

September 12, 2012

7:00 p.m. Upper Level Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. Papsin, Mr. Wadelton (all seated)

MEMBERS ABSENT: Mr. Bohan, Mr. LaMunier

ALTERNATES ABSENT: Ms. Cheney, Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Somerset, Mr. Pakula, Ms. Moskaluk, Mr. Kleinberg, Mr. Neff, Mr. Szymanski, Mr. Sweeney, Mr. Sabin

Mr. Bedini called the Meeting to order at 7:00 p.m. and seated Members Bedini, Papsin, and Wadelton.

MOTION:

To include the following subsequent business on the agenda:

III. Consideration of the Minutes:

C. 9/11/12 Keating site inspection and

V. New Applications:

D. Rosenberg and Murphy/10 West Morris Road/Application to Correct Violation/Unauthorized Tree Clearing and Soil Disturbance.

By Mr. Wadelton, seconded by Mr. Papsin, and passed 3-0.

Consideration of the Minutes

MOTION: To accept the 8/8/12 Regular Meeting minutes as submitted.

By Mr. Wadelton, seconded by Mr. Papsin, and passed 3-0.

MOTION: To accept the 9/4/12 Special Meeting minutes as written.

By Mr. Wadelton, seconded by Mr. Papsin, and passed 3-0.

The 9/11/12 Keating site inspection minutes were accepted as corrected. The date was changed from 2011 to 2012 and under the section, "Observations," the spelling of "site" was corrected.

MOTION:

To accept the 9/11/12 Keating site inspection minutes as corrected.

By Mr. Papsin, seconded by Mr. Bedini, and passed 3-0.

Pending Applications

Ingrassia/143 West Shore Road/#IW-12-23/Demolish, Rebuild Shoreline Wall:

Mr. Ajello said the plans had not changed since the last meeting. Mr. Bedini noted there had been no questions at the last meeting and that a site inspection had not been necessary because the commissioners had previously inspected the site.

MOTION:

To approve Application #IW-12-23 submitted by Mrs. Ingrassia to demolish and rebuild the

shoreline wall at 143 West Shore Road in accordance with the plan, "Lakeside Wall Replacement Plan," by Mr. Neff, dated 7/30/12; this permit shall be valid for two 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. Wadelton, seconded by Mr. Papsin, and passed 3-0.

Lancaster/244 West Shore Road/#IW-12-24/Addition to Dwelling, Pool:

Mr. Neff, engineer, was present. Mr. Papsin recused himself and so there was not a quorum present to act on the application. Mr. Ajello noted there had been several revisions to the plans since the last meeting. It was the consensus to wait until there was a quorum to review the plans. Further discussion was tabled to the next meeting.

Peckerman/162 Sabbaday Lane/#IW-12-25/Dredge Pond:

Mr. Neff, engineer, was present. Mr. Papsin recused himself and so there was not a quorum present to act on the application.

Pakula and Moskaluk/50 Hinkle Road/#IW-12-26/Construct Driveway:

Mr. Neff, engineer, represented the applicants. He explained he had made a minor revision to the plan as had been recommended by the Commission at the last meeting. The plan, "Proposed Site Plan," by Mr. Neff, revised to 9/7/12 was reviewed. He pointed out that the power line would run along the edge of the driveway, which would decrease the area within the limit of disturbance. It was noted that that had been the only concern raised at the last meeting.

MOTION:

To approve Application #IW-12-26 submitted by Mr. Pakula and Ms. Moskaluk to construct a driveway at 50 Hinkle Road in accordance with the plan, "Proposed Site Plan," by Mr. Neff, dated 7/19/12 and revised to 9/7/12; the permit shall be valid for 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 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. Wadelton, seconded by Mr. Papsin, and passed 3-0.

Keating/67 West Shore Road/#IW-12-27/Deck, Fence, Planting:

Mr. Szymanski, engineer, presented the revised plan, "Proposed Improvement Location Map," Sheet PR-ZL, by Arthur H. Howland and Assoc., revised to 9/12/12. He proposed to remove the section of the existing deck that encroaches on the adjoining property, replace the deck and add 2' X 10' and 2' X 4' sections to it, remove loose field stone and replace it by hand, install a stockade fence, and put in some native plants. Mr. Szymanski pointed out that specific notes regarding the proposed activities had been added to the plan. It was noted the proposed plants would help to retain the soil on the bank. Also a small 2' X 2' section of the existing wall would be repaired by hand. No work would be done on the existing stairs.

MOTION:

To approve Application #IW-12-27 submitted by Mr. and Mrs. Keating for deck repair and enlargement, installation of a fence, planting, and wall repair at 67 West Shore Road in accordance with the plan, "Proposed Improvement Location Map," by Arthur H. Howland and Assoc., dated 6/12/12 and revised to 9/12/12; the permit shall be valid for two 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. Wadelton, seconded by Mr. Papsin, and passed 3-0.

Town of Washington/2 Bryan Plaza/#IW-12-28/Repair Canoe Brook Embankment:

Mr. Bedini recused himself and so there was not a quorum present to act on the application. It was noted, however, that work was progressing on an emergency basis.

McTiernan/52 Calhoun Street/#IW-12-29/Aquatic Weed Control:

It was noted that Mr. Gambino, contractor, had explained the application in detail at the last meeting, that nothing new had been submitted since then, and that Mr. Gambino had requested a five year permit.

MOTION:

To approve Application #IW-12-29 submitted by Mrs. Connelly and Mrs. Wilner for aquatic weed control for the pond at 52 Calhoun Street per Mr. Gambino's 8/7/12 application; the permit shall be valid for five 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. Wadelton, seconded by Mr. Papsin, and passed 3-0.

Etherington/49 and 52 Wheaton Road/#IW-12-31/Clean Pond and Silt Basin:

Mr. Ajello read the 9/12/12 letter from Mr. Etherington authorizing Mr. Somerset, contractor, to represent him and detailing the work to be done. Cattails and phragmites would be removed from the pond and stockpiled to dry in the adjoining field. Hay bales would be staked around the stockpile area and after the material has dried out and is removed, the area would be reseeded with pasture mix and hayed. The upstream silt pond would be dredged and the excavated material would be stockpiled and surrounded by hay bales. 44 cubic yards would be removed. Mr. Somerset asked if when dry, the excavated material could be used to rebuild the barway roads. Mr. Ajello said this would be OK as long as it was spread on sections that were at least 100 feet from wetlands. Mr. Somerset asked if the stockpiled material could be left there until spring. Mr. Ajello said he did not want the phragmites to spread back into the pond. He recommended the DEEP website to find out the best way to remove phragmites. Mr. Somerset said a large steel tracked excavator would be used for the excavation. Mr. Bedini asked Mr. Somerset to sign and

date the plans, which he did. Mr. Ajello advised him not to make the pond deeper or to cut back the banks. Mr. Somerset noted that he would repair some animal damage done to the banks.

MOTION:

To approve Application #IW-12-31 submitted by Mr. Etherington to clean out the pond and the sediment basin at 49 and 52 Wheaton Road per the plans on the Google sheet, dated 9/12/12 signed by Mr. Somerset; the permit shall be valid for two 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. Papsin, seconded by Mr. Wadelton, and passed 3-0.

New Applications

Repplier/8 Rabbit Hill Road/#IW-12-30/Replace Stream Culvert:

The application is for the replacement of two pipes under the driveway with a box culvert that will accommodate two times the flow. Mr. Wadelton asked who sized the culvert, noting that even though it has been resized, it may not be large enough. Mr. Papsin agreed this should be checked out. The survey map #618 and enlargements on which the wetlands and work area had been delineated by hand were reviewed. It was noted that Mrs. Hill had notified the applicants of additional information needed, and that the applicants would attend the next meeting. Mr. Ajello noted the location of the property so that the commissioners could inspect it on their own before the next meeting.

John Dorr Nature Lab/220 Nettleton Hollow Road/#IW-12-32/ Deposition of Excavated Materials:

Mr. Szymanski, engineer, presented the map, "Pond Dredging Plan (East Pond,)" by Arthur H. Howland and Assoc., revised to 9/12/12. He explained a pond would be dredged in Bethlehem and most of the 11,000 yards of spoils spread in an existing two and a half acre pasture in Washington. The dredged material would be mixed with organic matter before being spread on the field. Below the stockpile areas staked hay bales backed up with silt fencing would be installed. Mr. Szymanski said that in response to Mrs. Hill's review, he had added three notes concerning the erosion control measures to the plan. It was noted that Steep Rock has a conservation easement on the property and that a letter of approval from Mr. Law was expected. Mr. Szymanski was not sure whether the work would be done this fall or in the spring. Mr. Papsin noted there was not much time left for planting grass this fall. He asked what kind of seed would be used. Mr. Szymanski said he would get that information for the next meeting. Mr. Papsin asked if the pasture would be mulched after the top soil is respread and the seeding is done. Mr. Szymanski said it would. Commissioners who want to inspect the site prior to the next meeting were asked to call Mr. Szymanski in advance.

Nauiakas/170 Church Hill Road/#IW-12-33/Pool-Guest House and Septic:

Mr. Neff, engineer, and Mr. Sweeney, caretaker, were present. The map, "Septic System Plan," by Mr. Neff, dated 8/4/12 was reviewed. Mr. Neff noted the proposed guest house would be more than 50 ft. from the wetlands in a level area near the existing driveway. It will be slab on grade and the

excavated material will be used for backfill. Two septic systems, one for the guest house and one for the main dwelling will be installed. Mr. Neff noted no major excavation would be required within 100 ft. of the wetlands, but that a waste pipe and septic tank for the guest house would be located within the regulated area. It was noted that the septic field area could be accessed around the side of the house farthest from the wetlands. Mr. Neff noted there is a conservation easement on the property and that he is waiting for an approval letter from Steep Rock. The commissioners thought the application was straightforward and that no site inspection was necessary.

Other Business

Wykeham Rise, LLC./101 Wykeham Road/Request to Revise Permit #W-08-31/School (Wykeham U.IV):

It was noted the Commission is waiting for the review by Land Tech Consultants.

Enforcement Report

In addition to the information in the 9/12/12 Enforcement Report, the following matters were discussed:

Lautier/56 June Road:

Revised plans for the retaining wall were received. Mr. Ajello read the accompanying 9/6/12 letter from Mr. Clark, engineer, which stated the wall would be smaller than originally anticipated. It was noted that both a structural engineer and the Building Official had been involved with its design. Mr. Ajello will check with the Building Official to make sure he has approved the revised plans.

Town of Washington/2 Bryan Plaza:

The Canoe Brook stream channel has been straightened to its original course and the base of the streambank on the pond side has been rip rapped. The Commission hoped that the installation of the gabions would be completed before winter.

DeVisscher/69 Wykeham Road:

A \$500 fine was issued due to unauthorized activity directly in the wetlands.

Ingrassia/143 East Shore Road:

Work on the project has begun and will be ongoing until next spring.

Hochberg/15 Couch Road:

Mr. Papsin asked if Mr. Hochberg had ever paid his fine. It was noted he had appealed it a year ago, but the Selectmen's Office had never scheduled the hearing that is required when there is such an appeal. Mr. Bedini will work on this matter.

Chatfield and Schellerer/19 Tinker Hill Road:

Mr. Papsin asked if the disturbed areas had grown in. Mr. Ajello reported that more wood had been removed from the site, but there had been no other activity, and the hillside was not eroding.

Administrative Business

Issues of the Summer 2012 issue of The Habitat were circulated and copies of the 8/29/12 memo from the State Bureau of Water Protection and Land Reuse re: 2012 legislation and regulation advisory with a flow chart attachment on Inland Wetlands permit expiration dates was passed out.

Membership was briefly discussed. Mr. Wadelton will contact Mr. Bohan to find out if he plans to resign. Everyone was asked to think of recommendations for a new alternate.

As no one was present to discuss Rosenberg and Murphy, the Commission briefly recessed.

MOTION: To recess the Meeting at 8:35 p.m.

By Mr. Wadelton, seconded by Mr. Papsin, and passed 3-0.

Mr. Bedini reconvened the Meeting at 8:45 p.m.

New Application

Rosenberg and Murphy/10 West Morris Road/Application to Correct Violation/Unauthorized Tree Clearing and Soil Disturbance:

Representing the property owners, Mr. Sabin, landscape architect, presented the maps, "Site Analysis Plan," by Mr. Alex, dated September 2012 and an enlargement of a portion of that map entitled, "Proposed Site Plan with Mitigation Buffer," dated 9/12/12 with handwritten notations by Mr. Sabin. The map by Mr. Alex was a survey map with delineated wetlands as had been requested by the Commission at the last meeting. Mr. Sabin said he had advised the owners to submit a complete plan, not just mitigation for the unauthorized work. The following were proposed:

- 1) plant 5 weeping willows just inside the stonewall that runs along Romford Road,
- 2) install a floating aerator in the pond (this would include a buried electrical line to a GFI outlet,)
- 3) eradicate the gout weed and plant fescue grass in the area below where the trees were thinned (area shown with v's on the site plan,)
- 4) plant 3 wetland species trees within the wetlands where there had been unauthorized tree cutting,
- 5) install a new fence along the edge of the wetlands to the corner of the house,
- 6) plant a mix of natural shrubs and fescue along the inside of the fence in the upland area to create a natural thicket to buffer the wetlands,
- 7) deposit approx. 60 cubic yards of fill in a 60' X 25' area to create a 4:1 slope below the pool,
- 8) increase the size of the pool terrace and install flagstone under the screened porch, 9) install trees for privacy, some within the regulated area along West Morris Road,
- 10) plant some clumps of evergreens, some on the fringe of the regulated area,
- 11) reconfigure the planting around the house,
- 12) install a generator with evergreen screen behind the garage, and
- 13) plant boxwoods in the front yard. The sheet flow off the driveway was discussed.

Mr. Sabin did not think this would be an issue, but said he would leave all the silt fencing up until the fescue is established.

Mr. Papsin asked how close the willows would be to the pond because he was concerned they might dry it up. Mr. Sabin stated the pond has a large watershed and the willows would be 40 ft. away. Mr. Sabin submitted the 9/8/12 soils report and sketch map by Mr. Temple. Mr. Sabin hoped to get approval at the next meeting so the work could be done and disturbed areas stabilized before winter.

A site inspection was scheduled for Tuesday, 9/18/12 at 5:30 p.m.

Mr. Ajello was concerned that the area below the pool where the fill would be deposited could

erode and so recommended jute mats. Mr. Sabin did not think this would be a problem because the slope would be 4:1, so said jute mats were not needed, but said erosion controls would be installed and the seeded areas covered with mulch.

Mr. Bedini asked Mrs. Hill to review the application before the next meeting. Fines were discussed. It was the consensus there had been two separate violations and that the owners should be fined accordingly. Mr. Sabin said, as he had at the last meeting, that the property owner had met with Mr. Ajello before starting any work and had thought what he was doing had been OK'd.

The commissioners thanked Mr. Sabin for his detailed plan.

MOTION: To adjourn the Meeting. By Mr. Papsin.

Mr. Bedini adjourned the Meeting at 9:20 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill, Land Use Administrator