

**Town of Washington
Inland Wetlands Commission
MINUTES
Regular Meeting
April 22, 2020**

7:00 p.m.

Zoom Video Conference

Members Present: Mr. Papsin, Mr. LaMuniere, Mr. Bennett, Ms. Branson, Mr. Bedini

Staff Present: Ms. White, Mr. Tsacoyannis

Also Present: Mr. Neff, Mr. Angell, Mr. Charles

Call to Order:

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

Seated: Mr. Papsin, Mr. LaMuniere, Mr. Bennett, Ms. Branson

Consideration of the Minutes (00:48):

Regular Meeting Minutes: 4-8-2020:

The Commissioners considered the April 22, 2020, Regular Meeting Minutes:

Pg. 3, under Enforcement, 27 West Shore Rd: It was noted that hay bales have been temporarily placed at the Kandel property (not 27 West Shore Rd at the bottom of the washout) until they can stabilize the area.

MOTION: To approve the April 8, 2020, Regular Meeting Minutes as amended, by Mr. Papsin, seconded by Mr. Bennett, passed 4-0 vote.

Special Meeting Minutes: Site Visit for Arthur H. Howland & Associates for Angelo/82 Baldwin Hill Road/Application for Permit #IW-20-14:

MOTION: To approve the April 15, 2020, Special Meeting Minutes for Site Visit at 82 Baldwin Hill Rd/Application for Permit #IW-20-14 as submitted, by Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0 vote.

Special Meeting Minutes: Site Visit for Angell/47 West Shore Road/Application for Modification to Permit #IW-18-24:

MOTION: To approve the April 15, 2020, Special Meeting Minutes for Site Visit at 47 West Shore Rd/Application for Permit #IW-18-24 as submitted, by Mr. Papsin, seconded by Mr. Bennett, passed 4-0 vote.

Special Meeting Minutes: Site Visit for Tobin for Donovan/127 West Shore Rd/Application for Permit #IW-20-15:

MOTION: To approve the April 15, 2020, Special Meeting Minutes for Site Visit at 127 West Shore Rd/Application for Permit #IW-20-15 as submitted, by Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0 vote.

Subsequent Business (03:36):

There was no subsequent business to add to the agenda.

Pending Applications:

Bergen/35 Potash Hill Rd/Application for Permit #IW-20-12/Installation of pond aeration pump & landscape plantings (03:48):

Mr. Papsin asked if the Commissioners have seen the newly submitted plan titled "Site Plan" prepared for Bergen Residence by Deborah Nevins & Associates, sheet L001 with a revision date of 4/22/2020. The Commissioners note that the revised planting plan includes the two trees to be removed, the trees along the edge of the pond are no longer marked for removal and the stone paving band around the perimeter of the motor court has been indicated on the plan. The Commissioners agreed that the plan has been revised to conform with the items they asked to be included at the site walk.

MOTION: To approve the application for Bergen at 35 Potash Hill Rd for Permit #IW-20-12 for installation of pond aeration pump, stone paving band around motor court & landscape plantings per plan titled "Site Plan" prepared for Bergen Residence by Deborah Nevins & Associates, sheet L001 with a revision date of 4/22/2020, and the accompanying documents on file for this application. This permit is valid for two (2) years and is subject to 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, 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 Ms. Branson and seconded by Mr. LaMuniere, passed by 4-0 vote.

Arthur H. Howland & Associates for Angelo/82 Baldwin Hill Road/Application for Permit #IW-20-14/ Demolition and construction of residence and garage within the existing footprint and regrading existing manmade pond (09:22):

Ms. White informed the Commission that Mr. Szymanski, P.E., agent for Angelo, has requested that this discussion be tabled until the next regularly scheduled IWC meeting on May 13, 2020, at 7 pm.

Angell/47 West Shore Road/Application for Modification to Permit #IW-18-24/Remove existing terrace, restore the natural shoreline, install new 50% stone, 50% grass sitting area, steps & plantings (09:31):

Mr. Tsacoyannis noted that the only thing that is being modified is the seating area and everything else was approved with the original permit #IW-18-24. The original permit showed a terrace made of an impervious surface of stones this modification proposes a sitting area of 50% pervious grass area to 50% impervious stone area.

The Commissioners asked questions regarding the sequence of construction on the plan titled "Lakefront Restoration Plan" prepared for Angell Residence by Sabin Landscape Architects, sheet L-1 with a revision date of 4/06/2020. It was noted that on the site visit of April 15, 2020,

the Commissioners noticed that the level of the lake was high and that a turbidity curtain might be necessary. Under Sequence of Construction, 1. "Install silt boom/silt fence @ lake-side of temporary disturbance depending upon level of lake @ time of disturbance," the Commissioners suggested the Enforcement Officer be notified before construction begins so that he can determine whether the level of the lake warrants a turbidity curtain/silt boom. Mr. Angell stated that they are prepared to install the turbidity curtain if necessary. Mr. Papsin noted that this could be included in the motion as a condition of approval. Step 3. of the sequence is "Strip & stockpile topsoil directly adjacent to project area. Demolish remove shoreline and terrace stones & existing wood steps, re-establishing prior edge of boulder rip-rap shoreline. Excavate new terrace and slab steps to sub-base. Begin placing boulders, slab steps and re-located terrace. Haul excess fill from area." The Commissioners recommended that when the construction gets to this point when the stones are being removed, that the Enforcement Officer should be present to supervise, monitor and direct the work in terms of re-establishing the original shoreline. Mr. Angell agreed that this would be possible. The Commissioners agreed that a condition of approval should be included in the motion to state that the E.O. will be notified when the project gets to this point and he will supervise, monitor and direct the work as well as photo document when the original shoreline has been exposed. It was noted by the Commissioners that stones will need to be put underneath the sitting area and that additional work would be done to the shoreline under item 5. "Complete Boulder rip-rap shoreline after E.O. inspection." If this is the case, the Commissioners stated that the E.O. should be present to supervise, monitor, direct the work and photo document all the activity and the photo documentation should be sent to the Commissioners to review and upon their approval the work may continue.

7:30 pm - Mr. Bedini joins the meeting and is seated (25:45).

All Commissioners stated that they agreed to the additional conditions of approval.

MOTION: To approve the application for Angell at 47 West Shore Rd for a Modification to Permit #IW-18-24 to remove existing stone terrace that was in violation of the approved permit, to relocate the terrace with 50% permeable surface and 50% impermeable stone surface and to restore the natural original shoreline, add steps and native plantings per plan titled "Lakefront Restoration Plan" prepared for Angell Residence by Sabin Landscape Architects, sheet L-1 with a revision date of 4/06/2020, and the accompanying documents on file for this application. This permit is valid until the original expiration date of June 13, 2020 and is subject to 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 and determine whether the installation of a turbidity curtain/silt boom will be necessary, 2. that the property owner must inform the E.O. which contractor will be doing the work and give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, 3. that any changes to the plans as approved must be submitted immediately to the Commission for review, 4. that the property owner is to notify the E.O. when the stones of the existing terrace will be removed so that he is present to witness, advise and photo document the removal of stones to the point of exposing the original shoreline, at which point the E.O. will notify the Commission that the original shoreline has been restored and they will review the photo documentation then upon the IWC approval, the work of the terrace per plan may commence, and 5. that the Enforcement Officer is notified of any additional stones, boulders or riprap applied to the original exposed shoreline to inspect and photo document the application and

disseminate to the IWC for review and approval, 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. Bennett and seconded by Mr. Bedini, passed by 5-0 vote.

Tobin for Donovan/127 West Shore Rd/Application for Permit # IW-20-15/to build shed within the review area (34:17):

Mr. Papsin stated that there was no one representing the property owner at the site visit on April 15, 2020, and the footprint of the shed was not marked out. It was noted that the area in which the property owner is proposing to build the shed is quite limited.

Mr. Tsacoyannis stated that this proposed shed was not approved by the ZBA and the property owners will be submitting a modified version of the proposed shed. It was noted that the IWA does not need to decide until June 12, 2020.

There was a brief discussion about whether the IWC should deny this application or table the discussion so that the property owner has time to submit a new plan.

The Commission agreed to table this discussion until more information is submitted or until the 65 day time period runs out.

New Applications:

Angell/47 West Shore Rd/Application for Permit #IW-20-16/Attach Rowing Shell Dock to existing pier (41:20):

Ms. White noted that the application is complete. However, she noted that under Part II, question #10 of the Statewide Inland Wetlands & Watercourses Activity Report Form for the DEEP, no response corresponds with attaching a dock to an existing pier. She added that this dock needs a Zoning permit but asked the Commissioners if they feel it needs an Inland Wetlands permit.

There was a brief discussion that there would not be any removal or deposition of soil and the Commission should decide whether they have jurisdiction over this. It was noted that if there is an in-office agent approval that would be indicating that the IWC has jurisdiction over this.

The Commissioners agreed that the IWC did not have jurisdiction over this proposed rowing dock that will be attached to the existing pier.

Enforcement:

Enforcement Activity Report (48:01):

Mr. Tsacoyannis review his report with the Commissioners:

- 143 West Shore Rd: Mr. Tsacoyannis stated that he was at 141 West Shore Road observing the removal of trees and he noticed somebody doing work at 143 West Shore Rd. He discovered there was no permit to do this work so he asked that it stop. The work included removing invasives and two dead trees upgradient of 141 West Shore Rd. He issued a notice of cease and desist and a fine of \$350 for doing work outside of the wetland area but being the second violation. Mr. Tsacoyannis stated that he informed the contractor that was doing the work that a plan had to be submitted along with an application, trees that are to be removed should be

marked and areas of the invasive removal should be marked as well. He added that the necessity of a planting plan will be determined based on what they indicate is to be removed.

- 27 West Shore: Mr. Tsacoyannis stated that he looked into work that was being done on the existing boathouse at this location. He found out that only the siding and the roof was being replaced and the previous WEO had told them an IW permit was not needed as there would be no ground disturbance. Mr. Tsacoyannis confirmed that there was no documentation in the file. The Commissioners agreed that the IWC doesn't have jurisdiction over this.

- Ms. White stated that she has sent the proposed changes to Counsel regarding enforcement.

- 52 River Road: Mr. Tsacoyannis stated that he has asked the property manager for the planting plan and has not received it yet. The Commissioners feel that the strengthening of the regulations regarding enforcement would be helpful in this case.

There was a brief discussion regarding whether the planting plan was part of the approved permit. Mr. Papsin believes that the planting plan was asked for in the minutes informally. Mr. Bennett stated that the IWC does not have any teeth with this request because it was not made a condition of approval. Mr. Tsacoyannis and Ms. White stated that they will review the minutes from October 2018 to June 2019 to see where the planting plan was mentioned in the minutes and whether it was a request as a result of a violation of the silviculture permit.

- 90 Tinker Hill Road: Ms. White stated that she will be creating a request for an estimate from Land Tech to review what has been done at 90 Tinker Hill and what was approved.

Other Business:

There was no other business to discuss.

Administrative Business:

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
April 28, 2020