Inland Wetlands Commission

MINUTES

December 10, 2014

Regular Meeting

7:00 p.m. Upper Level Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. Davis, Mr. LaMuniere,

 Mr. Wadelton

MEMBER ABSENT: Mr. Papsin

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Branson, Mr. Neff, Ms. Purnell, Mr. Charles, Mr./Mrs. Solomon, Mr. Lintner, Mr. Szymanski

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

Consideration of the Minutes

 The 11/12/14 Regular Meeting minutes were accepted as written. Although Mr. Ajello said he did not think the discussion beginning on the bottom on page 4 had been reported accurately, but he did not request any changes.

MOTION: To accept the 11/12/14 Regular Meeting minutes

 as presented. By Mr. Davis, seconded by Mr.

 Wadelton, and passed 3-0-1. Mr. LaMuniere

 abstained because he had not been present.

Pending Applications

Allen/158 Popple Swamp Road/#IW-14-51/Enlarge Pond: Mr. Neff, engineer, explained the proposal was to enlarge the existing man made pond, which was located within the regulated area. He noted the site was level so he had no concerns about erosion and said the excavated material would be spread on the property in an open area away from the wetlands. He said there had been no revisions to the application since the last meeting. Mr. Bedini noted that no issues had been raised at the last meeting.

MOTION: To approve Application #IW-14-51 submitted by Mr.

 Allen, 158 Popple Swamp Road, to enlarge the pond

 per the plan, “Proposed Pond Expansion Plan,” by

 Mr. Neff, dated 10/30/14; 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 Wetlands Enforcement Officer can inspect

 and approve the erosion control measures,

 2. that the property owner give the contractor

 copies of both the motion of approval and the

 approved plans prior to the commencement of work,

 3. any changes to the plans as approved must be

 submitted immediately to the Commission for

 review;

 in considering this application, the Commission has

 determined that no reasonable and prudent alternatives

 exist, and believes that there is no reasonable

 probability of significant adverse impact to any

 wetlands or watercourses. By Mr. Wadelton, seconded

 by Mr. Davis, and passed 4-0.

Baratta/236 Nettleton Hollow Rd./#IW-14-52/Barn Site Improvements:

Mr. Neff, engineer, presented the plan, “Baratta Barn, Partial Site Plan,” by Reese Owens Architects, LLC. dated 11/6/14 with handwritten notes by Mr. Neff. He noted 1) the work was proposed near the existing barn, 2) the limit of disturbance was approximately 60 feet from the watercourse, 3) although the site was flat, silt fence would be installed so there would be no chance eroded material or sedimentation would reach the brook, 4) no changes to the plan had been made since the last meeting, and 5) the installation of air conditioning compressors, a generator, and an underground propane tank were proposed.

MOTION: To approve Application #IW-14-52 submitted by Mr.

 Baratta for barn site improvements at 236

 Nettleton Hollow Road per the plan,” Baratta Barn,

 Partial Site Plan,” by Reese Owens Architects, LLC.,

 dated 11/6/14 and the Project Description, 4 pages,

 by Mr. Neff, dated 11/6/14; 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 Wetlands Enforcement Officer can inspect

 and approve the erosion control measures,

 2. that the property owner give the contractor

 copies of both the motion of approval and the

 approved plans prior to the commencement of work,

 3. any changes to the plans as approved must be

 submitted immediately to the Commission for

 review;

 in considering this application, the Commission has

 determined that no reasonable and prudent alternatives

 exist, and believes that there is no reasonable

 probability of significant adverse impact to any

 wetlands or watercourses. By Mr. Davis, seconded by

 Mr. Wadelton, and passed 4-0.

New Applications

Bentzen/341 Nettleton Hollow Rd./#IW-14-53/Barn Addition and Shed: Mr. Neff, engineer, presented his map, “Proposed Barn Addition and Shed,” dated 11/10/14. He said the applicant proposed an addition to an existing barn and the construction of a run in shed on a level section of the regulated area now used as pasture. He noted Sprain Brook crosses through the property and the proposed activities would be approximately 70 feet from it. Access to the work site would be from West Mountain Road on an existing access trail. Mr. Neff said the shed would have a dirt floor and no foundation. Mr. LaMuniere said the proposed work would not impact the wetlands or watercourse and he did not think a site inspection was necessary. Mr. Wadelton noted the proposed activities were for an agricultural use and that the Commission could approve an exemption.

MOTION: That the Commission has determined the proposed

 project, construction of a barn addition and shed

 by Silverman-Bentzen at 341 Nettleton Hollow Road

 falls under the definition of permitted agricultural

 activity and therefore a permit is not required and

 the Commission has determined there will be no

 significant adverse impacts. By Mr. Wadelton,

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

Shepaug Valley Properties/27 Mt. Tom Road/#IW-14-54/Timber Harvest and Stream Crossing

Ebner/25 Mt. Tom Road/#IW-14-55/Timber Harvest: Mr. Lintner, forester, presented the map by Ferrucci and Walicki, LLC. dated 11/21/14 showing the 126 acres of the combined properties and the approximate 51 to 54 acres to be harvested. He said a timber harvest took place on the properties twelve years ago and he would use as many of the existing logging roads as possible. He also said the operation would stay away from the river and the sections of the properties with the steepest slopes. He pointed out the location of a forested wetlands and said he would remove as much ash as he could there and some soft maples. Mr. Ajello advised that the activity should take place while the ground is frozen and requested that the extent of the cutting within wetlands be more fully described. Mr. LaMuniere asked that the trees to be cut within the wetlands be marked and Mr. Lintner agreed to do so. He added that 15 or 16 trees would be cut and there would be as little encroachment on the wetlands as possible. Access and landing locations as well as access to the forested wetlands through the Wolff property were discussed. A site inspection was scheduled for Thursday, December 18, 2014 at 3:00 p.m. Mr. Lintner will also mark the wetlands boundary. It was noted the conservation easement forms for both applications were still needed.

Maier/148 South Street/#IW-14-56/Install Gate: Mr. Neff, engineer, represented the applicant. The map, “Driveway Entrance Gate Plan,” by Mr. Neff, dated 11/16/14 was reviewed. Mr. Neff explained this was a simple proposal to install an electric gate at the ends of the existing stone wall. The proposed work was the construction of two columns with 3’ X 3’ bases and the excavation of a trench for the electrical conduit. Mr. Neff noted the work would be within 100 feet of wetlands. Mr. Ajello said any excess material would be spread on the property more than 100 feet from any wetlands. There were no questions from the commissioners. It was noted signatures from the property owners were still needed.

Nauiokas/170 Church Hill Road and 34 Popple Swamp Road/#IW-14-57/ Request for Exemption/Walking Trails: An aerial photo with the location of the proposed trails shown, no title, date, or signature and the map, “Equestrian Riding Trail Plan,” by Mr. Neff, revised to 9/7/13, which showed the location of the wetlands on the property, were reviewed. Also several color photographs of the area were circulated. Mr. Branson, forester, proposed low impact hiking trails and said there would be only one stream crossing. Trails would be kept to a minimum width for walking and would not accommodate horses or vehicles. They would be cleared by hand and marked with paint blazes. In the area extending 50 feet from the trails, invasives would be cut back to allow the growth of native species. Once cleared and established, Mr. Branson said the trails would be maintained by clipping back vegetation and compaction. The stream crossing would be what he called a “bog bridge;” two planks of untreated native lumber carried in by hand and placed over the stream. Mr. Branson estimated that one mile of trails were proposed. Mr. Branson based his exemption request on the fact that the trails were a low impact recreational activity and that the conservation of the area’s diverse vegetation was a goal of the project. It was the consensus that the application met the standards for an exemption.

MOTION: To approve Application #IW-14-57 submitted by Ms.

 Nauioukas, 170 Church Hill Road and 34 Popple

 Swamp Road, for an exemption for the installation

 of hiking trails. By Mr. Wadelton, seconded by

 Mr. Davis, and passed 4-0.

Other Business

Wykeham Rise, LLC./101 Wykeham Road/Request to Revise Permit

#IW-08-31/Inn: Mr. Szymanski, engineer, advised the Commission that the property owners had taken on a partner who would construct and manage the inn and were proposing revisions to the plan that would reduce the number of buildings, amount of impervious surfaces, and the overall site disturbance. Two maps were reviewed to compare what had originally been approved to the reduced plan now proposed; “Overall Site Development Plan with Previously Approved Site Plan Overlay,” sheet OSD.2 and “Site Development Plan,” sheet SD.2, both by Arthur H. Howland and Assoc., revised to 11/17/14. Mr. Szymanski compared the original and proposed limits of disturbance. He noted that under the revised plan the entire wooded hillside below the driveway would be preserved; the rain gardens and drains would not be installed there. He described how the previously paved upper driveway was revised to two cobble paths through grass to provide the fire department with an emergency service access to the pool. Other changes noted included relocation of some parking spaces, the elimination of the service driveway on the northeast side of the main building, an increase in the size of the poolscape, and a 1200 sq. foot reduction in the amount of pavement. Mr. LaMuniere asked how the drainage system would be impacted. Mr. Szymanski said it would remain as approved; there would be no reduction in size even though the amount of impervious surface had been reduced. Mr. Szymanski referred to condition #6 of the original permit approval, which authorized the enforcement officer to approve minor changes to the plan. Mr. Bedini noted the Commission had received advice from its attorney in a 12/10/14 email to delay action on the revised plan until she had time to confirm that an approval would not “run afoul” of the settlement agreement. A lengthy discussion followed. Mr. LaMuniere thought the settlement agreement was a zoning matter. Mr. Wadelton asked if the Commission thought the revised plan had to be brought before the Commission for its approval. Mr. Bedini again noted counsel had asked for a delay. Mr. Ajello said he had reviewed the plan, that it was a “vast improvement,” that the questions about the stormwater management system had been answered in Mr. Szymanski’s 12/5/14 letter, and although he was prepared to make the decision, he thought it was proper to present the plan to the Commission before he did so. Mr. Szymanski did not want action to be delayed because the applicant would soon be submitting the revision request to the Zoning Commission and wanted to be able to report then that the Wetlands Commission had considered this to be a reduction in scope and had approved it. It was the consensus of the commissioners that the plan was a reduction in the scope of work to be done and that Mr. Ajello could approve it if he did not think the Commission should do so.

Communications

12/10/14 Letter from Mr. Charles re: Steep Rock Temporary Bridge Across the Shepaug River: Mr. Bedini stated this matter should have first been taken up with the enforcement officer who would either address it himself or refer it to the Commission. He noted the EO is empowered per Town ordinance to issue fines when he determines there is a violation and that he reports these to the Commission in his monthly enforcement report. Mr. Charles said he was trying to understand what is acceptable when crossing a watercourse. He thought the construction narrative that had been approved regarding the installation of the temporary bridge was vague, said the construction access that had been approved had not been installed as required, and questioned whether the EO had met with the project manager since August. Mr. Ajello said this permit was covered in the enforcement report to be discussed later on the agenda.

Enforcement

 Mr. Ajello circulated his report dated 12/10/14 and reviewed it for the Commission. In addition to what was written in the report, the following information was noted:

The Gunnery, Inc./22 South Street: Wood chips were being placed between the double row of silt fences as approved and Land Tech would be called to made a site inspection as soon as all of the silt fences had been installed. The ground will not be disturbed until the spring, before which a pre construction meeting will be held by the EO, contractor, and consultant. It was also noted the contractor was aware that wood chips could not be spread too thickly on the property.

 Mr. Wadelton left the meeting at 8:30 p.m.

Horan/Tompkins Hill and Nettleton Hollow Roads: Mr. Ajello read the letter he had received from Mr. Horan and noted he had not written an enforcement letter because the work had stopped and Mr. Horan was apologetic. It was the consensus of the commissioners that this should be treated as a violation and Mr. Horan should be fined.

Steep Rock Assn./147 Sabbaday Lane (Hidden Valley)/Bridge: Mr. Ajello provided details on the next steps of the construction process. Mr. Davis and Mr. LaMuniere were concerned about possible adverse impacts to the stream if the steel plates were not removed, but Mr. Ajello said he saw no danger with leaving them in place for a brief period. Mr. Ajello reported that silt fences had now been installed and that more stone would have to be added to the approaches.

Administrative Business

2015 Calendar

 It was noted the Commission would meet twice during the summer months next year and would meet the day before Veterans Day, which would fall on the second Wednesday in November.

MOTION: To approve the 2015 Calendar as written. By Mr.

 Bedini, seconded by Mr. Davis, and passed 3-0.

Communications

12-10-14 Letter from Mr. Charles/Con’t.: Regarding the Steep Rock bridge, as the questions in his letter had not been answered during the discussion of the enforcement report, Mr. Charles asked why the construction entrance had not been installed as specified in the construction narrative, whether the contractor had notified the EO 48 hours prior to the commencement of work, and why work had begun in November and continued into December when the approved construction narrative said it would begin in June and be completed in September. Mr. Bedini again directed Mr. Charles to consult with Mr. Ajello who would determine whether this matter would be brought to the Commission for discussion.

 For the record, Mr. Charles submitted a letter from an officer of the Bee Brook Condo Assoc. service corps in regard to the removal of the boundary and erosion control stakes on the adjoining Straw Man, LLC. property.

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

 Mr. Bedini adjourned the meeting at 8:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Admin.