

December 11, 2013

7:00 p.m. Upper Level Meeting Room

MEMBERS PRESENT: Mr. LaMuniere, Mr. Wadelton

MEMBERS ABSENT: Mr. Bedini, Ms. Cheney, Mr. Papsin

ALTERNATE PRESENT: Mr. Martino

ALTERNATE ABSENT: Mr. Davis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Gillespie, Mr. Neff, Mr. Szymanski, Press

Mr. Wadelton called the Meeting to order at 7:00 p.m. and seated Members LaMuniere and Wadelton and Alternate Martino. He noted there was a quorum present.

Consideration of the Minutes

MOTION:

To accept the 11/26/13 Regular Meeting minutes as written.

By Mr. LaMuniere, seconded by Mr. Martino, and passed 3-0.

MOTION:

To accept the 12/4/13 Special Meeting minutes as written.

By Mr. LaMuniere, seconded by Mr. Martino, and passed 3-0.

Pending Applications

The Gunnery, Inc./22 South Street/#IW-13-38/Installation of Two Wells:

The plan, "Proposed Well Locations," 2 sheets, by Smith and Company, revised to 11/14/13 was reviewed. Mr. LaMuniere said the Commission had thoroughly discussed this application at the last meeting but had not been able to vote due to state statute. It was noted a utility trench for the wires and pipes between the wells and the distribution building was also proposed. Mr. Ajello explained that one well would be drilled at this time and a second later if the capacity of the first well was not sufficient.

MOTION:

To approve Application #IW-13-38 submitted by The Gunnery, Inc. for the installation of two wells at 22 South Street per the plan, "Proposed Well Locations," 2 sheets, by Smith and Company, dated 12/6/12 and revised to 11/14/13; the permit shall be valid for 5 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 WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. LaMunier, seconded by Mr. Martino, passed 3-0.

9 Main Street Assoc./9 Main Street/#IW-13-39/Repair Septic System:

Mr. Neff, engineer, stated there had been no revisions to the plan since the last meeting. His plan, "Septic System Repair Plan," dated 11/4/13 was reviewed. Mr. Ajello asked if infiltrators were included. Mr. Neff said, yes, the infiltrators were for the back wash of the water treatment system, but they were not located in the regulated area. Mr. LaMunier said he had inspected the site and that there was no threat to the wetlands. It was the consensus there were no outstanding issues.

MOTION:

To approve Application #IW-13-39 submitted by 9 Main Street Assoc. to repair the septic system at 9 Main Street per the plan, "Septic System Repair Plan," by Mr. Neff, dated 11/4/13; the duration of the permit shall be two years and it shall be 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 WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. LaMunier, seconded by Mr. Martino, passed 3-0.

Brick School Road, LLC./181 West Shore Road/#IW-13-40/Single Family Dwelling, Driveway, Septic System, Shoreline Work, etc.:

Mr. Szymanski, engineer, presented the plan, "Proposed Site Development Plan," by Arthur H. Howland and Assoc., dated 11/12/13 and revised to

11/22/13. Comparing the current proposal to the feasibility plan the Commission reviewed in 2006, Mr. Szymanski said the proposed house was now located farther from the wetlands, a greater buffer was provided between the area to be developed and the wetlands, for 100 year storm events, infiltration was proposed to handle the roof runoff, and the septic system was now located on the property and had been approved by the Health Department. It was noted that 80% of the trees on the property would be removed and Mr. Szymanski pointed out the significant trees that would be cut. Work along the shoreline was discussed. A wooden stairway will be installed, one dead tree cut, the steep slope will be stabilized with a stonewall, and a dock will be installed. It was noted concrete would be poured to anchor the dock. Mr. LaMunier voiced his concern about the drainage discharging into the wetlands. He thought because the area was so steep there should be some kind of energy dissipater to slow down and spread out the flow. Mr. Szymanski offered to install a 10 ft. wide, 1 ft. deep dissipater at the end of the swale instead of the point discharge indicated on the plan. Mr. LaMunier asked that this be detailed on the plan. Mr. Ajello asked if there was an overflow at the end of the culvert recharger. Mr. Szymanski said it could be tied into a 12 inch deep stone splash pool. A pedestrian easement along the east side of the property was noted. A site inspection was scheduled for Tuesday, December 17, 2013 at 3:00 p.m. Mr. Szymanski said he would stake the center line of the driveway, the ends of the filtration system, the septic location, and the corners of the house. The commissioners also asked him to mark the trees that would be cut down. Mrs. Hill noted the plan indicated work along the shoreline, but the application form did not. Mr. Szymanski will amend the form.

New Applications

Coleman/31 South Fenn Hill Road/#IW-13-41/Single Family Dwelling, Driveway, Septic System, etc.:

Mr. Neff, engineer, presented the map, "Proposed Site Plan," by Mr. Neff, dated 12/5/13. He explained the building lot approved in 1986 has a building envelope, which includes some wetlands and restricts the location of structures. He noted that no activity was proposed within 50 feet of wetlands, but there would be work within 100 feet. The proposed tree line was noted and Mr. Neff said trees would be cut in the regulated area, but again, not within 50 feet of the wetlands. Mr. LaMunier asked why the house could not be moved out of the upland review area since the area was flat and there was room to do so. Mr. Neff pointed out the two wetland areas and explained how

he had worked with the owner and architect to maintain a 50 ft. setback. Mr. LaMuniere thought the house was a big encroachment and recommended moving it to the north to protect the wetlands as much as possible. Mr. Wadelton noted that feasible and prudent alternatives should be considered. The driveway location was briefly discussed. Mr. Neff stated the driveway was allowed outside the building envelope and was located in a gently sloping area where erosion could be controlled. Mr. Ajello thought the driveway would be more likely to impact the wetlands than the house site. Mr. Neff said he would consult with the owner and architect about relocating the house. A site inspection will be scheduled after the site plan is revised.

Bitar/36 Carmel Hill Road/#IW-13-42/Timber Harvest:

Mr. Gillespie, forester, presented the map, "Topographic Survey," by Smith and Company, dated 10/31/13 with handwritten information pertaining to the proposed timber harvest. An 8" X 11" copy of this map had been submitted with the application and Mr. Gillespie said he would submit a full sized map for the file. He pointed out the area to be worked in and the access to it, the proposed skid trails and landing area, the vernal pool, the 50 ft. and 100 ft. setbacks for the vernal pool, the direction of drainage on the property, and trees the landscaper had tagged. He said most of the trees marked by the landscaper would be saved, although he hadn't yet made a final determination. He noted a skidder or timber harvester would be used, the landing area would be next to the existing gravel driveway, and an anti tracking pad would be installed. The cut stumps would be left in place and the majority of the tree tops would be chipped and scattered throughout the site. He said there would be no large piles of chips. It was noted the Commission's consultant had advised that a thick layer of wood chips is not good for the forest. Mr. Gillespie said one third of the trees on site would be cut and that he would favor retaining specimen trees. Mr. LaMuniere noted the canopy would be diminished and asked if invasive plants would be removed. Mr. Gillespie said he was licensed in forest pest control, but did not know yet whether invasives would be removed. Approximately 20 trees would be cut within 100 feet of the vernal pool, but none closer than 50 feet, and they would be dropped away from the pool. Mr. Ajello asked for a written description of the best management practices to be implemented and the depth of the wood chips to be spread. Mr. Gillespie said that none would be placed within the vernal pool setback.

Other Business

Straw Man, LLC/135 Bee Brook Road/Request to Revise Condition of Approval of Permit #IR-09-44/Extension of Time for Bridge Related Work:
Mr. Wadelton noted a public hearing would be held on December 17, 2013.

Update on State DOT Spraying of Herbicides near Wetlands and Watercourses:

Mr. Bedini had circulated a draft letter to the DOT. It will be discussed at the next meeting when he and Mr. Papsin are present.

Enforcement

In addition to the items listed in Mr. Ajello's 12/11/13 enforcement report, the following matters were discussed:

Berg/22 Foulois Road/Activity Exceeding Approved Permit:

Mr. Szymanski, engineer, said he had reviewed the file, had a soil scientist confirm the prior wetlands flagging, and had monitored the site since then. He noted that part of the unauthorized curtain drain is uphill of the wetlands, although the bottom portion is in wetlands soils. He stated that the curtain drain did not appear to be hydraulically impacting the wetlands, and so suggested the Commission consider mitigation rather than requiring the drain be removed. He said the mitigation could include the eradication of Japanese knotweed and an increase in the wetland buffer. Mr. Ajello asked if perhaps the drain had not impacted the wetlands because it had been unusually dry. Mr. Szymanski responded that the lawn area was filled wetlands, which stays wet throughout the year. Mr. Ajello noted that Mr. Allen, consultant, had previously advised the Commission that the water table rebounds within 20 feet down slope of a curtain drain. Mr. Szymanski said if the curtain drain was located where it would pick up lawn fertilizers, he would be concerned, but there was only undisturbed swamp above it. Mr. LaMunier noted the curtain drain was not efficient as installed and Mr. Szymanski agreed. It was the consensus that even though the unauthorized curtain drain was a serious violation, because it was not impacting the wetlands, the Commission would consider an application for a serious remediation plan.

Silverman/341 Nettleton Hollow Road/Violation of Permit #IW-13-19:

Mr. Ajello said this project had been shut down because we were unlikely to have dry weather until next summer. He also noted the property owners had paid the fine and were on good terms with the Commission.

Smith/35 East Shore Road/Unauthorized Work Along Riverbank:

Mr. Ajello said he had confirmed that an area had been repaired or dressed up near or straddling the Smith boundary line. He circulated a photo he had taken, which he said showed the scope and scale of the work that had been done. Mr. Wadelton stated that nothing “actionable” had taken place. Mr. Ajello agreed, but said he would still meet with Mrs. Smith because the work done was a regulated activity. He said he could not confirm that fill had been deposited.

Woodruff/3 West Shore Road/Notice of Violation of Land Records:

Mr. LaMunier asked if the Commission would pursue the violation on the Woodruff property. Mrs. Hill noted the Commission had previously dealt with it and had filed a notice of violation on the Land Records. Mr. Wadelton said there was no ongoing damage. Mr. Ajello said Mr. Woodruff had done a lot of work and that he would encourage him to complete it.

Administrative Business

2014 Calendar:

The Special Meeting notice will be revised and this matter will be added to the agenda for December 17, 2014.

MOTION:

To adjourn the meeting. By Mr. Martino.

Mr. Wadelton adjourned the meeting at 8:30 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill, Land Use Administrator