

May 8, 2013

7:00 p.m., Upper Level Meeting Room

MEMBERS PRESENT: Mr. Bedini, Ms. Cheney, Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

ALTERNATE PRESENT: Mr. Davis

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Rosiello, Mr. Charles, Mr. Szymanski, Mr. Angiollo, Mr. Sabin, Mr. Smith, Mr. Neff, Mr. Newman, Mr. Lyon, Mr. Lovelace, Mr. Whitehead

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

MOTION:

To include the following subsequent business not already posted on the agenda:

VI. Other Business: C. Smith/22 Parsonage Lane/Request to Amend Permit #IW-11-48/Driveway, Landscaping, Drainage.

By Mr. Wadelton, seconded by Ms. Cheney, and passed 5-0.

Consideration of the Minutes

The 4/24/13 Regular Meeting minutes were accepted as corrected.

Page 7 under Hayden, 4th line from end: After checking the recording, what Mr. Ajello actually said was that he had not yet issued an enforcement order.

Page 7 under Administrative Business: Mr. Ajello questioned the accuracy of statements reported to have been made by Mr. LaMuniere, but Mr. LaMuniere said the minutes correctly noted what he had said.

Page 5: Mr. Papsin said that Whitney was not the correct name of the applicant for Application #IW-13-08, but Mrs. Hill responded that that had been the name given on the application form submitted at the time. Mr. Sabin has since corrected it.

Page 3: The correct spelling of Papsin was noted approximately two thirds down the page.

MOTION:

To accept the 4/24/13 Regular Meeting minutes as corrected.

By Ms. Cheney, seconded by Mr. LaMuniere, and passed 5-0.

MOTION:

To accept the 5/3/13 Stiles site inspection minutes as written.

By Mr. LaMuniere, seconded by Mr. Papsin, and passed 5-0.

MOTION:

To accept the 5/3/13 Hayden site inspection minutes as written.

By Mr. Papsin, seconded by Mr. LaMuniere, and passed 5-0.

Pending Applications

Collins/321, 323 West Shore Road/#W-13-05/Cut Trees, Remove Invasives, Install Paths through Wetlands:

Pursuant to the discussion at the last meeting, Mr. Rosiello, landscape designer, said he had added notes regarding the required five year maintenance and monitoring program to his plan, "Landscape Concepts for N. W. Jay Collins," sheet WL 3, dated 5/6/2013. He had also added the size of the proposed plantings and had added lawn area on #321 in the vicinity of wetlands flags #4 - #7, noting there would still be a 15 ft. buffer between the lawn and wetland area. Mr. Rosiello noted the different types of wetlands on the two lots. He said that except for the sections of the paths, which would have a layer of woodchips along the route where they don't have to be elevated, the wetlands floor would have leaf litter and look like a forest floor. The numbers and kinds of plants to be planted were discussed. In response to a question by Mr. LaMuniere regarding whether the proposed planting took into consideration the more serious loss of canopy on #323, Mr. Rosiello specified that 75% of the more herbaceous plants will be planted on #321 and more of the trees and tall shrubs on #323. Mr. LaMuniere noted that a yearly meeting with the enforcement officer had not been specified. Mr. Rosiello added the note to the plan; "The agent will prepare a report and meet with the WEO on an annual basis." The work proposed along the shoreline was described. Three trees will be cut and invasives removed. Wetland plants will be planted east of West Shore Road and a hedge will be maintained per the Zoning Regulations.

MOTION:

To approve Application #W-13-05 submitted by Mr. Collins to cut trees, remove invasives, install paths, and install mitigation and wetlands plants at 321 and 323 West Shore Road in accordance with the plan, "Landscape Concepts for N. W. Jay Collins," sheet WL 3, by Mr. Rosiello, dated 5/6/13; 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. Wadelton, seconded by Mr. Papsin, and approved 4-0-1. Mr. LaMuniere abstained.

Heyman/175 Calhoun Street/#W-13-07/Application to Correct a Violation:

Mr. Szymanski, engineer, noted the soil scientist had signed the plans and a construction sequence had been submitted since the last meeting. The plans, "Existing Conditions Map and Remediation Plan," by Arthur H. Howland and Assoc., revised to 5/8/13 was reviewed. Contrary to information on a DEEP map submitted by Mr. Ajello, Mr. Szymanski explained that the wetlands in this area were not connected due to the location of shallow ledge, which doesn't allow the water to stay long enough for the soils to be designated as wetlands. He also noted that it had not yet been determined whether there were yellow iris to be removed from the edges of the pond, but said if there were, a second application would be submitted.

MOTION:

To approve Application #W-13-07 submitted by Mr. Heyman to correct a violation at 175 Calhoun Street per the map, "Existing Conditions Map and Remediation Plan," by Arthur H. Howland and

Assoc., dated 4/18/13 and revised to 5/8/13; 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. LaMuniere, seconded by Ms. Cheney, and passed 5-0.

Chaterjee/31 Plumb Hill Road/#IW-13-08/Install Septic System and Play Area:

Mr. Papsin and Ms. Cheney recused themselves.

Mr. Davis was seated for Mr. Papsin.

Mr. Ajello noted he had inspected the property since the last meeting, silt fencing was in place, and said he had no concerns. Photos of the existing site conditions were circulated. Mr. Sabin submitted corrected application forms.

MOTION:

To approve Application #IW-13-08 submitted by Mr. and Mrs. Chaterjee to repair the septic system and install a play area at 31 Plumb Hill Road; 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. Waderton, seconded by Mr. LaMuniere, and passed 4-0. Mr. Davis was seated because Mr. Papsin and Ms. Cheney had recused themselves.

Mr. Papsin and Ms. Cheney were reseated.

Karabell/112 River Road/#IW-13-09/Install Temporary Construction Access:

Mr. Sabin, landscape architect, presented his map, "Pool Area Permit Plan #1," dated 3/15/13 and pointed out where the silt fence would be installed. He said that an anti tracking pad would be installed and trap rock spread only as needed during the 6 to 8 week pool construction project and that upon completion all disturbed areas would be reseeded. He expected the site would be green again by August. When asked if the access would become a permanent driveway, Mr. Sabin said it would not, but it would perhaps be used once in a while for pool service. Mr. LaMuniere recommended a condition that the access not be used for regular pool maintenance, but only for the pool construction.

MOTION:

To approve Application #IW-13-09 submitted by Mr. Karabell for a temporary construction access at 112 River Road per the plans, "Pool Area Permit Plan #1," by Mr. Sabin, dated 3/15/13; 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,

3. any change to the plans as approved must be submitted immediately to the Commission for reapproval, and

4. that the temporary access be used only for the pool construction; not for regular pool maintenance.

By Mr. Papsin, seconded by Ms. Cheney, and passed 5-0.

New Applications

Wilson/368 Nettleton Hollow Road/#IW-13-10/Driveway. Stone Work, Conduit:

Mr. Newman, agent, presented the undated sketch plan and detailed the proposed activities; 1) install a Belgium block curb and driveway apron, 2) construct two stone columns, and 3) dig a conduit for the electrical service for lights on the columns. He noted there is a stream within 60 feet of the driveway. He also noted a construction sequence had been submitted and erosion controls would be installed at the south end of the driveway. The conduit would be dug by hand and would be located along the inside edge of the driveway. Areas for the stockpiling of material were noted. Mr. Bedini asked for a topo map, conservation easement form, and a second copy of the sketch map.

Nauiakas/170 Church Hill Road/#IW-13-11/Underground Utilities, Stonewall Construction, Driveway Resurface:

Ms. Cheney recused herself and Alternate Davis was seated.

Mr. Neff, engineer, presented his map, "Proposed Site Improvements," dated 5/2/13. Mr. Neff described several activities proposed within the regulated area including the removal of the propane tank and installation of new tanks, relocation of the existing pool pump and filter, the reconstruction of a stonewall, and installation of a conduit to supply both water for irrigation and for a skating rink. He noted the 5/7/13 letter from Steep Rock Assn., the holder of the conservation easement on the property, granting permission for all of the proposed work. Installation of the dry well, cistern, and gravity fed system to the orchard and tennis court were discussed. Mr. Neff noted that although the area is very flat, silt fence would be installed between the propane tank to be removed and the brook. There were no questions or concerns raised. Mr. LaMunier said there would be no impact on the wetlands.

Ms. Cheney was reseated.

Other Business

Kinsela/73 Dark Entry Road/Request to Renew Permit #iw-08-28/ Construct Single Family Dwelling:

Mrs. Hill noted there were no changes proposed to the original approved plan. The map, "Subsurface Sewage Disposal System," by Mr. Neff, revised to 5/8/08 was reviewed and Mr. Neff pointed out the location of the wetlands.

MOTION:

To grant a 5 year extension of Permit #IW-08-28 issued to Mr. Kinsela to construct a single family dwelling at 73 Dark Entry Road.

By Mr. Wadelton, seconded by Ms. Cheney, passed 5-0.

Town of Washington/Intersection of Walker Brook and Shinar Mt. Roads/Request to Amend Permit #IW-12-22/Replace Culvert:

Mr. Lyon noted that the application had been reviewed by the DEEP and the Army Corps of Engineers who required minor modifications to the original proposal. The set of revised plans, "Shinar Mountain Road Bridge," by Arthur H. Howland and Assoc., no revision dates, were compared with the original plans dated 9/27/11, 6/12/12, 6/14/12, and 3/20/12. Mr. Lyon noted that the revisions to the plans included extending the armor coating, adding boulders along the streambank to help break up the flow of water for the fish, and adding references to the weir in the construction sequence.

MOTION:

To approve the request by the Town of Washington to revise Permit #IW-12-22 to replace the culvert at the intersection of Walker Brook and Shinar Mountain Roads per the six sheet set of plans revised to 4/18/13.

By Mr. LaMuniere, seconded by Mr. Wadelton, and passed 5-0.

Smith/22 Parsonage Lane/Request to Amend Permit #IW-11-48/Changes to the Driveway, Landscaping, and Drainage System:

Mr. Smith, Mr. Neff, engineer, and Mr. Sabin, landscape architect, were present. Mr. Sabin submitted his "Site and Landscape Plan," revised to 5/6/13, which showed the revised driveway location, added the pool terrace and stonewall, deleted the boulder wall, and showed Belgium block along the driveway. He said the only work remaining was to plant the New England wet mix at the bottom of the basin and some additional wetlands plants, which could not be planted earlier due to standing water. Mr. Neff submitted his letter dated 5/8/13 and the map, "Drainage As-Built Plan," dated 5/7/13, which showed the relocation of some catch basins, the addition of others, and the relocation of the downspout at the NE corner of the house so runoff would flow to the bioswale. Mr. Neff said the drainage system had worked effectively to date. Mr. Sabin noted the driveway edging prevented runoff towards the neighboring property. Mr. LaMuniere thought that replacing the originally approved pervious driveway pavement with gravel would increase the absorption of runoff and Mr. Neff agreed. Mr. Ajello asked if the driveway had been widened. Mr. Sabin responded that it varies from 11' 6" to 13' in width. Mr. Ajello questioned whether the gravel driveway would actually allow more water to infiltrate due to the compaction of the driveway sub base. Mr. Sabin and Mr. Neff said there would be equal if not greater permeability, a catch basin had been added to direct runoff toward the wetland, and whereas there previously had been no drainage system, the drainage system installed was large for a lot this size. Mr. Sabin added that the wet meadow had been restored as part of the project.

MOTION:

To approve the request by Mr. and Mrs. Smith to amend Permit #IW-11-48 for changes to the driveway, landscaping, and drainage system at 22 Parsonage Lane in accordance with the maps, "Drainage As-Built Plan," by Mr. Neff dated 5/7/13 and "Site and Landscape Plan," by Mr. Sabin, dated 12/5/11 and revised to 5/6/13, noting that all the conditions of the original approval remain in place.

By Mr. Wadelton, seconded by Ms. Cheney, and passed 5-0.

Enforcement

Hayden/11 Loomarwick Road/Violation: Unauthorized Construction and Soil Disturbance:

An application had been expected, but had not yet been submitted.

Stiles/15 Tinker Hill Road/Violation: Unauthorized Soil Disturbance and Clearing:

Mr. Szymanski, engineer, and Mr. Angiollo said that 29 pots of pachysandra had been planted and another 100 ordered to stabilize the steep slope and the area along the lake. They showed before and after photos. Mr. Angiollo stated that grasses and other plants were also growing now. Mr. LaMuniere noted the extensive clearing that had been done on a very steep slope and said the disturbed area must be stabilized. Mr. Szymanski offered to put down jute matting in addition to the pachysandra. Mr. Ajello stated 1) the clearing appeared to have been done to create a view, 2) the work had been done without the required permit, 3) a garden was being planted as opposed to the restoration of the natural shoreline habit, 4) to date the Commission had not allowed this kind of planting on the lake shore, 5) doing so would create a precedent for other property owners around the lake, 6) nutrients from all of the mulch spread on the slopes would seep into the lake, and 7) he compared this violation to one several years ago on Roxbury Road where the owner had been ordered to restore the wetlands. Mr. Angiollo stressed that the clearing had been done to clean up storm damage. Mr. Papsin agreed that the pachysandra planted was not consistent with the habitat around the lake and thought the immediate lakeside should be restored with native buffer plants. Mr. Szymanski said that although the plants were decorative, they would be densely planted and would spread quickly, again offered the jute mat, and asked what other stabilization measures the commissioners proposed. Mr. Papsin asked for a planting plan that was fitting for the area. Mr. LaMuniere asked if the plants proposed by the owner addressed the loss of canopy and said he would like the disturbed sections restored with a vegetative cover similar to the Task Force's biofilter area. Mr. Angiollo said other than the two trees that had their tops snapped off in the storm, there was only one 60 ft. tree that had been taken down. He offered to plant shadblows, but did not think the soil there was deep enough for them to grow. Mr. Szymanski noted the purpose of the state statutes was to prevent adverse impacts to wetlands and watercourses and asked, considering what was proposed for stabilization, what would be the adverse impact to the lake. Mr. Ajello recommended an expert be hired to determine how serious the violation is. Mr. Szymanski noted the owner had agreed to pay any fines, was willing to monitor the newly planted areas to check for temporary impacts to the lake, and would provide weekly reports to the Commission. Jute matting was discussed. It was agreed to install the matting and to remove the wood chips on the north side. Mr. Wadelton and Ms. Cheney said they were not comfortable with what was proposed, although Mr. Wadelton said it was better than what had already been done. Ms. Cheney agreed that the Commission should consult with an expert. Mr. Ajello asked that silt fencing be installed until the expert could complete his report and it was determined what stabilization measures would be implemented. He said the issues to be resolved were the long term stabilization of the site and setting an example for other property owners around the lake. He also recommended that the Commission call its attorney to make sure it is proceeding properly with the handling of this violation. It was the consensus to refer this matter to Land Tech for review.

Lovelace/75 Upper Church Hill Road/Violation: Unauthorized Soil Disturbance, Clearing, Excavation:

Mr. Lovelace submitted a letter dated 5/7/13 in which he explained the work he had done, and said he thought Mr. Ajello had told him a year ago that he could remove the junk from his property. He said the soil had been disturbed only enough to remove the debris, which had been trucked off site, and that the disturbed area had been raked, seeded, and mulched afterwards. Photos of the planted area were circulated. The map, "Proposed Site Plan," by Mr. Neff, revised to 9/6/04 was

reviewed and the location of the large wetlands on the property was noted. Mr. Ajello said the unauthorized work had been both in Popple Swamp and in the regulated area and said there would have been less disturbance if the work had been done by hand. The disturbed area was approximately 100 ft. by 40 ft. He showed a photo of a backhoe excavating the site. Mr. Ajello said the work had continued after he had made his inspection and had determined there was a violation. Mr. Lovelace said the work had been completed over the weekend and the enforcement letter had not arrived until Monday. Mr. Ajello asked whether the planted area would be lawn or hayed and asked that the wetlands boundary be marked so that wetlands soils would not be routinely mowed as lawn. He did not think there would be permanent damage, but said a fine would be issued as the work was unauthorized. Ms. Cheney asked whether it would be appropriate to also fine the contractor. Mr. Ajello said that would be appropriate for repeat offenders. Mr. Bedini and the other commissioners agreed the area should be marked so it would not be mowed. Mr. Whitehead, adjoining property owner who hays the field, objected because putting in stakes or shrubs would complicate the mowing and would make it take longer for him to do. Mr. Lovelace agreed to somehow establish the wetland soils boundary beyond which there would be no mowing and to pay the fine.

Enforcement Report

Bee Brook Condos/Juniper Meadow Road:

Mr. Wadelton recused himself.

Mr. Ajello inspected the site. He said the catch basins would be adjusted, but since they weren't piped to the stream, an Inland Wetlands permit was not required. There were no questions and the commissioners agreed a permit was not required.

Hayden/11 Loomarwick Road/Violation: Unauthorized Construction and Soil Disturbance:

Mr. Ajello will send a citation for the unauthorized work. An application is expected, but it was not known whether it would be an application to correct a violation or an after the fact application. It was noted that there are also zoning issues with the unauthorized work. While the Commission did not want to review an application that does not comply with the Zoning Regulations, Mr. Ajello explained that legally applications go to Inland Wetlands first.

Lautier/56 June Road:

Mr. Ajello reported there had been activity within 100 ft of the watercourse that had not been approved on the original plan. He said a revision of the permit was needed. Mr. Bedini asked Mr. Ajello to send Mr. Lautier a letter to notify him he is in violation of his permit.

Samgold, LLC./298 West Shore Road:

Mr. Ajello reported that a patio that was not included in the Agent Approval was under construction and a service trench had been dug. Ms. Cheney said that if the work had exceeded the permit issued, a notice of violation should be sent and a citation should be issued. Mr. Ajello said he would discuss the matter with the contractor.

MOTION:

To adjourn the meeting. By Mr. Wadelton.

Mr. Bedini adjourned the meeting at 9:50 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator