Inland Wetlands Commission

MINUTES

Regular Meeting

July 9, 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: Mr. Charles, Mr. Law, Mr. Nelson, Mr. Hunt,

 Mr. Connolly, Mr. Cao, Mr. Szymanski,

 Ms. Hines, Mr. Talbot, Mr. Sabin,

 Mr. and Mrs. Schlosberg

 Mr. Bedini called the meeting to order at 7:03 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: F. Washington Park

 Foundation/1 Green Hill Road/#IW-14-38/Regrading

 and Install Two Parking Spaces, G. West Indies,

 LLC./96 Calhoun Street/#IW-14-39/Channel Improve-

 ments and Remove Invasive Species; VI. Other

 Business: C. 7/8/14 Letter to Mr. Bedini from

 Atty. Ebersol re: Straw Man, LLC./#IW-09-44. By

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

MOTION: To also add the following subsequent business to

 the agenda under New Applications: E. Village at

 Bee Brook Crossing Assn./23-30 Juniper Meadow Road/

 #IW-14-37/Pave Two Parking Lots and Install Two

 Plunge Pools. By Mr. Wadelton, seconded by Mr.

 Papsin, and passed 5-0.

Consideration of the Minutes

 The June 11, 2014 Regular Meeting minutes were accepted as amended.

Page 4: Under Atkins: Plantings was misspelled.

Page 5: Under Steep Rock Assn: Phase III is noted, but not defined. This paragraph should state that Phase III is the implementation of the approved plan.

MOTION: To accept the 6/11/14 Regular Meeting minutes as

 amended. By Mr. Davis, seconded by Mr. Papsin, and

 passed 5-0.

Pending Applications

Atkins/159 West Shore Road/#IW-14-28/Fence and Plantings: It was noted that the points raised in Mrs. Hill’s review had been addressed. Mr. LaMuniere and Mr. Wadelton said they had reviewed the application and it was OK.

MOTION: To approve Application #IW-14-28 submitted by Mr.

 Atkins for a fence and planting at 159 West Shore

 Road according to additional information submitted

 to the file, dated 7/3/14, and the plan, “Plot Plan,

 Washington, Ct.,” dated 1975, #390, with modifications

 and additions by Mr. Atkins; the duration of the

 permit is two years and it 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 5-0.

Steep Rock Assn./185 Tunnel Road/#IW-14-31/Hauser Bridge Repairs: Mr. Law stated that additional documentation had been submitted to complete the application. Mr. Papsin and Mr. LaMuniere noted they had reviewed the latest information. Mr. Ajello explained that tarps would be used to protect the area when the rust proofing was done and the staging to be used has steel pads that would be set on the gravel on the river bottom. There were no other questions or comments.

MOTION: To approve Application #IW-14-31 submitted by Steep

 Rock Assn. to repair Hauser Bridge at 185 Tunnel

 Road per additional information provided by O&G Industries, received 6/26/14, 2 pages, which includes

 the sequence of the work to be done; the permit is

 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 5-0.

New Applications

Moxey and Cruz/156 Calhoun Street/#IW-14-32/Foundation Repairs, Fence, Install Wall: The plan, “Proposed Site Improvements Plan,” by Mr. Neff, dated 6/18/14, was reviewed. Mr. Ajello said the existing sheds would be jacked up to do the foundation repairs, the foundations would be concrete with stone veneers except for the shed on piers, and the size and location of each shed would not change. Mr. LaMuniere noted all of the sheds were completely or partially in wetlands and asked what type of wetlands it was. Mr. Ajello said it was a wet meadow that was mowed once a year. Mr. LaMuniere asked if the proposed work would impact the wetlands. Mr. Davis asked how the work site would be accessed. Mr. Ajello said the work that could not be done by hand would be done with a small excavator, which would access along the southern boundary line. Mr. Papsin asked if the area was level and Mr. Ajello said the land sloped to the pond. It was noted any excess debris would be taken off site. Mr. LaMuniere noted the plans included work on the stonewall and fence and installing rip rap at the end of a drainage pipe. Mr. Bedini asked where the cement truck would access. This was not known, but Mr. Neff, engineer, will attend the next meeting to answer questions.

Baratta/236 Nettleton Hollow Road/#IW-14-33/Repair Eroded Channel, Create Native Plant Rain Garden: Mr. Nelson, contractor, reviewed his site plan dated 7/2/14, his sketch for the stream channel repairs, also dated 7/2/14, and his 7/2/14 Application Narrative. He explained the intermittent stream flows into the lawn area and had caused erosion over the years. He proposed to use stone in the stream bed to stop the erosion and to create two pools to slow the velocity of the flow and to trap sediment. He noted the proposed work would not change the existing grades. He reviewed the site plan to show the location of the rain garden and the access for a mini excavator and dump truck over an existing wood road. Mr. Nelson’s narrative indicated that no non native species and no invasive species would be used in the rain garden and he submitted a list of the kinds and sizes of the species to be planted. Mr. Davis asked when the work would be done. Mr. Nelson said August, when it would be dry. The proposed pools were discussed. Mr. Nelson stated the channel drops 20 ft. so there is adequate room for two pools, but at this time he did not know their exact locations. He noted he proposed staked hay bales at the base of the work and that he had added a statement that they would be left in place until all disturbed areas had been stabilized. It was the consensus that no site inspection was needed. Except for not having the signature of the property owner, it was noted the application was ready to vote on at the next meeting.

Washington Montessori Assn., Inc./240 Litchfield Turnpike/

#IW-14-34 Parking Area and Drainage: Mr. Cao, engineer, submitted a letter of authorization and a revised application. The plan, “Washington Montessori School, sheet #3, Grading, Drainage, and Erosion Control Plan,” by Civil 1, revised to 6/30/14 was reviewed. Most of the work proposed is in Warren. Mr. Cao stated the only work in Washington would be the relocation of the 55 space parking area and the eastward expansion of the existing driveway. He pointed out the wetlands and URA. Mr. Cao noted there would be less runoff reaching the existing detention basin because the proposed development included two infiltration areas. The installation of the infiltration areas would result in less discharge flowing through the existing catch basins to the detention pond. Mr. LaMuniere noted the erosion that had occurred during the initial permit due to the steep slopes and drainage problems and said the vernal pools had filled with sediment. Mr. Ajello said those had been cleaned out. Mr. LaMuniere thought that even so, drainage would be the main concern regarding this application. Mr. Davis asked what would be done to protect the site from runoff and erosion while the work was in progress. Mr. Cao said the catch basins would be protected with hay bales. He noted the erosion and sediment control plan on sheet #7 had been revised to address the review comments he had received and included specifying that the contractor would be the person responsible for the erosion controls. It was generally agreed that during construction there would be a risk of impact to the wetlands and that the contractor was the appropriate party to be cited as the responsible for the erosion control measures. Mr. Bedini asked if the overflow pond should be cleaned. Mr. Ajello said it is cleaned out on a regular basis per the original permit, which included a maintenance plan. After a brief discussion, it was the consensus that a review by a consulting engineer was not necessary, but that a site inspection would be conducted on Wednesday, July 16, 2014 at 5:00 p.m.

Baratta/236 Nettleton Hollow Road/#IW-14-35/Construct Foundation and Foundation Repair: Mr. Connolly, architect, represented the property owner and said he had a slightly modified application based on the review comments he had received. The plan, “Site Plan, Soil Erosion and Sediment Control Plan, Building Plans, and Elevations,” by Halper Owens Architects, LLC., dated 7/8/14 was reviewed. Color photos showing the barn were circulated. Mr. Connolly said the proposal is to add a 3’ X 8’ chimney and a

6’ X 14’ single story addition on slab to the existing barn. The addition would house a mechanical room. The 50 and 100 ft. setbacks were noted. Mr. Connolly said the area was level and an existing dirt road would be used to access the work site. Mr. Papsin thought the plan was straightforward. Mr. Connolly signed the revised plan and said he would consult with the property owner regarding the required conservation easement form.

Washington Park Foundation/1 Green Hill Road/#IW-14-38/Regrading and Installation of Two Parking Spaces: Mr. Talbot presented his site plan, SP.1, dated 7/8/14 and pointed out both the FEMA and Lenard Engineering 100 year flood lines. He noted that whichever line was used, the proposed parking spaces were under the Commission’s jurisdiction, but said none of the work or deposition of material was in the floodway. Mr. Talbot said that Mr. Neff’s plan for the original permit to repair the septic system had not shown the proposed parking spaces or the regrading to be done. The existing planter on the south side/River Road side of the property will be removed and the area regraded for the two parking spaces and also the area fronting on Calhoun Street will be leveled off to accommodate an upcoming sculpture exhibit for the Art Assoc. He noted curb cuts already exist on River Road. Mr. Davis asked how the existing drainage is handled. Mr. Talbot pointed out two catch basins and said there was sheet flow to the road. It was noted that Mr. Neff would have an erosion and sedimentation control plan ready for review at the next meeting. Mr. Talbot said that the impervious surfaces would be reduced from the existing 91% to 68% and the lot coverage reduced to 48% if the pervious potential parking area that would front Calhoun Street was not counted. Mr. LaMuniere said this was a great improvement and that the two parking spaces were not significant in terms of the flood plain. Mr. Davis asked if there would be any change to the gutters on the building. Mr. Talbot said, no. Due to the time constraints with trying to prepare the property for the mid August sculpture exhibit, Mr. Talbot asked if the regrading in the front of the building could be handled as a revision of the existing permit rather than as a new application. He pointed out the area and said after regrading it would be left as gravel through the exhibit and until funds were available for the rest of the work. Deposition of material, pitch, elevation, etc. were briefly reviewed. Because Mr. Neff’s plans had not yet been submitted and the proper procedure for amending a permit had not been followed, the Commission declined to consider the proposed work as a revision of the existing permit. Mr. LaMuniere stated the Commission should have complete data before taking any action.

West Indies, LLC./96 Calhoun Street/#IW-14-39/Remove Invasives, Improve Channel: Mr. Sabin, landscape architect, presented a portion of a site plan for 96 Calhoun Street (no date, title, or signature) on which he had sketched in the general improvements proposed. He said the proposed work was necessary because the area is becoming so overgrown that the farmer said he can’t continue to mow the field. He noted the farmer would like to mow down to the stream. Mr. Sabin said that he wanted to maintain a healthy riparian corridor and he proposed to make improvements to the channel to improve both drainage and flow. He explained a small track excavator would be used to work on three to four 20 ft. long areas of the channel. Mr. Sabin referred to the application review, said he understood the application was incomplete at this point, but asked that a site inspection be scheduled. He also noted that permission for the proposed work from the holder of the conservation easement was required, but had not yet been submitted. Mr. LaMuniere noted the importance of the wetlands buffer and said this should be carefully considered and a delineation made beyond which the farmer would not be permitted to mow. He also thought the application should not be considered further until it is complete. A site inspection was scheduled for Wednesday, July 16, 2014 at 5:30 p.m. Mr. Sabin said he would have detailed drawings submitted by that date.

Village at Bee Brook Crossing Assn./23-30 Juniper Meadow Road/ #IW-14-37/Pave Two Parking Areas, Install Two Plunge Pools: Mr. Wadelton recused himself and left the table. Mr. Hunt, Condo Assn. president, and Mr. Szymanski, engineer, presented the revised plan, “Site Development Compilation Map,” by Arthur H. Howland & Assoc., revised to 7/9/14 to address points raised in the application review. Mr. Hunt proposed to pave, but not expand the existing gravel parking lots and noted Juniper Meadow Road would be repaved in August. Mr. Szymanski noted the parking lots would be graded to correct puddling. He said the existing septic system and leaching fields are located underneath the lots and so some material might have to be removed to allow runoff to sheet flow off the pavement. No catch basins were proposed. Rip rapped plunge pools were proposed at the existing drainage outlets. Mr. Szymanski said they would allow for greater infiltration. Mr. LaMuniere noted there had been ongoing erosion problems in the area and asked where the drainage would flow. Mr. Szymanski said the runoff would travel approximately 100 feet over the existing lawn to a scrub area and from there another approx. 75 feet to the edge of the wetlands. From the plunge pools water would sheet flow to the wetlands. Mr. Szymanski reviewed the revisions to the plans including 5 yards if rip rap would be used for each pool and additions to the construction sequence. Regarding the potential of impact due to drainage, Mr. Ajello asked if the applicant had considered reducing the size of the parking areas. Mr. Szymanski answered that the lots were existing and that if they were reduced in size there would not be room for two way traffic. He also noted the area was very flat, which allows for infiltration. Mr. LaMuniere stated that once the gravel lots were paved all of the pollution from the vehicles would find its way to Chaple Brook. Mr. Szymanski thought there was adequate lawn and scrub area to filter the runoff. It was noted both the property owner and the contractor would be responsible for the maintenance of the erosion controls. A site inspection was scheduled for Wednesday, July 16, 2014 at 4:40 p.m.

Other Business

Community Table Restaurant, LLC./223 Litchfield Turnpike/Request to Revise Permit #IW-13-36/Add Parking Space: Mr. Talbot presented his plan, “Site Plan and Drawing List,” SP-1, revised to 6/12/14 to show the parking space the contractor had added although it was not shown on the approved plan. He said three feet of pavement in another area of the lot, which had also not been approved, would be removed to compensate for the addition of this space. He noted one other change to the approved plan was that a roof had been added over existing impervious surface. Mr. LaMuniere thought an application to correct a violation should have been submitted, but Mr. Ajello and Mrs. Hill noted that it was routine to consider revisions when a permit was still open. Mr. Talbot requested an additional 206 sq. feet of paved parking area, space #38 on the plan, which would be four feet from, but not in, wetlands and which would not bring the total lot coverage over the maximum permitted per the Zoning Regulations. He said drainage currently sheet flows from this area towards the wetlands. Mr. Davis asked if it could be stone or gravel instead of pavement. Mr. Talbot said it could. It was the consensus that a pervious surface would allow runoff to infiltrate and so it was preferred. Mr. LaMuniere explained the Commission was attempting to limit the gradual and incremental impact to the wetlands. Types of wetlands were discussed. It was noted that although state statutes do not differentiate between types of wetlands, the Commission does recognize their different qualities. It was the consensus the parking space could remain as long as it had a pervious surface.

MOTION: To require the Community Table Restaurant, LLC., 223

 Litchfield Turnpike to remove the existing impervious

 parking space, #38, and to replace it with a pervious

 surfaced parking space; the type of pervious surface

 to be the owners’ option. By Mr. Wadelton, seconded

 by Mr. Davis, and passed 5-0.

Coleman/31 South Fenn Hill Road/Request to Revise Permit #IW-13-41 Remove Invasives: Ms. Hines, landscape architect, explained that once the top soil on site had been disturbed, the invasive species had spread. She said she wanted to continue the meadow effect to the tree line and to mow to the stonewall at the edge of the wetlands. She noted that no work would be done in the wetlands. She named the invasives to be removed prior to sowing grass seed. Photos of the invasives and dead trees to be removed were circulated and a revised plan, “Site Plan,” by Mr. Neff, was reviewed. Ms. Hines said she would submit a copy for the file. Mr. Ajello stated that even with the removal of the invasives and the dead trees thick growth and plenty of canopy would remain. Ms. Hines said that all work would be done by hand and that she would be on site to make sure species such as trillium and jack in the pulpit were preserved. She proposed to apply herbicide in August before the seeds disperse and said a second application might be necessary in the autumn. She also said she would spread woodchips to discourage the invasives from sprouting.

MOTION: To approve the request by Ms. Coleman to revise Permit

 #IW-13-41 to include the removal of invasive species

 per the 7/1/14 letter from Hines and Associates and

 additional information drawn on the plan for the Lisa

 Coleman residence, revised to 3/2/14. By Mr. LaMuniere,

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

Complaint About Abandoned Vehicles on Calhoun Street: Mr. Schlosberg presented a sketch map showing where, he said, there was an abandoned car in a “streamside area.” He was concerned about the possible leaching of contaminants into the wetlands. Mr. Ajello noted this was the Burres property and the vehicle was not in the regulated area. He said numerous attempts had been made to contact Mr. Burres, but they had not been successful. He also noted that one unregistered vehicle is allowed per property. Mr. Ajello said he would continue to work on this problem. Mr. Schlosberg also complained about the burning bush in the lower Baldwin Hill area. He was advised that the Commission works with property owners who want to remove it, but cannot order its removal.

July 8, 2014 Letter from Atty. Ebersol/Straw Man, LLC./Extension of Permit/#IW-09-44: Mr. Wadelton recused himself. In short, the letter advised the Commission that per CT case law, when a permit was issued to conduct a regulated activity within a specific time frame and an appeal of the permit is taken, the time period in which to conduct the approved activity is extended until all litigation is completed. Mr. LaMuniere read the letter aloud. It was the consensus that the letter should be sent to the Commission’s attorney who will advise it whether there is anything the Commission is required to do regarding this letter.

Straw Man, LLC./135 Bee Brook Road/#IW-09-44: Mr. Charles had understood he was on the agenda to discuss other Straw Man matters. Mrs. Hill apologized saying she had misunderstood and had listed only the letter from Atty. Ebersol. It was the consensus not to allow Mr. Charles to ask questions about Straw Man because he was not listed on the agenda. He was asked to submit his questions in writing.

Enforcement

 Mr. Ajello reviewed his 7/18/14 Enforcement report.

Administrative Business

Laverge/228 Bee Brook Road/Permit #IW-14-29/Construct Bridge and Driveway: Mr. Bedini asked if the Commission had intended not to require a bond for this permit. He said he thought a $50,000 to $60,000 bond would have been in order for the purpose of restoring the site to its natural state should problems arise during the project. It was the consensus that a bond should have been required. Mr. Bedini said he had consulted with Atty. Olson who had advised him that the Commission could consider one now. Mrs. Hill explained the action to require a bond would have to take place within 65 days of receipt of the application and that Mrs. Laverge would have to be notified of the pending meeting/action by certified mail. Various amounts for the bond were suggested and Mr. Davis and Mr. LaMuniere agreed a consultant should review the file and determine the bond amount. Mr. Bedini noted the Commission would pay for this consultant. A special meeting was scheduled for Wednesday, July 23, 2014 at 7:30 p.m.

Washington Park Foundation/1 Green Hill Road/#IW-14-38/Regrade and Add Two Parking Spaces: Because this applicant wanted to get the proposed regrading done prior to the scheduled outdoor exhibit, it was decided to add this to the special meeting agenda.

Incomplete Applications: Mr. LaMuniere noted that so many of the applications received, especially those that come in only a day or two prior to the meeting, are incomplete. It was the consensus that if an application is incomplete, it will not be discussed at the meeting, although the time period in which the Commission has to act on the application will have begun. Mr. Bedini said the Regulations would be so amended. Mr. LaMuniere noted, too, that the commissioners have no time to review information that is submitted on the day of the meeting.

 There being no further business, Mr. Bedini adjourned the meeting at 10:07 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator

By Janet M. Hill, Land Use Administrator