

September 11, 2013

Public Hearing – Regular Meeting

6:45 p.m. Upper Level Meeting Room

MEMBERS PRESENT: Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

MEMBERS ABSENT: Mr. Bedini, Ms. Cheney

ALTERNATE PRESENT: Mr. Davis

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Aston, Mr./Mrs. Slaymaker, Mr. Randall, Mr. Neff, Mr. Szymanski, Mrs. von Hoorn, Ms. Scoldari, Mr. Tom Farmen, Mr. Deperno, Mr. Trevor Farmen, Ms. Griswold, Mr. Sweeney, Ms. Therrien, Mr. Forese, Press

PUBLIC HEARING

Revision of the Inland Wetlands Regulations/Sections 8.10 and 12.5/Re: Duration of Permits

Mr. Wadelton called the hearing to order at 7:46 p.m. and seated Members LaMuniere, Papsin, and Wadelton and Alternate Davis.

He noted the file contained copies of the proposed language, the 8/20/13 legal notice published in Voices, and the 7/23/13 referral to the DEEP.

It was noted the proposed revisions were verbatim from the DEEP's recommended language.

Mr. LaMuniere stated the Commission was required to make these revisions.

There were no other comments from either commissioners or from the public.

Mr. Wadelton closed the public hearing at 7:49 p.m.

REGULAR MEETING

Mr. Wadelton called the meeting to order at 7:00 p.m. and seated Members LaMuniere, Papsin, and Wadelton and Alternate Davis.

MOTION:

To add the following subsequent business to the agenda:

V. New Applications:

D. Herrmann/92 East Street/#IW-13-33/Dredge Pond.

By Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0.

Consideration of the Minutes

MOTION:

To accept the 8/14/13 Regular Meeting minutes as written.

By Mr. LaMuniere, seconded by Mr. Davis, and passed 4-0.

Pending Applications

Slaymaker/17 Sunset Lane/#IW-13-25/Construct Garage and Patio, Demolish Shed, Retaining Wall, and Concrete Slab:

Mr. Wadeldon stated this application had been reviewed at the last meeting. Mr. Papsin noted the site was constricted, but the proposed activities would not impact the wetlands. Mr. LaMuniere said the plans had previously been thoroughly discussed and thought the Commission should act on the application.

MOTION:

To approve Application #IW-13-25 submitted by Mr. and Mrs. Slaymaker to construct a garage and patio and to demolish the shed, retaining wall, and concrete slab at 17 Sunset Lane per the site plan prepared by Berkshire Engineering and Surveying, LLC., one sheet, dated 5/22/13; 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 Mr. Papsin, passed 4-0.

Nichols Hill Partners, LLC./35 Nichols Hill Road/#IW-13-26/Pond Modifications:

Mr. Neff, engineer, presented the existing and proposed plans by Reed Hilderbrand, landscape architects. He noted that although the shape of the manmade pond would change, the surface area would remain the same. Mr. Ajello noted Mr. Neff had submitted a separate project description and construction sequence. Mr. LaMuniere stated this had been discussed at the last meeting, no concerns had been raised at that time, and there had been no revisions to the plans since then.

MOTION:

To approve Application #IW-13-26 submitted by Nichols Hill Partners, LLC., 35 Nichols Hill Road, for pond modifications per the 8/9/13 plan by Reed Hilderbrand and "Pond Modification Project," by Mr. Neff, dated 8/9/13; 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. Papsin, seconded by Mr. LaMuniere, passed 4-0.

Broderick/219 Church Hill Road/#IW-13-27/Stream Crossing for Farm Access:

Mr. Neff, engineer, stated there had been no changes to the plan since the last meeting. He said the proposed culvert pipe would be installed where a previous crossing had been located and there would be no alternation of the watercourse. Mr. LaMuniere asked if the construction sequence had changed since the last meeting. Mr. Neff said it had not. Mr. Wadeldon noted this

was an agricultural activity.

MOTION:

To approve Application #IW-13-27 submitted by Mr. and Mrs. Broderick for a stream crossing for farm access at 219 Church Hill Road per the site plan by Mr. Neff, one sheet, dated 8/7/13; 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. Laird, seconded by Mr. Papsin, passed 4-0.

74 West Morris Road, LLC. (Randall)/74 West Morris Road/#IW-13-28/ Application to Correct a Violation:

Mr. Ajello reported he had received a letter from Mr. Randall in which he stated he would remove the debris from the area and then seed and hay all disturbed soils. When asked what he meant by "debris," Mr. Randall responded it included building material, lumber, stumps, etc., but not brush, which he would leave in the existing piles. Mr. LaMuniere noted that photos of the upland area showed a lot of debris. Mr. Waderton asked if all the activity had occurred in the upland review area, not in wetlands, and Mr. Ajello said this was so. Mr. Ajello stated that low impact equipment would be used to remove the debris. Mr. LaMuniere noted the Commission had said it would conduct a site inspection after hearing from the Health Dept. Mr. Ajello said the Health Dept. had deferred to the Inland Wetlands Commission to pursue enforcement, but would most likely make an inspection during the removal process. The commissioners decided a site inspection would not be necessary. They also noted Mr. Randall's letter did not contain adequate detail and asked that a detailed written description of all the work proposed including exactly what work would be done, where it would be done, step by step how it would be accomplished, and stabilization plans be submitted. Mr. Waderton stated if this was submitted prior to the next meeting, the Commission would then act on the application.

175 Calhoun Street, LLC./175 Calhoun Street/#IW-13-29/Pool, Patio, Fence, Garden:

Mr. Szymanski, engineer, submitted a signed application form and conservation easement form. The plan, "Heyman Residence," by Folia Gardens, dated 9/6/13 was reviewed. Mr. Szymanski pointed out the wetland boundary on the adjoining property and the proposed locations of the pool and pool equipment and garden. He noted all proposed activities were more than 100 feet from the pond. Mr. Szymanski referred to his 9/9/13 "Proposed Sedimentation and Erosion Control Details," which he said had been added to the plans. He also referred to the grading plan and said a 20' X 40' area would be cut and approximately 100 yards of material regraded. The commissions decided an inspection was warranted, especially because there would be blasting on the property.

A site inspection was scheduled for Tuesday, September 17, 2013 at 4:30 p.m.

New Applications

Von Hoorn/179 West Shore Road/#IW-13-30/Repair Platform, Replace Dock:

Mrs. von Hoorn explained she proposed to repair and level the existing platform, which is used for a sitting area in warm weather and for storing the floating dock during the winter. Mr. Ajello said he had inspected the site and had found the platform needed to be raised 14" at one end. He noted there are large natural rocks along the shoreline.

A site inspection was scheduled for Tuesday, September 17, 2013 at 5:15 p.m.

Deperno/63 Wykeham Road/#IW-13-31/Construct Dormer:

Mr. Ajello explained the dormer construction would be within 100 ft. of the wetlands on the property and so was a regulated activity. He thought there was little chance for any impact to the wetlands from the construction, but said they could be impacted by construction vehicles or equipment. Mr. Deperno noted the dormer would be built on the side of the house farthest from the wetlands and photos of the house and property were circulated. Mr. LaMunier asked where the workers would park. Mr. Deperno said there was an existing driveway for parking away from the wetlands. Mr. Wadelton asked Mr. Deperno to add the parking area, limit of disturbance line, and dumpster location to his site plan. Mr. Deperno stated that all construction debris would be carted off site. The map, "Property/Boundary Survey," by Mr. Alex, dated September 2013 was reviewed. Mr. Deperno noted that if the Commission made the determination there would be no impact to the wetlands, it could make a ruling that no application was required. Mr. Ajello was hesitant about this request for a jurisdictional ruling because the wetlands had not actually been delineated, although he said they were most likely more than 50 ft. from the proposed work. Mr. LaMunier explained to Mr. Deperno that the Commission had no problem with the application and would approve it, but by state statute could not act on it for fourteen days. No other questions or concerns were raised and it was noted that Mr. Deperno would not have to attend the next meeting.

Nauoikas/170 Church Hill Road/#IW-13-32/Equestrian Trail Improvements:

Mr. Neff, engineer, Ms. Therrien, farm manager, and Mr. Sweeney, property manager, were present. Both of Mr. Neff's plans, "Equestrian Riding Trail Plan," revised to 9/7/13 and "Soil Erosion and Sediment Control Plan," dated 9/5/13 were reviewed. Improvements to the existing trail between 170 Church Hill Road and 34 Popple Swamp Road were proposed. This would include the installation of culverts to cross three intermittent watercourses. Cross sections of the proposed crossings had been submitted. Also, geotextile fabric will be placed on top of the entire length of trail and then surfaced with processed gravel. Mr. Neff said the trail would be 8 feet wide with shoulder slopes down to 12 ft. The gravel over the culverts would be 6 to 8 inches deep and some trenching would be required to install the pipes. Mr. Ajello asked if the proposed 20 ft. long culvert pipes would cause more disturbance to the wetlands than necessary; he thought a shorter length might be more suitable. Mr. Neff said 20 ft. was needed due to the shoulders and the nervousness of the horses. He also stated the streams were 2 to 3 ft. deep and that quite a bit of water flows through them. Mr. LaMunier noted the trail goes through wetland pockets. Mr. Neff responded the trail was existing and the owners did not proposed to straighten it out. Mr. Ajello asked if equipment would be used to maintain the trail. Mr. Neff stated the gravel would be spread with a loader, but other than that, small equipment might be used on the trail from time to time. Mr. Wadelton noted the trail would have a pervious surface and that use of the trail was a passive recreational activity.

Other Business

Rumsey Hall School/201 Romford Road/Request to Modify Permit #IW-11-34:

The \$25 fee was submitted and the site plan, "Campus Center," by Buck & Buck, LLC., revised to 9/5/13 was reviewed. Mr. Aston, engineer, explained the four changes to the plans, which had been approved two years ago:

- 1) a 2500 gallon above ground oil tank with a double wall and leak protection would be installed in the paved service area,
- 2) the walkway near the main entrance would be redone,
- 3) two of the retaining walls in the terraced planting area would be eliminated and the top wall relocated, and
- 4) the gathering area in front of the building was changed to decrease the impervious surface by 500 sq. ft.

Mr. Ajello noted the construction site was separated from the river by the new driveway. Mr. LaMuniere stated the Commission had previously approved the complex construction plan, the proposed changes would not impact the wetlands, and there was no reason to deny the school's request.

MOTION:

To approve the request by Rumsey Hall School/201 Romford Road to modify its approved Permit #IW-11-34 per the plan, "Campus Center," by Buck & Buck, LLC., revised to 9/5/13.

By Mr. LaMuniere, seconded by Mr. Papsin, passed 4-0.

New Application

Herrmann/92 East Street/#IW-13-33/Dredge Pond:

Mr. Forese, agent, stated the pond had last been dredged in 2005 and he proposed to use the same plan the Commission had previously approved. He also noted the same contractor would be used. The plan, "Pond Cleanout Plan," by Mr. Neff, dated 9/15/05 was reviewed. Mr. LaMuniere reviewed the construction sequence and asked if the excavated material would be deposited in the same area. Mr. Forese said it would. Mr. Forese will have the owner sign the conservation easement form before the next meeting. It was noted the Commission must wait two weeks before it may act on the application.

Other Business

Harris/193 West Shore Road/Request to Amend Permit #IW-13-20:

Mr. Harris said he proposed revisions to his permit based on comments from the ZBA. The map, "Proposed Shed," by Studer Design Assoc., Inc., revised to 8/20/13 was reviewed. Mr. Harris explained the footprint of the boathouse had been reduced to 8' X 12', it had been moved 10 feet further from the lake, and its height on the roadside end had been reduced to 6 ft. Also the planting area had been increased in size and the lawn area reduced by 75% and an section of retaining wall added. The commissioners did not raise any concerns about the proposed changes.

MOTION:

To approve the request by Mr. Harris/193 West Shore Road for amendments to Permit #IW-13-20 per the plan, "Proposed Shed," by Studer Design Assoc., Inc., dated 8/13/13. (This motion should have referenced the plan revised to 8/20/13.)

By Mr. Papsin, seconded by Mr. Davis, passed 4-0.

State Spraying of Herbicides Near Wetlands and Watercourses:

Mr. Papsin reported that he and Mr. Bedini had written a letter that they hope to get signed by the First Selectmen of Kent, Warren, and Washington and will then deliver to our state representative. Mr. Papsin noted that Lake Waramaug has been designated a Heritage Lake so is all the more deserving of protection. He said he would also send a copy of the letter to CACIWC.

Enforcement

In addition to the items addressed in Mr. Ajello's 9/11/13 Enforcement Report, the following matters were discussed:

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

It was noted that although an application to correct a violation had been approved, the required work has not yet been done.

Samgold, LLC./298 West Shore Road/Unauthorized Activity within 100 Feet of the Lake:

Mr. Ajello reported that the fine had been paid and the Wetlands file closed. This will be taken off the agenda.

Administrative Business

Revision of the Inland Wetlands and Watercourses Regulations/ Sections 8.10 and 12.5 re:

Duration of Permits

Mr. Wadelton noted the public hearing had been held and no comments from the public had been received.

MOTION:

To approve the revision of the Inland Wetlands and Watercourses Regulations/Sections 8.10 and 12.5 re: Duration of Permits.

By Mr. LaMuniere, seconded by Mr. Davis, and passed 4-0.

The approved language is attached.

MOTION:

To adjourn the meeting. By Mr. LaMuniere.

Mr. Wadelton adjourned the meeting at 8:21 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator