

Inland Wetlands Commission

MINUTES

Regular Meeting

September 11, 2019

7:00 p.m.

Main Level Meeting Room

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

Members Absent: Mr. Kassis

Staff Present: Mr. Tsacoyannis, Ms. White

Public Present: Mr. Francis, Mr. & Ms. Pollock

Call to Order:

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

Seated: Mr. Papsin, Mr. LaMuniere, Mr. Bedini, Ms. Branson, Alt.

Consideration of the Minutes (0:10):

MOTION: To approve the August 28, 2019, Regular Meeting Minutes as amended, by Mr. Bennett, seconded by Mr. Bedini, passed 5-0 vote.

Subsequent Business (2:02):

Ms. White informed the Commissioners that an application came in yesterday for **WLR214, LLC., 213-214 West Shore Rd for retaining walls, walkways and associated appurtenances** and was not reviewed.

Motion: to add **WLR214, LLC. /213-214 West Shore Rd/Permit #IW-19-43/retaining walls, walkways and associated appurtenances within review area**, under New Applications, item C, by Mr. Papsin, seconded by Mr. Bedini, passed 5-0.

Pending Applications:

Williams/West Shore Rd (MBL 12-6-24)/Permit #IW-19-38/Replace stairs, construct landings and walls (2:33):

Ms. White stated that Mr. Neff, P.E., the agent for the property owners, asked that the commission table the discussion as he is still waiting for information from the Connecticut Department of Transportation.

New Applications:

Albritton/6 Church St/Permit #IW-19-41/Removal of logs, debris, and trash at New Preston Falls (3:00):

Mr. Pollock from Arbor Services was present to represent the property owners for this application.

Mr. Bedini asked if this proposed plan includes removal of the tree on the corner of Route 47 and Route 202. Mr. Pollock responded that he was approached by Ms. Payne of the Conservation Commission regarding this tree and after taking a look at it he feels it would be better for the Town or the State to remove it. Mr. Bedini responded that he has looked into it and the Town does not have the equipment to remove this tree. Mr. Pollack stated that he would be happy to remove the tree but that would not be part of this application.

Mr. Pollack informed the Commissioners that this application is proposing all handwork and no large equipment. He added that all materials, including trash, would be carried out manually around the ruins down to the picnic area where they will load it on to a truck.

The Commission looked at pictures of the site and had no further questions. They decided that Mr. Pollock does not need to attend the meeting on September 25th when they make their decision.

Bowen/121 West Shore Rd/Permit #IW-19-42/Repair existing stone wall along shoreline (7:20):

Ms. White stated that the property owners were not able to attend tonight's meeting but this application is complete and they are proposing to repair approximately 12 linear feet of the existing stone wall along the shoreline. The application indicates like materials would be used to repair the wall.

The Commissioners looked at the pictures of the existing wall that is in disrepair. They requested that the contractor or the property owner attend the next meeting to provide further clarification of the project. The Commission requested that the applicant provide a sequence of construction, indicate whether there will be a stockpile and where it will be located, as well as a rendering of what the wall will look like after repair.

WLR214, LLC. /213-214 West Shore Rd/Permit #IW-19-43/retaining walls, walkways and associated appurtenances within review area (11:20):

Mr. Francis from Arthur H. Howland was present to represent the property owners at 213-214 West Shore Rd.

The Commissioners and Mr. Francis reviewed the plan titled "Site Development Plan," prepared for WLR214, LLC, by Arthur H. Howland & Associates, revision date 9/10/19, sheet SD.1. and plans titled "Lake Waramaug Residence," Layout plan sheet L1.01, Grading Plan sheet L1.03, Site Wall Elevations sheet L2.01 & sheet L2.02. The Commissioners asked about the material used for the construction of the walls as it was not indicated on the plans.

The Commissioners briefly discussed a site visit and asked that the walls be staked out. They also discussed previously approved plans for this property. Ms. White stated that she was unable to find any previously approved plans for this property in the files but will take a second look.

The Commissioners asked that Mr. Szymanski come to the next meeting on September 25th to clarify what is being proposed and before they schedule a site visit. They would like to know what materials the proposed walls will be constructed of, machinery that will be used, and stockpile location.

Other Business (24:36):

Mr. Bedini requested a policy change regarding the deadline for which the applications are submitted in order for the Commission to discuss them at the next meeting.

Mr. LaMuniere stated that the State Regulations state that the IWC must accept an application up to a day before the next scheduled meeting.

The Commissioners, Mr. Tsacoyannis and Ms. White discussed the fact that if an applicant submits an application past the cutoff date, the application may be received by the Commission at the next meeting but they have the right to table any discussion until the Land Use Administrator has time to review the application for completeness and ample time is allowed for the Commissioners to review the file.

There was a brief discussion on how the submission process could be revised. The Commissioners asked Ms. White and Mr. Tsacoyannis to research how other towns proceed with their application processes and report back at the next meeting on September 25th.

Mr. Bedini stated that he believes that if someone is granted a permit with conditions and then the applicant violates a condition of the approval, the permit is no longer valid. He asked that Ms. White checks with Town Counsel to confirm.

Mr. Bedini suggested that the Commission consider requiring bonds for extensive projects or projects that are in a sensitive area so that if the applicant puts something in that is not part of the permit the Town has the money to hire a consultant and/or put the site back to its original state.

The Commission discussed the ways that they would determine when to require a bond and how much to request as a bond.

The Commission requested that Ms. White consults with Atty. Olson regarding the language of the regulations regarding submission of applications and the verification of the invalidity of a permit if a condition is not met.

Enforcement:

Enforcement Activity Report

List of Files Closed by WEO – Projects Signed Off as Completed Per Approved Permit (44:47)

Mr. Tsacoyannis reviewed his report with the Commissioners. He asked the Commissioners for two more weeks to review the files for 169 West Shore Rd. The Commissioners and Mr. Tsacoyannis looked at photos of the property before construction and the current conditions. They briefly reviewed the approved plans.

There was a brief discussion regarding establishing the high water mark.

There was a brief discussion regarding hiring third parties to review proposals.

Administrative:

There was no administrative business to discuss.

Communications:

There we no communications to discuss.

Adjournment:

MOTION: To adjourn at 8:06 pm, by Mr. Papsin, passed unanimously 5-0 vote.

Respectfully Submitted,

Shelley White
Land Use Administrator
September 17, 2019