendron, passed by 5-0 vote.

New Applications to be Received by the Commission (49:41):

Schwartz/173 West Shore Rd/Permit #IW-22-45/Installation of level spreaders in URA:

Mr. Sabin was present to represent the property owner. The IWC accepted this application and will vote on it at the next regularly scheduled 9-28-2022 meeting.

Steep Rock Association/124 Christian St/Permit #IW-22-44/construction of stone steps on trails in URA:

The IWC accepted this application and scheduled a site inspection for Tuesday, September 20, 2022, at 4:00 p.m.

Mr. Papsin recused himself and seated Ms. Dubow.

West Shore Farms, LLC/285 West Shore Rd/Modification to Permit #IW-21-37/change stone patio to turf in URA:

Mr. McTigue from Arthur Howland & Associates was present to represent the property owners. Ms. Madoff was present as well. Mr. McTigue stated they would like to change the approved blue stone patio sitting area to a permeable synthetic grass called SYN Pro 100 which will not require maintenance or fertilizer. Ms. Madoff informed the IWC that the product is environmentally sustainable made mostly of American soybean oil and bio-based polymers and has greater permeability than gravel. She added that it does not need the pellets and there is no rubber or plastic. (Site Inspection scheduled for 3:00 p.m. Wednesday, 9-21-22)

West Shore Farms, LLC/285 West Shore Rd/Permit #IW-22-48/Construct driveway, parking area & stonewall in URA:

Mr. McTigue from Arthur Howland & Associates discussed the proposed parking area across the street from the shoreline property. The parking area will be for the golf carts that come down from the main house to the boat house. The driveway would be 10-feet wide in the proposed area and becomes a little wider in the turnaround area.

The IWC accepted both application for 285 West Shore Road and scheduled a site inspection for Wednesday, September 21, 2022 at 3:00 p.m.

Mr. Papsin was reseated.

Beck/4 Perkins Rd/Modification to Permit #IW-21-12/tree removal in URA:

The IWC accepted this application and scheduled a site inspection on September 21, 2022, following 285 West Shore Road (approximately 4:00 p.m.)

Mnuchin/52 Calhoun ST/Permit #IW-22-49/Selective tree/vegetation clearing and planting in URA:

Mr. Neff was present to represent the property owners. He explained that they are proposing to do some selective clearing and proposed planting around the man-made pond. He gave a synopsis of the permitted work that has already occurred on the property. Mr. Neff stated that the property owners would like to plant an orchard in the sloping area between the driveway and the pond. There is a small island in the pond that has a spruce tree that they are proposing to remove and replace with some native 2-3 " caliper red maples. He added that another company will be addressing invasives in and around the pond with another application for a permit.

The IWC and Mr. Neff briefly discussed how the tree would be taken from the island. Mr. Neff stated that they do not have any firm plans but might have to use a row boat to take it off of the island. The IWC stated that they are interested in knowing the exact location of the proposed tree plantings for the orchard. The proximity of the trees to the pond is to be considered if they were to spray or treat them.

The IWC accepted this application and scheduled a site inspection for Tuesday, September 20, 2022 at 5:00 p.m.

Other Business(1:11:45):

Reminder: A Public Hearing for Revisions to Section 15 of the Inland Wetlands and Watercourses Regulations has been set for September 28, 2022

Enforcement and Compliance Initiatives (1:12:26):

Ms. Haverstock reviewed the Enforcement Summary and noted that there have been no violations since the last meeting.

Enforcement Report: See Attachment A

Administrative Business:

None

Communications:

None

Adjournment:

Motion: To adjourn the meeting at 8:26 pm, by Mr. Papsin

Respectfully submitted by:

Shelley White

Shelley White
Land Use Administrator
9-21-22

Minutes are subject to approval

Link to recording of meeting:

https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/swhite_washingtonct_org/EVXIPuC2My5PtViyhQgnaUsBFEVlxyTz4bfWXLG6Gq7rA?e=oyMWGy

Attachment A

Date	Address
Thursday August 25, 2022	Scofield Hill Road
Friday August 26, 2022	Washington Art Gallery
Tuesday September 6, 2022	Waramaug
Tuesday September 6, 2022	Perkins
Tuesday September 6, 2022	Sunny Ridge
Tuesday September 6, 2022	Upper Church
Tuesday September 6, 2022	Nettleton Hollow
Tuesday September 6, 2022	Calhoun
Friday, September 9, 2022	Waramaug
Friday, September 9, 2022	Upper Church
Friday, September 9, 2022	Calhoun
Friday, September 9, 2022	Christian Street