

# Inland Wetlands Commission

## Regular Meeting

### MINUTES

#### Hybrid

Wednesday, November 21, 2023

7:00 p.m. - Main Conference Room/Zoom

Members Present: R. Papsin, J. Audet, J. Bogue, B. Bennett, L. Gendron

Members Absent: None

Alternates Present: C. Koppel, M. Dubow

Alternates Absent: None

Staff Present: M. Haverstock, T. Rill

Public Present: S. Quinlan, B. Neff, S. Sabin, A. Jamieson (Press: Voices), B. Hagenbuch, G. Giroux, Other Members of the Public

Chair Papsin called the meeting to order at 7:01pm

He then seated himself, Ms. Audet, Ms. Bogue, Mr. Gendron, and C. Koppel for Mr. Bennett.

#### Consideration of the Minutes:

##### Regular Meeting Minutes: 11-08-2023:

**MOTION:** To approve the 11-08-2023 Washington Inland Wetlands Meeting Minutes as submitted, by C. Koppel, seconded by J. Bogue, approved 5-0 vote

11-15-2023 Site Inspection Report for Stuart Somers Co. for Curran/32 Lower Church Hill Rd./#IW-23-67/for the Correction of a Violation/ submitted by C. Koppel and L. Gendron:

**MOTION:** To approve the 11-15-2023 Site Inspection Report for Stuart Somers Co. for Curran/32 Lower Church Hill Rd./#IW-23-67/for the Correction of a Violation/ submitted by C. Koppel and L. Gendron as submitted, by Ms. Audet, seconded by Ms. Bogue, approved 5-0 vote.

11-16-2023 Site Inspection Report for Cardinal Engineering for the Town of Washington/121 Christian St./ #IW-23-64/submitted by J. Audet:

**MOTION:** To approve the 11-16-2023 Site Inspection Report for Cardinal Engineering for the Town of Washington/121 Christian St./ #IW-23-64/submitted by J. Audet as submitted, by Ms. Audet, seconded by Ms. Bogue, approved 5-0 vote.

11-16-2023 Site Inspection Report for Brian Neff, P.E for Steep Rock Association/124 Christian St./#IW-23-71/submitted by C. Koppel:

MOTION: To approve the 11-16-2023 Site Inspection Report for Brian Neff, P.E for Steep Rock Association/124 Christian St./#IW-23-51/submitted by C. Koppel, as submitted, by Mr. Gendron, seconded by Ms. Bogue, approved 5-0 vote.

Motion to Include Subsequent Business Not Already Posted on the Agenda:

None.

Pending Applications:

Stuart Somers Co. for Curran/32 Lower Church Hill Rd./#IW-23-67/for the Correction of a Violation/ Remove Cut Trees and wood stockpiles from within the stream and upland review area:

Charles Spath of Stuart Somers and Company, and Dennis White, general contractor, were present to represent the property owner.

Chair Papsin made the following statement:

“In all of my 14 years as an Inland Wetlands Commissioner and now as Chairman, I find that this is the most, if not one of the most egregious and destructive wetlands disturbances I have seen.

At this one site, we have lost generations of complete tree canopy of mature 50-to-100-year-old trees that have protected and promoted this wetland area and stream.

This now endangers the under story and stream that feeds the Shepaug River.

It is up to this Commission to determine the best course of mitigation.”

The Commission agreed that due to the seriousness of the violation, there needs to be a remediation plan in place with a Certified forester and landscape architect. The ground shall be frozen prior to any work commencing on the property. The applicant must return to the Commission within two months, (January 2024). The Notice of Violation will be filed with the Land Records in the Town Clerks Office. The size of the trees that were cut/removed shall be tallied, and moving forward a photo journal must be presented to the Commission and Wetland Enforcement Officer.

MOTION: To act on the Correction of Violation for Stuart Somers Co. for Curran/32 Lower Church Hill Rd./#IW-23-67. 1.) The applicant must enlist the service of a Certified Forester, private or State, for the best course of action, 2.) must enlist a Certified Landscape Architect Company for replanting, 3.) clean-up work to be done when the ground is frozen 4.) The applicant will need to come back to the Commission within two months (January 24, 2024), with the plan for remediation 5.) As of this meeting, I am directing Land Use Staff to attach the

Violation to the Land Records of 32 Lower Church Hill Road 5.) Extend the setback to the Upland Review Area to 250-feet, by Mr. Koppel, seconded by Ms. Bogue, approved 5-0 vote.

Cardinal Engineering for the Town of Washington/121 Christian St./ #IW-23-64/Replacement of an existing bridge:

Gary Giroux of Cardinal Engineering, representing the Town of Washington, stated that 50% of the funding for this bridge will be provided by the State of CT. Currently the project is pending approval from the Army Corps of Engineers as well as CT DEEP. The bridge is 16-feet with a box culvert. The box will be sunken into the ground one foot. Riprap will only be used to protect the wing walls. There is 1,900 square feet of wetlands in the area with 777 square feet total to be impacted. The Town of Washington will hire a biologist due to the concern of two species – two butterflies and a dragonfly. A pre-construction meeting between the awarded contractor, Cardinal Engineering, the Wetlands Enforcement Officer, and Wetlands Commission shall be scheduled prior to work commencing, and the construction shall be done in the drier months of June-July. Mr. Giroux estimated that the work shall be completed within two months.

**MOTION:** To approve the application for Permit #IW-23-64/Cardinal Engineering for the Town of Washington/121 Christian St./ #IW-23-64/Replacement of an existing bridge as shown in the application with accompanying documentation, including Plan Set titled “Town of Washington Plan for the Replacement of Christian Street Bridge over Bee Brook (Bridge No. 150-003)” sheets 1-12, prepared for the Town of Washington by Cardinal Engineering Associates, dated June 5, 2023. This permit is valid for five (5) years and is subject to the following conditions: 1. that the Land Use Office be notified 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 gives the contractor copies of both the motion of approval and approved plans prior to the commencement of work, 3. the approval of this permit is conditioned upon the performance and completion of all proposed activities and/or improvements in totality to the satisfaction of the Inland Wetlands Commission. There shall not be any modification of any kind to the plans and/or scope/sequence of the proposed activities and/or improvements shown on the approved plans without prior approval of the Inland Wetlands Commission or its designee. In approving this application, the Commission has considered all of the relevant criteria pursuant to Sections 11.02, 11A and 12.08 of the Inland Wetlands and Watercourse Regulations and finds that the proposed regulated activities as presented on the plans and conditioned herein, are not reasonably likely to lead to significant adverse impacts on any wetlands and watercourses, by Ms. Audet, seconded by Mr. Gendron, approved 5-0 vote.

Brian Neff, P.E for Steep Rock Association/124 Christian St./#IW-23-71/for the construction of two farm use buildings along with an expansion of the existing gravel surfaced parking area at the Steep Rock Association Macricostas Land Preserve:

Brian Neff, representing the property owner, noted that he had added the cement washout notes to the plan. All proposed work falls under an as-of-right agricultural exemption.

**MOTION:** To approve the application for Permit #IW-23-71/Brian Neff, P.E. for Steep Rock Association/124 Christian St./for the construction of two farm use buildings along with an expansion of the existing gravel surfaced parking area at the Steep Rock Macricostas Land Preserve as an as-of right Agriculturally Exempt project as shown in the application with accompanying documentation, including “Site Plan – Steep Rock at Macricostas,” sheet Z-100, 3-15-2023, “Site Plan- Pre-existing and Proposed Areas,” sheet Z-100a 9-7-2023 prepared for Steep Rock Association by Reese Owens Architects, LLC. , “Soil Erosion and Sediment Control Plan – Proposed Farm Buildings,” prepared for Steep Rock Association by Brian Neff, P.E., 3-20-2023 with a revision date of 11-17-2023, This permit is valid for five (5) years and is subject to the following conditions: 1. that the Land Use Office be notified 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 gives the contractor copies of both the motion of approval and approved plans prior to the commencement of work, 3. the approval of this permit is conditioned upon the performance and completion of all proposed activities and/or improvements in totality to the satisfaction of the Inland Wetlands Commission. There shall not be any modification of any kind to the plans and/or scope/sequence of the proposed activities and/or improvements shown on the approved plans without prior approval of the Inland Wetlands Commission or its designee. In approving this application, the Commission has considered all of the relevant criteria pursuant to Sections 11.02, 11A and 12.08 of the Inland Wetlands and Watercourse Regulations and finds that the proposed regulated activities as presented on the plans and conditioned herein, are not reasonably likely to lead to significant adverse impacts on any wetlands and watercourses, by Ms. Audet , seconded by Mr. Koppel, approved 5-0 vote.

Arthur H. Howland & Associates for Bramson/270A Nettleton Hollow Rd./IW-23-73/for the construction of a 40’ x 60’ agricultural pond with catch basin and 12’ driveway trench drain:

The Commission scheduled a Site Walk for Tuesday, December 5, 2023, at 3:00pm.

**New Applications to be Received by the Commission:**

Civil1 Engineering for LoBianco/72 Old North Rd./#IW-23-75/for a Modification of IW-23-65/for a patio:

Sean Quinlan of Civil1 Engineering, representing the property owner, stated that on the newly submitted plans, the work area had been widened, the trees had been located as well as a footing drain. The concrete washout has been marked on the plan on page C.1.1 – which Mr. Quinlan marked, signed, and dated during the meeting. Health approval is pending.

The Commission questioned the drain design, noting that there would be one under each retaining wall, which would daylight in the same area.

The Commission requested more time to review the plans, which should include the calculations of the amount of flow from the bottom of the wall, a dry well or rain garden for the water to flow into, and the existing gas line for the fire pit should be shown on the plans.

The application will be on the December 13, 2023, meeting Agenda.

Sabin Landscape Architects for Moore/89 Old Litchfield Rd./#IW-23-76/for a pool, patio, pathway, and fence:

Sam Sabin of Sabin Landscape Architects, representing the property owner, stated that the property consists of 5-acres. The pool will be pre-formed with a split-rail fence that will include mesh. The project will be out of the Upland Review Area. The project will include the removal of a retaining wall with grading, steppingstones as well as a terrace. The pool will be fresh water with a DE cartridge filter. There will be a stockpile area on the back side of the barn as noted on the plan.

The Commission scheduled a Site Walk for Wednesday, November 29, 2023, at 3:30pm.

Other Business:

A draft of the 2024 meeting calendar was given to the Commission for their review. It can be voted on at December 13, 2023, Regular Meeting.

Enforcement and Compliance Initiatives:

Ms. Haverstock informed the Commission that Site Inspections continue for Myfield Lane, the Tunnel Road Bridge project and Lake Waramaug. She added that herself and Chair Papsin will be involved in the interview process of hiring a Low Impact Development, (often referred to as L.I.D.), consultant.

Administrative Business:

There was no Administrative Business for this meeting.

Ms. Audet noted that the Connecticut Association of Conservation and Inland Wetlands Commissions (CACIWC) Seminar was very helpful and encouraged everyone to attend in the future.

Communications:

Adjournment:

To adjourn the November 21, 2023, Washington Inland Wetlands Commission meeting at 8:08pm, by Ms. Bogue, seconded by C. Koppel, approved 5-0 vote.

Meeting Recording here:

[https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/jrebillard\\_washingtonct\\_org/EWtoD5gQaHJDgcEn6obVY24B2-Z6NkqGymagYggHOWZaFw?e=1nini6](https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/jrebillard_washingtonct_org/EWtoD5gQaHJDgcEn6obVY24B2-Z6NkqGymagYggHOWZaFw?e=1nini6)

**Dated: November 22, 2023**

Signed,

*Tammy Rill*

**Tammy Rill  
Land Use Clerk**

\*Minutes filed, subject to approval

Date	Site Inspection	Notes
Thursday November 9, 2023	West Shore Road	Site Reviews including erosion runoff observations from permitted projects and enforcement reviews
Thursday November 16, 2023	Town of Kent project	Review of a project in Kent
Thursday November 16, 2023	West Shore Road	Site Reviews including erosion runoff observations from permitted projects, enforcement reviews, site questions
Thursday November 16, 2023	Myfield Project	Permit review/sediment and erosion control measures
Thursday November 16, 2023	Tunnel Road Bridge	Project review

