

February 14, 2014

7:00 p.m. Upper Level Meeting Room

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

MEMBER ABSENT: Ms. Cheney

ALTERNATES ABSENT: Mr. Davis, Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Sabin, Mr. Tavino, Mrs. Lloyd, Mr. Foss, Mr. Neff, Mr. Gillespie, Mr. Szymanski, Mr. Luntz, Mr. Charles

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

Consideration of the Minutes

The 1/22/14 Regular Meeting minutes were accepted as corrected.

Page 5, middle of the first paragraph re: Bitar: Mr. LaMuniere asked that "obligate" be inserted so the sentence is now, "Mr. LaMuniere recommended no cutting within 100 feet of the pool due to the habitat needed for the survival of several obligate vernal pool species."

Page 6, 7th line under #4: It was noted that although it had been stated at the meeting that the applicant had seven more years to decide whether to build the temporary bridge, that was incorrect. He actually has five years.

MOTION:

To accept the 1/22/14 Regular Meeting minutes as corrected.

By Mr. Papsin, seconded by Mr. Charles, and passed 4-0.

Pending Applications

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

It was noted the Commission is waiting for the driveway route to be staked before scheduling a site inspection. Nothing new had been submitted and so further discussion was tabled to the next meeting.

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

Mr. Sabin briefly reviewed the presentation he made at the last meeting. Reconstruction of the house had previously been approved, but since a different house is now planned with a similar footprint, volume, biofilters, and landscaping, a new application was submitted. Mr. Ajello reported that the original permit, #IW-06-29, would not expire until 8/9/16. The Commission discussed whether to handle this as a revision of an existing permit or as an application for a new permit and since there was not much difference in procedure and the application had already been submitted, it was the consensus to consider the application. Mr. LaMuniere asked for details about the foundation, which would be installed at the confluence of two rivers. Mr. Luntz, architect, stated the foundation would allow the first floor to be raised above the FEMA flood elevation and it would have flood vents, which would allow flood waters to flow freely through the ground floor areas. He

said he did not know yet how deep into the soil the foundation would go, but that it would be a slab installed at as shallow a depth as possible. Mr. Sabin noted the finished floor would be at elevation 618, whereas the FEMA flood elevation is 617. Mr. Sabin said an advantage of this house design compared to what had been originally approved is that this one is modular, which would reduce the length of time the site would be disturbed. It was noted the house would be built on existing lawn, there would be very few trees cut, and the limit of disturbance, well, and septic areas would be the same as originally approved. Mr. Sabin stated that a solid construction barrier would be set up to protect trees and existing vegetation and that the cranes used to move the modular pieces into place would not impact the tree canopy. Mr. LaMuniere asked about the water table and whether the foundation would have to be pumped when the slab is poured. Mr. Sabin said it fluctuates, but the groundwater is approximately at river level, or 3.5 feet deep. It was not known at this time whether the foundation would have to be dewatered. Mr. LaMuniere thought this should be mentioned in the construction sequence. Mr. Sabin noted he had a ZBA hearing scheduled for 2/20 and hoped to have the Inland Wetlands approval by that date. It was the consensus that a site inspection was not necessary.

MOTION:

To approve Application #IW-14-03 submitted by Mr. and Mrs. Lloyd to reconstruct the house at 149 Whittlesey Road per the detailed plan, "Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 1/13/14 and revised to 1/16/14 and per the plan prepared by Mr. Sabin dated 1/16/14; 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. LaMuniere, seconded by Mr. Papsin, passed 4-0.

Smith/16 Steeples Road/#IW-14-04/Single Family Dwelling, Septic System, Landscaping: Mr. Tavino, contractor, listed the changes made on his plan revised to 1/25/14. The main revision was a note that the 32 truckloads of hardpan to be excavated for the foundation would be taken off site. He pointed out stockpile areas where he said that any excavated loam would be stored until it could be used near the septic system. Mr. Tavino also noted he had added a note that the land use office would be notified two business days prior to the start of construction so that the erosion control measures could be inspected. Mr. Papsin asked what the patio surface would be. Mr. Tavino said there would be a 12 inch stone border around the pool, but the patio would be grass. He also noted the revised plans showed the location of the pool equipment and buried power line. Mr. Tavino said the footing drains and leaders were indicated on the plans and were 130 feet from the wetlands. Construction using the prefab units was briefly discussed.

MOTION:

To approve Application #IW-14-04 submitted by Mr. Smith for a single family dwelling and septic system at 16 Steeples Road per plans by Mr. Tavino, revised to 1/25/14; 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. Papsin, seconded by Mr. LaMuniere, passed 4-0.

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

Mr. Gillespie, forester, presented the enlarged map that had been requested at the last meeting and two photos of the vernal pool area were circulated; one that indicated the trees to be cut. He noted that he and Mr. Ajello had inspected the property since the last meeting. Mr. Gillespie stated that the seven trees proposed to be harvested within 100 feet of the vernal pool were declining trees, that only one tree was proposed to be cut within 50 feet of the pool, and there would still be trees remaining around the vernal pool once these seven were removed. Mr. Ajello passed out a brochure by the DEEP re: vernal pools and stated the existing tree canopy did not vary in height and the only understory was mountain laurel. Mr. Gillespie noted the locations of the landing area with anti tracking pad and trails to be used for the timber cutting operation. He said the tops would be chipped to be used by greenhouses for energy. The land will remain classified as forest under PA490 and the forest floor will not be converted to lawn. Mr. Gillespie said he hoped to harvest the trees this winter. The method of removing the trees was discussed. Mr. LaMuniere said it was important there be no drag line and Mr. Gillespie responded that low impact equipment would be used. It was noted that the first timber harvest application had been withdrawn and that a second application fee would not be required.

MOTION:

To approve Application #IW-14-05 submitted by Mr. Bitar for a timber harvest at 36 Carmel Hill Road per the map, "Topographic Survey," by Smith and Company, revised to 12/31/13 and with hand written additions by Mr. Gillespie, dated 2/10/14 and the photo, "Exhibit A," dated 2/12/14; 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, passed 4-0.

New Applications

Cowles/210 West Shore Road/#IW-14-06/Well and Trench:

Mr. Foss, contractor, noted the proposed well would not be installed within the regulated area, but the trench would be, and the existing dwelling was located between the lake and the work area. The map, "Map Showing Property of Dorothy and Bernard Riess," by Mr. Marsh, dated April 1950 with handwritten information regarding the well, trench, and erosion controls was reviewed. Mrs. Hill's 2/12/14 email to Mr. Foss regarding information still needed to complete the application was reviewed and it was noted that the applicant must provide proof that the Town of Warren was notified of the application by certified mail. It was the consensus there was no need for a site inspection.

Lake Waramaug Country Club/22 Golf Links Road:

It was noted this had not been submitted and that the application would focus on how to treat runoff before it reaches the lake.

Enforcement Report

In addition to what Mr. Ajello included in his 2/12/14 report, the following matters were discussed:

Berg/22 Foullois Road/Activity Exceeding Approved Permit:

Mr. Szymanski, engineer, presented the plan, "Pond Remediation Plan," dated 2/11/14 that the landscape architect and the Bergs had worked on. Planting along a 60 ft. section of the pond and the eradication of knotweed elsewhere on the property was proposed to mitigate the unauthorized installation of a curtain drain in the wetlands. Mr. Szymanski explained that the drain had been set too high and so was not effective. He noted the knotweed would be removed per DEEP guidelines over a three year period. The proposed species to be planted were noted. Mr. Ajello thought they were well chosen. Mr. LaMuniere noted that Mr. Allan, Commission consultant, had previously advised the Commission that groundwater rebounds within 25 feet downslope of a curtain drain. Therefore, Mr. LaMuniere thought the curtain drain had not greatly impacted the wetlands. Mr. Ajello asked if the canopy over the pond could be increased. Mr. Szymanski said he would look into it. Mr. LaMuniere recommended that an additional 20 feet along the shoreline be planted. It was the consensus that an application to correct a violation had been requested and that an application should be submitted.

Privilege of the Floor

Mr. Bedini noted the Commission does not usually have Privilege of the Floor, but Mr. Charles said he had a question regarding Straw Man's original conditions of approval. Because the recent decision to approve a revision to one of the original conditions of approval had been appealed, neither Mr. Ajello nor the commissioners thought this matter should be discussed. Mr. Charles noted that condition #7 requires the applicant to come back for further Inland Wetlands review when plans are developed and asked if the Commission would use the same engineer to review them as it had for the original application. Mr. Bedini said the Commission did not know at this time. Mr. Charles said he would submit his question in writing. He said he must have a way to ask questions of the Commission even though there is an appeal. Mr. Bedini advised him to ask the staff.

Enforcement

Issavi/19 Tinker Hill Road/Unauthorized Clearing:

Mr. Ajello noted the previous property owners were Chatfield and Shellerer. He asked how he should go about releasing the notice of violation from the land records, noting the Commission had asked for a restoration plan and this had been submitted. Mr. Bedini said an application to correct a violation would be appropriate. The commissioners thought the plan submitted was too vague and requested the following information: a sketch plan, a narrative, how many and what size plants were proposed, how densely they would be planted, what will be done with any disturbed dirt, and where and how many stepping stones would be installed.

Rumsey Hall School/201 Romford Road/Reconstruction of Dorm:

Mr. Ajello noted a section of the school grounds had been raised above the flood elevation when the septic system was installed and so it would be difficult to determine the distance between wetlands soils and the proposed work. Mr. Bedini said the Commission would expect a report from a soil scientist.

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

Mr. Ajello noted plans to correct the violation had been approved. It was the consensus this matter should remain on the enforcement list until the work approved was properly completed.

Silverman/341 Nettleton Hollow Road/Violation of Permit #W-13-19:

Mr. Ajello noted that since a revision of the permit had been approved, this should no longer be listed under Enforcement.

Hochberg/15 Couch Road/Unauthorized Excavation of Pond and Deposition of Materials:

Mr. Bedini reported that he had spoken with the First Selectman again about scheduling a hearing regarding the disputed fine and would continue to remind him.

Administrative Business

Mr. Bedini stated the Commission would soon begin work to amend its regulations. Some necessary revisions such as definitions for "upland review area" and "vernal pool" had been specified in recent issues of The Habitat.

Communications

Mrs. Hill reported the DEEP had sent the following DVDs: "The Functions and Values of Wetlands and Watercourses," "Introduction: Connecticut's Inland Wetlands and Watercourses Act," and "An Introduction to Map Reading and Site Plan Review," but that according to its 2/6/12 letter, the DVDs do not replace the current DEEP Municipal Inland Wetlands Agency Comprehensive Training Program online course. These DVDs are available for interested commissioners to borrow.

A letter regarding the Commission's concern about the use of herbicides around Lake Waramaug by the state will be sent to CACIWC for that organization's review.

Consideration of the Minutes

MOTION:

To accept the 1/15/14 Coleman site inspection minutes as written.

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

MOTION:

To adjourn the meeting. By Mr. Papsin.

Mr. Bedini adjourned the meeting at 8:53 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill, Land Use Administrator