Inland Wetlands Commission

MINUTES

Regular Meeting

May 14, 2014

7:00 p.m. Upper Level Meeting Room

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

MEMBER ABSENT: Ms. Cheney

ALTERNATE PRESENT: Mr. Davis

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mrs. Smith, Mr. Sabin, Mr. Charles, Mr. Neff,

 Mr. Szymanski, Atty. Fisher, Mr. Swanson

 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.

MOTION: To add the following subsequent business to the

 Agenda: V. New Applications: D. Alger and

 Karabell/112 River Road/#IW-14-25/Install Half

 Basketball Court, E. Smith/35 East Shore Road/

 #IW-14-26/Install EPDM Pond Liner, Foot Bridge,

 Portico Roof, F. Leppo/135 Old Litchfield Road/

 #IW-14-27/Inground Swimming Pool: VI. Other

 Business: B. Peckerman/162 Sabbaday Lane/Request

 to Revise Permit #IW-12-25/Dredge Additional Pond.

 By Mr. Wadelton, seconded by Mr. LaMuniere, and

 passed 5-0.

Consideration of the Minutes

MOTION: To accept the 4/23/14 Regular Meeting minutes as

 submitted. By Mr. Wadelton, seconded by Mr.

 Papsin, and passed 5-0.

MOTION: To accept the 4/23/14 Special Meeting minutes as

 submitted. By Mr. Davis, seconded by Mr. Wadelton,

 and passed 5-0.

Pending Applications

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

Atty. Fisher represented the applicant. He said that due to the steep terrain there was no feasible alternative driveway route, asked the Commission to act on the application tonight, and said hopefully, he would apply at a later date to the ZBA for a variance to use the existing driveway to access the additional lot. The map, “Driveway Plan,” by CCA, LLC., revised to 1/22/14, which showed the proposed revised driveway layout was reviewed. Mr. LaMuniere noted that the Commission had not yet thoroughly reviewed the plans, including specifications for the proposed bridge, because it had hoped the ZBA would approve an alternative route. He also noted that when the site inspection had been conducted there had been no indication along the road regarding where the bridge would be located or how it would span Bee Brook. It was noted the bridge had previously been approved in 1994 and 2003 and that a consultant had reviewed it for the Commission in 2003. Mr. Bedini asked for more bridge detail than what was shown on CCA’s plan, “Plan and Profile.” Although a previous file contained a hydrological analysis for the proposed culverts, distance from flagged wetlands, etc., Mr. Papsin thought the 1994 “Plan and Profile” was outdated due to the change in the proposed driveway route. Mr. Ajello pointed out that the first 500 feet had not changed. Mr. Ajello reviewed a 2003 letter with recommendations from Land Tech Consultants. Concerns about the construction of the driveway in the “huge dip” area near a wetland pocket at approximately elevation 700 feet were expressed. Mr. LaMuniere did not understand how the driveway could be constructed on the side of such a steep slope and said the plans for this section were “unrealistic.” Mr. Papsin also noted the steep drop and said a lot of cutting and filling would be required there. Mr. LaMuniere said the filling would extend into the wetland pocket. He also reminded the applicant that the Commission was concerned about the number of trees to be cut and the destruction of the canopy. The limit of clearing line was noted on the map. Mr. Ajello explained that the cleared area would be as wide as 60 feet. Mr. Bedini agreed that the commissioners who inspected the property were all concerned about the significant drop in grade and he asked for more detail, including the amount of cutting and filling. Mr. LaMuniere requested a plan that reflects the actual nature of the terrain. It was noted the current application was incomplete and lacked documentation that had been included in previous files. Mr. Ajello was asked to supplement the current application with info from the previous files. Because the time limit for acting on the application would expire before the next meeting, it was the consensus to deny the application because it was incomplete and to waive the fee for resubmission.

MOTION: To deny Application #IW-14-02 submitted by Mrs.

 Laverge to install a bridge and driveway at 228

 Bee Brook Road because the application is

 incomplete and to allow the applicant to resubmit

 without an additional fee. By Mr. Papsin,

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

Berg/22 Foulois Road/#IW-14-19/Application to Correct a Violation/ Planting and Removal of Invasives: Mr. Szymanski, engineer, represented the applicants. He stated Mr. Berg was concerned that the spoils dredged from the pond and spread in the vicinity of the existing basketball court would be classified as poorly drained soil and considered wetlands in the future. It was noted the minutes would reflect this area was not wetlands. Mr. Szymanski noted the Commission’s concerns raised at the last meeting and proposed to increase the canopy by planting three 15 gallon red maples on the west side of the pond. When all the proposed planting is completed, he said, 35% to 40% of the pond edge would be vegetated. It was noted that the removal of Japanese knotweed was also included in the application.

MOTION: To approve Application #IW-14-19 submitted by

 Mr. and Mrs. Berg to correct a violation at 22

 Foulois Road with mitigation planting and the

 removal of invasives per the plan, “Pond

 Remediation Plan,” unsigned, revised to 5/14/14;

 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. LaMuniere, seconded by Mr.

 Papsin, and passed 5-0.

Berger/386,392 Nettleton Hollow Road/#IW-14-20/Rebuild Stonewalls:

Mr. Neff, engineer, presented his map, “Proposed Site Improvement Plan,” dated 3/31/14, noting there had been no revisions since the last meeting. It was noted the application included minor tree removal along the wall. Mr. LaMuniere said no issues had been previously raised and there were no questions from the commissioners.

MOTION: To approve Application #IW-14-20 submitted by Mr.

 Berger to rebuild the stonewalls at 386 and 392

 Nettleton Hollow Road in accordance with the

 plan, “Proposed Site Improvement Plan,” by Mr.

 Neff, dated 3/31/14; 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.

 LaMuniere, and passed 5-0.

Walgren-Rook/136 Old Litchfield Road/#IW-14-21/Application of Aquatic Herbicides: It was noted that Mr. Gambino had presented the application at the last meeting and there had been no questions or concerns.

MOTION: To approve Application #IW-14-21 submitted by Mr.

 Walgren and Mr. Rook for the application of aquatic

 herbicides at 136 Old Litchfield Road; 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, and passed 5-0.

New Applications

Swanson/61 Wykeham Road/#IW-14-22/Site Improvements: Mr. Swanson and Mr. Neff, engineer, were present. Mr. Neff explained the application was to relocate the driveway entrance and regrade, install a water main to connect with the Judea Water Company, construct a deck, and build a low stonewall. The map, “Proposed Site Improvements Plan,” by Mr. Neff, dated 5/7/14 was reviewed. Mr. Neff briefly explained the sequence of work for the installation of the water line, which would run through the brook and wetlands to the house. Mr. Bedini said an alternative would be to drill a well. Mr. Neff noted he had discussed with the Health Dept. the option of drilling a well on the east side of the property, approximately 10 feet from wetlands, but said there might be a requirement that this property connect to the water company system. Mr. Bedini asked if notification to the water company that the Inland Wetlands Commission preferred a well would be helpful in getting the company to OK drilling a well. Mr. Ajello asked if other routes had been considered for the water line. Mr. Neff stated that there are also wetlands on the adjoining property through which the line must pass and that it would have to cross the watercourse no matter where it was located. Mr. Neff then discussed the proposal to move the driveway entrance to the west where the grade is flatter. He said the existing septic system would remain and the area between the driveway and road could be used for a new septic system if needed in the future. Also, filling around the rear of the house, a 2 ft. high dry stone retaining wall, and a wooden deck outside the door on the SE side of the house were proposed. A site inspection was scheduled for 4:00 p.m. on Wednesday, May 21. Mr. Ajello asked about the plans to divert the brook while the water main was being installed. Mr. Neff said the work would be done in one day during a very dry period and that an 18 inch diversion pipe with sand bags at both ends would be used.

Glickman/37 Old North Road/#IW-14-23/Swimming Pool, Leaching Fields: Mr. Neff, engineer, explained that due to setback requirements and a watercourse that bisects the property, there was only a small area in which to work. The map, “Proposed Site Plan,” by Mr. Neff, dated 4/28/14 was reviewed. An inground swimming pool with a small patio on its south side, an underground propane tank southeast of the pool, and a short retaining wall were proposed. Mr. Neff said equipment would access the site from the existing driveway near the barn and that a cartridge filter system for the pool would be used so there would be no backwash. Also new leaching fields were proposed. Mr. LaMuniere noted the proposed activities were entirely within the upland review area and that some of the proposed fencing was very close to the stream. A site inspection was scheduled for 4:30 p.m. on Wednesday, May 21.

Washington Park Foundation/1 Green Hill Road/#IW-14-24/Repair Septic System: Mr. Neff, engineer, reviewed his plan, “Septic System Repair Plan,” revised to 1/31/14. The old septic system would be removed and new concrete galleries and a larger tank would be installed in the same area. The old soil would be dug out and new sand used for fill around the new system. Mr. Neff noted the Health Dept. had approved the application and that he had submitted a sequence of construction and erosion control plan. Although the site is relatively level and the Shepaug River is approximately 200 feet away, filter fabric will be placed over the existing catch basins because they flow to the river. He said he did not expect an erosion problem because the excavated material would loaded onto trucks and hauled away. No questions or concerns were raised.

Leppo/135 Old Litchfield Road/#IW-14-27/Swimming Pool: This was another property with a constrained work area. Mr. Neff, engineer, presented his map, “Proposed Swimming Pool Site Plan,” revised to 5/2/14. The proposed pool location is 500 feet from the existing dwelling and 51 feet on two sides from flagged wetlands. Mr. Neff said other possible locations were discussed, but the septic system is located directly behind the house and there are wetlands throughout the site. A temporary access will be constructed around the pond to bring in the construction equipment and it will be grassed over upon completion of the work. Top soil will be reused as much as possible and any extra material will be taken off site. A cartridge filter is proposed so there will be no backwash. Also proposed is a trench from the house to the pool for the service line. The locations of the trench and pool equipment were noted. A site inspection was scheduled for 3:30 p.m. on Wed., May 21.

Smith/35 East Shore Road/#IW-14-26/Install EPDM Pool Liner, Foot Bridge, and Portico Roof: It was noted that previous permits for the pond and foot bridge had expired. The map, “Hatchery Area Restoration Plan,” by Mr. Neff, dated 4/26/06 with handwritten, unsigned notes regarding the proposed 2014 construction was reviewed. Mrs. Smith explained she had tried to seal the pond with clay, but the water continued to seep through the stonewall below it and so she now proposed to install an EPDM liner. She also proposed to make the temporary foot bridge permanent. It would be 20 feet long and 4 to 5 feet wide. She proposed to install a gable roof over the existing kitchen door. It would be 4’ by 6’, cover the existing stone steps, and would require no excavation and no pillars. Mr. LaMuniere asked if the clay would be dredged from the pond. Mrs. Smith responded, no, that the liner would be placed on top of the clay. Mr. Davis asked if there would be footings for the bridge. Mrs. Smith said, no, it would sit on top of the walls and that Mr. Swanson, the contractor, would decide how to anchor it. There were no further questions.

Alger and Karabell/112 River Road/#IW-14-25/Install Half Sports Court: Mr. Sabin, landscape architect, represented the applicants. He explained the court would be within 100 feet of a wetland pocket in an area of existing lawn. Although it would be only 27 feet from the flagged wetland, it would be downgrade of the wetland, and all sheet flow in the area flows away from the wetland. He also noted the area is fairly level and is near the previously approved grassed service driveway. The map, “Site Layout Plan,” by Mr. Sabin, dated 4/19/13 and attached portion of the map indicating the location of the court were studied. Mr. Sabin noted the location of the proposed court is staked. Mr. LaMuniere stated this would cause no major impact to the wetlands and added that the site could be seen from the road.

Other Business

Coleman/31 South Fenn Hill Rd./Request to Revise Permit #IW-13-41/Relocate Driveway Entrance and Underground Utilities, Install Retaining Wall, Add Catch Basins, Piping, and Swale: Mr. Neff, engineer, reviewed his map, “Proposed Site Plan,” revised to 5/2/14 and pointed out the locations of the proposed activities. He said that shifting the driveway entrance west would mean less trees would have to be cut and there would be less disturbance in the regulated area. CL&P wanted the junction box next to the driveway and so that was relocated. A 2 ft. high retaining wall was proposed between the house and the wetlands to form a barrier between the lawn and the wet area. In the yard catch basins, piping, and a swale were proposed to allow drainage to flow behind the house towards the wetlands and to allow the natural drainage patterns to continue. Mr. Neff added the swale to his 5/9/14 letter to the Commission. Mr. Bedini noted that most of the proposed changes would result in less disturbance to wetlands. Mr. LaMuniere agreed there would be no additional impacts to the wetlands.

MOTION: To approve the request to revise Permit #IW-13-41

 issued to Ms. Coleman/31 South Fenn Hill Road to

 move the driveway entrance, relocate the underground

 utilities, install a retaining wall, and install

 a swale, catch basins, and piping in accordance with

 the plan, “Proposed Site Plan,” by Mr. Neff, revised

 to 5/2/14; all original conditions of approval apply.

 By Mr. Wadelton, seconded by Mr. Papsin, passed 5-0.

Peckerman/162 Sabbaday Lane/Request to Revise Permit #IW-12-25:

Mr. Ajello reported that the current permit to dredge the lower pond is valid through September 2014. Since there has been a lot of sediment in the stream Mrs. Peckerman was now requesting permission to dredge the upper pond, too. Both her letter to the Commission and a portion of a survey map with handwritten notes, unsigned, undated were reviewed. Mr. LaMuniere thought more information was needed. He asked how much more material would be dredged, what would be done with it, would there be stockpiles for dewatering, if so, where would the dewatering location be, etc. Mr. Neff said the pond was shallow and small and so estimated 50 yards of material would be removed. Mr. Ajello said the dredged material would be taken off site. Mr. Neff thought the dewatering area would possibly be next to the driveway. It was noted the work would be done in mid summer. Mr. Neff will call Mrs. Peckerman to get more details about the proposed work.

Enforcement

 Mr. Ajello reviewed his 5/13/14 report.

Administrative Business

 The letter to the DOT regarding spraying of herbicides around Lake Waramaug was discussed. Not everyone from all three towns has signed the letter, which is now in Kent, and so it has not yet been sent.

 It was noted there would be an environmental conference at the Mattatuck Museum on Friday, May 30.

 Mr. LaMuniere reported there will be a future seminar held by the DEP to review Supreme Court legal decisions impacting local commissions.

MOTION: To adjourn the meeting. By Mr. Davis.

 Mr. Bedini adjourned the meeting at 9:18 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator