

# January 22, 2014

7:00 p.m. Upper Level Meeting Room

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

**MEMBER ABSENT:** Ms. Cheney

**ALTERNATES PRESENT:** Mr. Davis, Mr. Martino

**STAFF PRESENT:** Mr. Ajello, Mrs. Hill

**ALSO PRESENT:** Atty. Fisher, Mrs. Laverge, Mr. Tavino, Ms. Levesque, Mr. Neff, Mr. D. Sabin, Mr. S. Sabin, Mr. Gillespie, Atty. Ebersol, Mr. Charles

Mr. Bedini called the meeting to order at 7:00 p.m. and seated Members Bedini, LaMuniere, Papsin, and Wadelton and Alternate Davis for Ms. Cheney. He noted there was no subsequent business to add to the agenda.

**Consideration of the Minutes**

**MOTION:**

To accept the 1/8/14 Regular Meeting minutes as corrected.

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

The 1/15/14 Coleman site inspection minutes will be considered at the next meeting.

**Pending Applications**

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

Mr. Neff, engineer, presented his plan, "Proposed Site Plan," revised to 1/20/14, which, he said, showed the garage would be located closer to the house, still outside the regulated area. Except for this one change, the plans were the same as those reviewed at the site inspection. Mr. Bedini noted that no issues had been raised during the site inspection.

**MOTION:**

To approve Application #IW-13-41 submitted by Ms. Coleman, 31 South Fenn Hill Road for a single family dwelling, driveway, septic system, etc. per the plan, "Proposed Site Plan," by Mr. Neff, dated 12/5/13 and revised to 1/20/14; the duration of the permit shall be 2 years 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, and passed 5-0.

**Dobson/24 Wilbur Road/#IW-14-01/Construct Barn:**

Plans for the proposed barn; "Site Plan," by Altermatt Engineering, LLC. with handwritten revisions dated 1/8/14 were briefly reviewed and it was noted the barn would be 53 feet from the wetlands. It was also noted that no additional information had been submitted and the commissioners had had no questions or concerns at the last meeting.

**MOTION:**

To approve Application #IW-14-01 submitted by Mr. Dobson to construct a barn at 24 Wilbur Road per "Site Plan," by Altermatt Engineering, LLC., dated 12/24/13 with handwritten revisions to 1/8/14 regarding the stockpile area added to the plan; 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. Papsin, seconded by Mr. Davis, passed 5-0.

**Laverge/228 Bee Brook Road/#IW-14-02/Driveway and Bridge:**

Atty. Fisher and Ms. Levesque, engineer, represented the applicant. The plan, "Driveway Plan," by CCA, LLC, revised to 1/22/14 was presented. Ms. Levesque noted the plans had been revised to address the concerns about management of stormwater runoff, which were raised at the last meeting. Revisions included shortening the straight section of driveway to 300 feet by adding curves, adding a catch basin to connect with the underdrain, adding curtain drains, and including a cross section to indicate swales and curtain drains along the edges of the driveway. Ms. Levesque said temporary silt check dams would be installed during construction. Mr. LaMuniere asked if drainage from the rip rapped sections would discharge directly into the wetlands. Ms. Levesque said the discharge would be next to the wetlands where it would eventually slow down before flowing into the wetlands. It was noted there was a profile on the plan of the proposed swale with perforated pipe installed below it. Mr. LaMuniere thought the revision to eliminate the straight 800 foot, no cross culvert section of driveway was a good one. Ms. Levesque noted that most of the runoff should be absorbed in the swale. She noted, too, that the sections of driveway with grades over 10% would be paved. She pointed out the temporary access that would be used during construction, said the construction sequence had been previously submitted, and said not all of the work would be done at once. Mr. Ajello said the phasing of work was not included in the construction sequence. Mr. Papsin asked how many trees would be cut. Ms. Levesque said tree cutting would be limited to the width of the proposed grading within the areas of construction. She noted the driveway route might be altered if too much ledge was found in certain spots. It was noted the entire length of the proposed driveway is approximately 1300 ft. A site inspection will be scheduled after the driveway route is flagged.

**Lloyd/149 Whittlesey Road/#IW-14-03/Reconstruct House:**

Mr. Sabin, landscape architect, presented his plan, "Residence Reconstruction," dated

1/16/14. He noted that in 2006 the IWC had approved the reconstruction of the dwelling, but the work had not been done before the permit expired. He said the general house location would not change and the biofiltration system and landscaping approved previously would not change. Mr. Neff, engineer, reviewed his plan, "Soil Erosion and Sediment Control Plan," revised to 1/16/14. This compared the original location and footprint of the house to those proposed. Mr. Neff stated the existing well and septic system would be preserved, but a new pipe to the septic would be installed. Roof runoff will be directed to an underground chamber at the west end of the house. A cross section of the drainage system, sequence of construction, and erosion and sedimentation control plan were submitted. The stockpile area was noted. Mr. Sabin noted the previously approved streambank armouring had been completed and works well. He also noted that the landscaping plan called for planting some of the existing lawn to provide a vegetated buffer along the river. He said there would be no clearing along the river banks. Flood elevations were noted. The first floor of the house is proposed at 618 feet, one foot above the 100 year flood elevation. Mr. LaMunier asked what kind of foundation would be installed. Mr. Neff did not yet have all the details, but said it would probably be reinforced concrete with breakaway walls. Mr. Sabin noted the narration submitted provided comparison figures for the existing and proposed house. Mr. Neff said that silt fence would be installed around the construction site fairly close to the house to limit the area of disturbance as much as possible. A site inspection will be conducted after the proposed house site is staked.

**Smith/16 Steeples Road/#IW-14-04/Single Family Dwelling, Septic System, Landscaping:**

Mr. Tavino, agent, reviewed his plan, "16 Steeples Road, Washington, Ct. 06793," dated 1/21/14. It was noted there are wetlands at the rear of the property and that part of the proposed septic system would be within the regulated area. Mr. Tavino noted the septic system would have stone trenches and he described their installation. A geothermal heating system will be installed. A crane will be set in place and then the holes will be bored. He said this would not impact the wetlands. Next Mr. Tavino noted a proposed garden area outside the upland review area, proposed landscaping plants, and the area along the lawn and wetland buffer where they would be planted. Mr. LaMunier asked if there would be power to the pool equipment shed. Mr. Tavino said he had not indicated underground power on the plan, but said it would not impact the wetlands. He pointed out the location of the silt fencing and said he would add a note to the plan that the Land Use Office would be notified at least 48 hours prior to the commencement of work so that the WEO can inspect and approve the erosion control measures. Mr. Papsin asked what kind of patio would surround the pool. Mr. Tavino said he would get this information for the next meeting. Mr. LaMunier asked what kind of foundation the house would have. Mr. Tavino said there would be a full poured foundation under modular sections A, B, and C and a crawl space under D. He said the excavated material would either be used for backfill or would be trucked off site and he was asked to specify this in writing. Soil stockpile areas were noted. It was the consensus that the proposed activities would not impact the wetlands and so a site inspection would not be conducted. However, Mr. Tavino was asked to revise his plans to reflect items mentioned in tonight's discussion.

**Bitar/36 Carmel Hill Road/#IW-14-05/Timber Harvest:**

Mr. Gillespie, certified forester, noted this was labeled as a timber harvest, but actually, there was an arborist working with the harvester. The map, "Topographic Survey," by Smith and Company, dated 10/31/13, with handwritten additions to show the landing area, skid trails, and harvest area was reviewed. He pointed out the area where trees would be taken down to allow more sunlight into the yard. He said the work would be done in three phases: 1) directly around the house, 2) further out from the house, and 3) within 50 to 100 feet of the vernal pool. He said all stumps would remain in place and most of the debris would be chipped. He stated that many trees would be left standing and those to be cut would be selected tree by tree. He noted the black dots on the map were trees flagged by a landscape architect and would probably all remain. It was noted phases 1 and 2 were not under the Commission's jurisdiction.

Mr. LaMunier noted the importance of the canopy over vernal pools and said that for the previous submittal Mr. Gillespie had stated there would be no trees cut within 50 feet of the vernal pool. Mr. Gillespie confirmed no trees would be cut within 50 feet of the vernal pool or its outlet. Mr. LaMunier recommended no cutting within 100 feet of the pool due to the habitat needed for the survival of several vernal pool species. Mr. Gillespie said he had planned to cut approximately 50% of the trees 50 to 100 feet from the pool. Mr. LaMunier noted that leaf mulch and canopy are crucial for vernal pools and again recommended no cutting within 100 feet. Mr. Waderton agreed. Mr. Gillespie said he would review DEEP publications on vernal pools to look for recommended setbacks. He noted that as trees are cut, new growth will come up. The commissioners asked Mr. Gillespie to submit two full sized maps for the file. Mr. Gillespie said his goal was to complete all work this winter.

After a discussion about whether cutting would be approved within 100 feet of the vernal pool, it was agreed that Mr. Gillespie would mark diseased and hazardous trees in this area and then inspect them with Mr. Ajello, at which time Mr. Gillespie said, he would try to justify cutting in this area.

#### **Other Business**

**Straw Man, LLC./135 Bee Brook Road/Request to Revise Condition of Approval for Permit #IW-09-44/Extension of Time for Bridge Related Work:**

Mr. Waderton recused himself and left the table. Alternate Martino was seated.

Mr. Bedini noted the commissioners had had an opportunity to review a draft motion prior to the meeting. This motion had also been reviewed by the Commission's counsel. Mr. Bedini asked the commissioners to keep in mind when discussing the motion that the revision requested was only for an extension of time for the temporary bridge and not to revise the entire permit. Since a few drafts of the motion had been circulated, it was noted that it was the triple spaced draft that would now be discussed. A lengthy discussion followed and the following revisions to the draft motion were agreed to:

1) Mr. Martino pointed out that throughout the motion, whenever September 30 was referred to, it should state September 30, 2014.

2) In line #2, Mr. Martino said "temporary" should be inserted before "bridge related activities." Mr. Ajello thought "bridge related activities" was too vague so said there should be a list of all the activities that this would include. But having considered this suggestion, the commissioners agreed because it would be difficult to make a complete list, because this condition would pertain only to the extension of time requested, and because all previous conditions of permit approval would apply, "temporary bridge related activities" would be kept.

3) Condition #1: In the second line, Mr. LaMuniere asked why work could not commence until February 10, 2014. Mrs. Hill said she had been asked to use a date after the appeal period for the action to be taken tonight. Mr. LaMuniere thought it should state the work could begin immediately, and it was the consensus to change "February 10, 2014" to "immediately." Mr. Ajello asked why the word, "initiated" had been substituted for "removed" from a prior draft. Mr. LaMuniere explained that he had recommended this change to provide additional days, until October 7, 2014, to clean up and stabilize the site. Mr. Papsin agreed this was a good idea. Mr. Ajello disagreed, saying the applicant had known in advance that 9/30/14 was the removal date and so should be required to plan for it. The commissioners agreed to keep the word, "initiated."

4) Condition #2: Three versions of this condition were considered. Mr. Bedini noted the seepage envelope was not next to or connected to the permanent bridge and so asked if the temporary bridge had to be removed, did that necessarily mean that the seepage envelope also had to be removed. A very lengthy discussion ensued. Several points were brought up during this discussion; that the applicant has 7 more years to decide whether to build the temporary bridge or not (actually, a 9 year permit was approved in April 2010,) if the temporary bridge was taken down and another is needed, the applicant must apply for another revision of the permit, work may be done for the duration of the permit as long as it is confined to the specified time periods, and once the foundation for the permanent bridge is installed, the provisions of the original permit go into effect and neither the driveway nor the seepage envelope would have to be taken out. Mr. Bedini asked if there would be any harm to the wetlands if the seepage envelope was left in. He questioned whether it made sense to require the seepage envelope to be taken out in Sept. 2014, if it was going to be reinstalled at a later date for the permanent bridge. Mr. Ajello pointed out that once the temporary bridge is removed, it would be difficult to remove the seepage envelope and said that several hundred sq. ft. of gravel in the wetlands would have an impact. The commissioners were polled and it was determined that the seepage envelope would have to be removed and that Condition #2B was the one to be used in the motion.

5) Condition #3: The commissioners questioned what the term, "restoration" meant at the end of line #3 and all agreed it did not mean the restoration of the temporary bridge. Mr. Martino was concerned about conflicting language throughout the motion and recommended language used in Condition #2 be used in #3 as well. Mr. Bedini noted the \$20,000 bond would be used by the Town if the work was left undone, to restore the disturbed areas to their preconstruction condition if necessary, and to maintain the erosion control measures if necessary. It was agreed to change the first sentence of Condition #3 to: "The applicant has posted a \$20,000 construction bond for Permit #IW-

09-44, which bond shall also be applicable to and shall be amended to reflect that it additionally secures the restoration of the site to preconstruction conditions and the maintenance of erosion and sedimentation controls approved by this amendment to the existing permit."

6) Condition #4: There were no changes made to this condition.

7) Condition #5: "Plans as submitted" was changed to "permitted activities."

**MOTION:**

To approve the application submitted by Straw Man, LLC. to revise a condition of approval for Permit #IW-09-44 by extending the time for the temporary bridge related activities at 135 Bee Brook Road per the 11/08/13 and 11/22/13 letters to the Washington Inland Wetlands Commission by Atty. Ebersol, plans by Towne and Aurell, Inc. received 11/12/13 with undated attachment entitled, "Sequence of Construction Events for the Fall of 2013," the 10/23/13 and 11/6/13 letters to Mr. Bedini from Mr. Trinkaus, PE., and all additional plans and documentation originally approved for Permit #IW-09-44 on April 14, 2010 subject to the following conditions:

1. The work on the temporary bridge specified in this application for permit revision may commence immediately and said temporary bridge may be used and may remain in place until September 30, 2014, on which date removal of the entire temporary bridge must be initiated.
2. Before the temporary bridge is removed, whether on September 30, 2014 or before, all disturbed areas within wetlands and the upland review areas on the west side of Chaple Brook must be restored to their preconstruction condition; this restoration as well as restoration and erosion and sedimentation control measures on the east side of Chaple Brook must be completed to the satisfaction of the WEO no later than October 7, 2014.
3. The applicant has posted a \$20,000 construction bond for Permit #IW-09-44, which bond shall also be applicable to and shall be amended to reflect that it additionally secures the restoration of the site to preconstruction conditions and the maintenance of the erosion and sedimentation controls approved by this amendment to the existing Permit. In the event that the Town uses any portion of the bond to correct malperformance, conditions caused by neglect, improper restoration of disturbed areas, etc. relating to the temporary bridge work authorized by this amendment to the Permit, the applicant must, within 15 calendar days, replenish the bond to the original \$20,000 before any construction activities at the site may continue.
4. All other previous conditions of approval for Permit #IW-09-44 remain in effect.
5. There shall be no change to the permitted activities without further Commission approval.

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

**Enforcement**

Mr. Ajello briefly reviewed his 1/22/14 enforcement report.

Smith/135 East Shore Road:

Noting she was concerned about handling violations in a consistent manner, Mrs. Hill said that Mrs. Smith had knowingly done work near the river without a permit and asked why she had not been fined. Mr. Ajello stated that the Zoning Commission had already alienated Mrs. Smith by filing a notice on the Town Land Records for zoning violations on her property. He noted that no one from the Commission witnessed the work while it was being done and that the Commission allows driveway repairs. Mrs. Hill replied that driveway repairs within the regulated area must be applied for prior to doing the work. Mr. Ajello said he thought Mrs. Smith would be unresponsive in the future if she was fined now and that he felt it was more important for the Commission to develop a relationship with her. A discussion followed regarding the goal of fair and consistent handling of enforcement matters. Mr. Bedini pointed out that while the Commission does not tell the Enforcement Officer how to do his job, it does suggest consistent treatment for enforcement matters. Mr. Ajello asked the Commission whether he should fine Mr. Woodruff, too, for clean up work on his property, which was ordered, but not completed. The commissioners asked Mr. Ajello to talk to both Mrs. Smith and to Mr. Woodruff to explain the Regulations must be applied consistently and to fine both.

**Hochberg/15 Couch Road/Unauthorized Excavation of Pond and Deposition of Material:**  
Mr. Wadelton reminded the Commission that Mr. Hochberg had been fined for this violation, but had requested a hearing, which the First Selectman never scheduled in spite of several reminders from the Commission. Mr. Bedini will speak again with Mr. Lyon.

#### **Administrative Business**

It was noted revisions to the Inland Wetlands Regulations were needed; some updates per the state statutes and some to clarify policies and procedures already in place.

#### **MOTION:**

To adjourn the Meeting. By Mr. Martino.

Mr. Bedini adjourned the meeting at 10:23 p.m.

#### **FILED SUBJECT TO APPROVAL**

Respectfully submitted,  
Janet M. Hill, Land Use Administrator