Inland Wetlands Commission

MINUTES

Regular Meeting

October 11, 2017

7:00 p.m. Main Level Meeting Room

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

ALTERNATES PRESENT: Mr. Bennett, Mr. Kassis

STAFF PRESENT: Mr. Ajello, Ms. White

ALSO PRESENT: Mr. Martinez, Mr. Rosiello, Atty. Kelly,

Mr. Angell, Mr. Charles, Mr. Szymanski, Mr. Criollo, Mr. Sabin, Ms. Whitty, Ms. Collins, Ms. Audet, Mr. Margucci, Ms. Terosi, Mr. Bennett, Mr. Lyon, Atty. Ebersol, residents

Mr. Wadelton called the Meeting to order at 7:00 p.m.

**SEATED:** Mr. Wadelton, Mr. Papsin, Mr. LaMuniere, Mr. Davis, Mr. Bennett

**Subsequent Business**

Mr. Wadelton asked if there were any new applications to add to the agenda.

Mr. Papsin stated that an application had been submitted from the Town of Washington for Historic New Preston Falls.

**MOTION:** To include the following subsequent business not already posted on the agenda: under V. New Applications – C. Town of Washington/Historic New Preston Falls/#IW-17-47/Selective Tree Removal, Install boardwalk, stone terrace, interpretive sign, stone stairs, repair footbridge, plant & seed, by Mr. Papsin, seconded by Mr. Davis, passed 5-0.

**Consideration of the Minutes**

The Commissioners considered the minutes.

**MOTION:** To accept the 9/13/17 Regular Meeting minutes as

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

passed 5-0.

**MOTION:** To accept the 9/20/17 Special Meeting minutes for site inspection at Collins/323 W. Shore Rd, as written. By Mr. Papsin, seconded by Mr. Davis, and passed 5-0.

**MOTION:** To accept the 9/20/17 Special Meeting minutes for site inspection at Hamilton/183 W. Shore Rd, as written. By Mr. Papsin, seconded by Mr. Davis, and passed 5-0.

**MOTION:** To accept the 9/20/17 Special Meeting minutes for site inspection at Beck/3 Perkins Rd, as written. By Mr. Papsin, seconded by Mr. Davis, and passed 5-0.

**Pending Applications**

**Collins/323 West Shore Road/#IW-7-31/Remove Trees, Rebuild Stone Shoreline:**

The applicants request to be heard second on the list of the Agenda under Pending Applications was granted.

**Angell/47 West Shore Road/#IW-17-38/After the Fact Application for Stone Terrace:**

Mr. Angell, Attorney Kelly and Mr. Sabin, Landscape Architect were present to represent this application. Mr. Angell distributed informational binders referencing the proposed plan.

Mr. Angell stated that there are two applications before the Inland Wetlands Commission; one is to keep the stone terrace as it is and the other is to move it back into the bank and build a stone wall. He informed the Commissioners as to what the binders contained.

Mr. Angell discussed the history of the 47 West Shore. He noted that the original beach front was made of a concrete retaining wall that measured approximately 300’and over time has been improved. Mr. Angell stated that when Mr. Lecher built the single family dwelling in 2000 and did things to improve the shoreline such as plant a buffer zone. Since Mr. Angell has owned the property he has also worked to improve the shoreline with plantings, etc.

Atty. Kelly stated that there is a photo in the binder of the current condition of the property and the storage shed that was recently approved by the Zoning Board of Appeals. He pointed out that the picture depicts the raingardens that have been planted on the house side of the property as well.

He continued to explain that they are here because of an “After the Fact” Permit because a violation occurred when Mr. Angell constructed the terrace without seeking a permit beforehand. He noted that Mr. Angell has paid the fine and has fully complied with the cease and desist order.

Atty. Kelly asked that the Commissioners approach this with an open mind. He reminded them that, in March, there was a question as to whether this terrace had been built on Mr. Angell’s property and what material the terrace had been constructed on because the water was at a level that the base could not be seen.

Atty. Kelly referred to the Special Meeting Minutes of the Inland Wetlands Commission on February 18, 2009 when Dr. Kortmann, limnologist, gave a Power Point Presentation entitled “Lake Waramaug, CT., An Examination of Shoreline Stabilization Approaches.” At this meeting, Mr. Bedini asked “where is the property line at the edge of the lake?” Dr. Kortmann responded, “that was a question for attorneys, title searchers and surveyors to resolve. Atty. Kelly stated that a survey has been prepared by T. Michael Alex, Licensed Surveyor, for 47 West Shore Rd. Atty. Kelly noted that according to this survey, entitled “Zoning Location Survey,” prepared for Keith Angell by T. Michael Alex, dated June 2017, it clearly shows that the terrace was constructed on Mr. Angell’s property. Atty. Kelly explained the process of how the surveyors establish control points around the lake. Atty. Kelly referred to photographs of the shoreline and how it looks today (included in binder). He noted that the picture depicts the riprap along the entire shoreline.

Atty. Kelly stated that the Inland Wetland Regulations do not define the what the shoreline is. He said that the Zoning Regulations have defined the shoreline by using every current, historical and topographical map of Lake Waramaug, which says the elevation is 694’. He noted that there is an illustration titled, “Profile of Terrace Area,” prepared for Keith Angell, by T. Michael Alex, dated September 2017, which indicates the former riprap bank, the existing stone terrace and the 694’ elevation.

Mr. Wadelton asked to be shown where the deed defines these specific points.

Atty. Kelly stated that he and Licensed Surveyor. T. Michael Alex have determined through the deed that the terrace is built on Mr. Angell’s property.

Atty. Kelly addressed what this terrace wall is in regards to Section 11 of the Inland Wetlands Regulations.

Mr. Wadelton pointed out that the mean high water line, during this past summer, was beyond where the material was deposited into the lake. He continued to say that the applicant came to the Commission requesting that everyone wait until the water level in far enough down so that they could remove the materials.

Mr. Angell stated that they were trying to find the shoreline and that they are aware that this activity has been done within a regulated area. He wants to make it clear that the activity was done on his property versus in the lake.

Mr. Wadelton stated that it is in the lake most of the season and the lake is not responsible for maintaining the previously indicated elevation.

Atty. Kelly responded that the body of water known as Lake Waramaug clearly touches this structure during the year. He stated that he was not sure if it was for 50% of the year but that is not the point. Atty. Kelly stated that the fact that the water level rises to meet with Mr. Angell’s property doesn’t make it Lake Waramaug and it is still Mr. Angell’s property.

Mr. LaMuniere stated that Mr. Angell had informed the Commission that when this terrace was built the water was approximately 8 feet below normal water levels. He said that, looking at the provided photographs, it is clear that the terrace was built on the rocks that were demarcating the shoreline.

Mr. Wadelton stated that Dr. Kortmann addressed straight retaining walls at his presentation in February, 2009.

Atty. Kelly agreed that Dr. Kortmann talked quite a bit about shoreline retaining walls, seawalls and barrier walls and that it is very important that the Commission is talking about the same type of wall.

Mr. Wadelton stated that for the entire summer the water of the lake was slamming against a vertical surface with that energy being deflected back into the lake and having a physical effect on the shoreline.

Atty. Kelly displayed pictures of other walls that have been approved by the Inland Wetlands Commission. He referred to the improvements made at 181 West Shore Rd in which the IWC approved a shoreline retaining wall. He noted that this wall is clearing retaining the soil behind it.

Mr. LaMuniere stated that the regulations indicated that some of these walls have been grandfathered and acknowledge their shortcomings. He read from the regulations, “in spite of these shortcomings such structures that currently exist around Lake Waramaug and other major water bodies have been grandfathered and are allowed to stand if they are not in serious disrepair…failed retaining stonewalls may be partially/completely rebuilt in their preexisting height, length and width if half or more of the original wall is still standing base stones are firmly set in the lake bottom.” Mr. LaMuniere stated that these walls were approved if they were preexisting, were in disrepair or failing.

Atty. Kelly stated that he did not believe this to be true. He said that this shoreline (181 West Shore Rd.) had never been improved, there were some boulders and trees along the shoreline and the IWC allowed a reasonable buildup of a loose laid stonewall to create a level area at the shoreline.

Mr. Angell noted that there is a map in the binder showing all of the properties in Washington along Lake Waramaug. He said he counted a total of 87 properties and over half of these properties have stone terraces.

Mr. Wadelton stated that they are trying to decrease the amount of stone terraces around the lake.

Mr. Angell stated that some were recently approved. Mr. Wadelton asked Mr. Angell to provide a list of the newly approved terraces so that the IWC could review them. Mr. Angell informed the Commissioners that his property has 600 ft. of frontage and the terrace in question is 24 feet (4% of his frontage) of loose laid stone which he does not think qualifies as a retaining wall. He said that a retaining wall is like the approximately 150-foot concrete wall that the Town of Washington approved at the boat launch. He stated that Dr. Kortmann stated that it a wall should be less than 15% of the shoreline. Mr. Angell noted that he has the lowest percentage of all of the properties with terraces around the lake.

Atty. Kelly stated that Dr. Kortmann had advised no more than 15% of concrete seawalls along the properties around the lake and that the edge of the wall should be complex, natural edge surfaces (not straight vertical) to preserve habitats, water quality and aesthetics. Atty. Kelly stated that Mr. Angell has more than met Dr. Kortmann’s recommendations. He informed the Commissioners that he measured the front edge which is approximately 27 inches. There is 17 inches of loose laid stone edge above the 10 inches of riprap.

Mr. Wadelton asked if any of the Commissioners had any questions regarding the first application for 47 West Shore Rd.

Mr. Bennett asked if the applicant would speak to the five environmental impacts which can be caused by a shoreline retaining wall as mentioned by Dr. Kortmann at the 2/18/09 Special Meeting (minutes on file in the Land Use Office).

Mr. Angell responded that this is not a shoreline retaining wall.

Atty. Kelly stated that he has pictures of what a shoreline retaining wall is and would be happy to submit them. He continued to explain that a retaining wall has to retain something and this terrace is not retaining any material. Atty. Kelly addressed the subject of how seawalls do not allow wave dissipation and he had questioned Dr. Kortmann as to the size of the wave that he was speaking. Dr. Kortmann indicated that the size wave he was referring to was 2.5 foot from trough to top. Atty. Kelly also asked Dr. Kortmann if he knew whether or not that size wave existed on Lake Waramaug and Dr. Kortmann replied that he did not. Atty. Kelly said that if a 2.5 wave were to occur, this wall would not do anything to it. He stated that it is unfortunate that the terrace was constructed without a permit because he feels the IWC would have accepted it because there are no short term impacts or risk of long term impacts.

Mr. Bennett stated that he did not think his question was addressed but he would wait to hear what Mr. Sabin had to say about this application. He asked Mr. Sabin to give a brief description of his experience and Mr. Sabin obliged.

Mr. Sabin, Landscape Architect, commented on the existing terrace in the context of the shoreline. He noted that he had worked on the property for the prior owner to stabilize areas of existing shoreline as it existed and to design a demonstration native plant buffer while considering drainage characteristics and helping improve surface runoff from both the lot across the street and the lake side lot. He stated that this property is unique to the other properties around the lake because most of the properties have terrain that does not allow a lot of room for bio filtration for treating surface runoff before it enters into the lake. He described the infiltration system at the base of the house at 47 West Shore Rd and how it flows down through the property to the bio filtrating native plantings. He noted that the maintenance of the demonstration native plant buffer could be better and has been episodic over the years.

Mr. Sabin stated that the terrace area around the lake, in his opinion does not constitute a retaining wall because the existing flat stones were laid on top of loose riprap. He noted that it is below 15% of the area along the shoreline, atop the natural rubble that was in place before the terrace and he does not feel that the impact is significant in the overall context of this shoreline property.

Mr. Sabin addressed the second application:

**Angell/47 West Shore Road/#IW-17-39/After the Fact Application to Remove Part of Stone Terrace, Extend Terrace back into the Slope, Construct Stone Wall:**

Mr. Sabin explained that this is a retroactive refurbishing and renovation of the existing terrace to reestablish the natural rubble/riprap edge of the shoreline.

Atty. Kelly stated that the only difference between the first application and the second application is Mr. Sabin’s plan and the portions of his letter that refer to the plan.

Mr. Sabin stated that the genesis of this site plan (titled “Angell Residence” by Sabin Landscape Architects, sheet L-1 dated 09/27/17) is basically a response to Ms. Hill’s review of 09/11/17. Mr. Sabin went through each comment and how it is addressed on the site plan. He stressed that, in his opinion, the terrace does not present any significant impact to the shoreline of Lake Waramaug. He said that historically the loose boulder riprap has been along the shoreline for years and this new plan will improve the existing terrace as it reestablishes the naturalistic, irregular boulder edge.

Mr. Sabin addressed scenic quality as it relates to the Inland Wetlands State Statutes because Lake Waramaug has been designated a Connecticut Heritage Lake. He said that this existing terrace is sunken down into an indentation of the shoreline, out of view from West Shore Road, the natural quality of the materials and how it meshes with the adjacent stony riprap minimizes visual impact on the lake.

Mr. Sabin stated that this plan proposes removing the first one or two stones at the front edge of the terrace and replacing them at the back to create the terrace surface and pull back the terrace edge 2-3’.

The Commissioners looked at a photograph of where the stones would be removed from the front straight edge of the terrace (included in binder).

Mr. Sabin stated they would excavate into the existing bank and create a dry-stack fieldstone wall (max. height – 2ft) that would abut the proposed terrace. Low shrub buffer plantings would be installed above the dry-stack fieldstone wall.

There was a brief discussion regarding the location of the silt fence.

Mr. Davis asked is the silt fence would be in the water.

Mr. Sabin responded that it would be installed on the sandy bottom while the water level of the lake is down and if the lake fills up the silt fence would be submerged.

Mr. Bennett asked if the silt fence would be effective if it were submerged.

Mr. Angell stated that they are proposing to do the work in low water which usually occurs from Labor Day to January. They would start work immediately after approval from the IWC.

Mr. Sabin answered Mr. Bennett by saying that the silt fence would not function as it has been proposed if it were submerged.

Mr. Sabin briefly described the process of moving the front stones to the rear of the terrace thereby making an irregular front face of the terrace then they would deposit riprap.

Mr. Angell stated that they have considered a third option which would require depositing more riprap stones in front of the existing terrace to create a more irregular surface and avoid any construction.

Mr. Davis asked how far from the front of the terrace wall would the riprap be deposited.

Atty. Kelly stated that they could get the surveyor to create a magnified section of the map to show how far the riprap would go out.

Mr. Papsin asked how high up the patio the riprap would go.

Mr. Sabin stated that it would be deposited up to the top of the patio and in some places it would be above the top of the terrace.

Atty. Kelly stated that they would provide a modified first application indicating the additional riprap and then the Commissioners would be able to make a decision between the two.

Mr. Bennett asked Mr. Sabin if he did any investigation on the existing and proposed terrace regarding the five impacts that Mr. Kortmann had listed in his presentation in February 18,2009.

Mr. Sabin stated that he did not investigate the five impacts in regards to this site.

Mr. Wadelton reminded the property owner that there is an easement held by the Lake Waramaug Association and the Commission needs a letter from the easement holder verifying that the application is in compliance with the terms of the restriction.

**Collins/323 West Shore Road/#IW-17-31/Remove Trees, Rebuild Stone Shoreline:**

Mr. Rosiello was present to represent Mr. Collins, property owner. He stated that at the last meeting he provided a plan to the Commissioners and they scheduled a site visit to walk the property.

It was noted that a decision has not been made regarding the dock expansion. Mr. Ajello, IWO, informed Mr. Rosiello that the Lake Safety Officer has been transferred but he will approve the dock if the position is not filled soon.

Mr. Papsin stated that he did not think that all the trees that were marked need to be cut down. He said that he saw three diseased trees that were small in stature but all the trees on the property were in good health and maybe minimal over-crowding. He Stated that he would not be in favor for removing all those trees and roots for this size of this shoreline.

Mr. Lamuniere agreed with Mr. Papsin and commented that the proposed removal of trees is clear cutting along the edge of the lake. He mentioned that the root systems are important to the habitat of the lake. Mr. LaMuniere said that he did believe there was some crowding with the birch trees which could be thinned out a little bit.

Mr. Papsin stated that the proposed replacement of these trees would not provide the same amount of canopy shade.

Mr. Rosiello agreed that there is quite a bit of shade from the large oak but feels that the saplings along the shore could be removed. He asked if the Commissioners would be amenable to the property owner keeping the large oak, choosing seven (7) trees as opposed to thirteen (13) to be removed, thinning out the clump of birch trees and reducing the size of the fieldstone that they want to inlay. Mr. Rosiello submitted a rough sketch of a revised plan for the Commissioners to consider. He noted that this proposed plan shows the large oak tree with the stone patio. He reminded the Commissioners that just because a tree is going to be removed the root system will remain intact and they could plant to the sides and the corners of the area.

Mr. Papsin stated that he feels that more than 7 trees should be saved because the provide an extensive root system that is holding the bank and keeping the water somewhat cool.

Mr. Rosiello agreed that the root system is holding the bank in place and the roots would not be removed when the trees are removed.

Mr. Davis asked if the stone will be dry laid.

Mr. Rosiello confirmed that it would.

Mr. Ajello stated that he agreed with Mr. Papsin and Mr. LaMuniere because what they look for in the shoreline is not only the canopy but diversity in distance from the lake, in species and the heights of the canopy.

Mr. Davis asked if the terrace could be built around some of those trees.

Mr. Rosiello stated that it is a possibility and that why he is suggesting removing a limited about of trees. He noted that if the platform dock could be expanded the size of the stone area could be reduced. Mr. Rosiello agrees with Mr. Ajello and the Commissioners regarding certain trees that should remain and noted that there are some smaller sugar maples that are not in good health.

Mr. Papsin stated that he would favor the currently marked trees to be unmarked and have another site visit in which a very minimal trees are marked.

Mr. Rosiello noted that the Commissioners should consider that if all the trees remain they will crowd each other out and it must be maintained and thinned out periodically if the trees are to remain healthy. He stated that he will go out with the client to see what he wants; what trees are crucial to keep as well as considering the comments made at tonight’s meeting.

Mr. Rosiello confirmed that the stonewall would not be rebuilt.

The Commissioners agreed to schedule a site visit for Wednesday, October 18, 2017 at 4pm at 323 West Shore Rd.

**Collins/113 Bee Brook Road/#IW-17-40/Addition to Existing Dwelling:**

Ms. Collins, property owner, and Mr. Margucci were present to represent this application.

Ms. Collins stated that her house is 500 sf and she is proposing a 1,000 sf addition. She informed the Commissioners that her property is located on the Shepaug River but it is not in the Flood Zone according to the information she has received from FEMA however, it is in the waterway.

The Commissioners looked at the map titled “Site Plan for Proposed Addition,’ prepared for Maggies Way, LLC, by Berkshire Engineering & Surveying, LLC, Sheet 1/1 dated 08/01/17.

Mr. Ajello briefly explained the Fema Flood Zone and waterway. He noted the reason for the size of the addition is because the utilities need to be moved above ground. Mr. Ajello informed the Commissioners that Ms. Collins would have to go to ZBA as well.

Mr. Papsin asked if there was going to be a full basement.

Ms. Collins responded that she is planning to have 6ft basement walls.

There was a brief discussion regarding the location of the stockpile, terrain and the existing plantings. Ms. Collins stated that she does not plan to remove any plantings.

Mr. Davis asked what the existing slab was made of.

Ms. Collins responded that the slab was existing and she thinks it was for an old barn or garage and they use it as a patio now.

It was noted that the only excavation would be for the crawl space for the two additions.

Ms. Collins stated that the only machinery on site would be an excavator and demolition materials would be removed from the site. She stated that 6ft basement walls are to enable any work that needed to be done with the house, ducts for air conditioning and heating, a crawl space would make repairs difficult. She said that she is proposing to add a second floor to the existing 500sf but the additions will be one floor.

There was a brief discussion regarding the location of the driveway.

Mr. LaMuniere asked if there were roof drains.

The Commissioners agreed that the drainage should be indicated on the plan as it is important to know where the water is going to be directed.

The Commission asked that the drainage plan be shown on the plan and they will look at it at the next regularly scheduled IWC Meeting.

**Smith/23 Rabbit Hill Road/#IW-17-41/Application to Correct Violation/Clearing:**

Ms. Terosi from Earthtones was present to represent the property owners.

Ms. Terosi presented a map entitled “Proposed Restoration - Smith Residence” by Earth Tones, LLC. dated 9/8/17 and addressed each item that was mentioned in the review for completeness prepared by Ms. Hill, Land Use Administrator, dated September 19, 2017.

Ms. Terosi discussed the recent events that led to this violation and her proposed plan to correct it. She stated that a small excavator would be used to pull back the soil to its original topography, keep the native plantings, remove any non-native invasive plants and then plant a woodland seeded mix including woodland asters. She indicated where the wetlands are located on the property.

Ms. Terosi continued to explain the planting plan for the rest of the property. She stated that she has discussed the plan with Ms. Dupius who supports the proposed plan.

Ms. Terosi informed the Commissioners that the work will be done with a Kubota and by hand work. A silt fence will be installed if the neighbor indicates that she would prefer a silt fence for erosion control. She pointed out the limit of disturbance on the map.

Mr. Papsin asked if there was a long term maintenance plan.

Ms. Terosi responded that it would be in everyone’s best interest to take the full five years so that they can remove invasive on a regular basis until eliminated.

Mr. Davis asked how big the stumps were in the meadow area that are proposed to be removed.

There was a brief discussion regarding the existing plants.

**MOTION:** To approve Application #IW-17-41 for Smith/23 Rabbit Hill Rd per the plan labelled Proposed Restoration - Smith Residence by Earth Tones, LLC, dated 9/8/17, to correct a violation-clearing. The permit shall be valid for five 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,

1. that the property owner gives the contractor copies

of both the motion of approval and approved plans

prior to the commencement of work,

1. 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 feasible and prudent alternatives

 exist, and believes that there is no reasonable

 probability of significant adverse impact on any

 wetlands or watercourses.

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

Mr. LaMuniere recused himself for the next item on the agenda.

**SEATED:** Mr. Wadelton, Mr. Papsin, Mr. Davis, Mr. Bennett, Mr. Kassis, Alt.

**Kyte/10 Barnes Road/#IW-17-42/Temporary Access:**

Ms. Whitty, Landscape Designer, was present to represent the property owner. She explained to the Commissioners that Mr. Kyte had put in a temporary road from Moody Bridge to his property to gain access the back of his property to make improvements such as retaining walls, water features and a pergola. The homeowner was unaware that his IW permit had expired and would like to extend it so that he can finish putting in plant material. Ms. Whitty noted that this road will not be used for anymore construction reasons.

Ms. Whitty confirmed that there was no change to the original permit request. It was noted that this was a new permit due to the previous permit expiring.

Mr. Ajello checked that the items in Ms. Hill’s review of this application were addressed.

Ms. Whitty noted that a berm has been constructed so that water would not flow down to Barnes Rd.

Ms. Whitty indicated the area that needs to be finished.

**MOTION:** To approve Application #IW-17-42 for Kyte/10 Barnes Road/Temporary Access per plan dated 10/11/17, signed by Beth Whitty. 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,

1. that the property owner gives the contractor copies

of both the motion of approval and approved plans

prior to the commencement of work,

1. 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 feasible and prudent alternatives

 exist, and believes that there is no reasonable

 probability of significant adverse impact on any

 wetlands or watercourses.

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

Mr. Ajello noted that it was previously agreed that the temporary access road would be removed in late summer of 2018. He asked Ms. Whitty if that would be enough time.

Ms. Whitty stated that they would prefer the full two years for budgetary reasons.

The Commissioners noted that they cannot approve any less than two years.

**SEATED:** Mr. Wadelton, Mr. Papsin, Mr. LaMuniere, Mr. Davis, Mr. Bennett

**Bedrosian/33 Fenn Hill Road/#IW-17-43/Dredge Pond, Rebuild Stone Wall:**

Mr. Criollo from Stone Walls by George was present to represent the property owner. He submitted a drawing of the cross section of the proposed rebuilt stone wall. He pointed out that the photographs he submitted show the failing stone wall.

Mr. Criollo explained the process of draining the pond and putting new footings in for the wall. He said the wall will be built in the same way as the original. Mr. Criollo stated that the wall is approximately 100’ long, the driveway side is 18” tall, the northwest side is approximately 3’ tall and the south side is approximately 4-5’ tall with the rest of the wall decreasing to a height of 3’. He informed the Commissioners that they would be building the wall by hand during the dry season.

The Commission briefly discussed the location of the limit of disturbance and the stockpile.

**MOTION:** To approve Application #IW-17-43 for Bedrosian/33 Fenn Hill Road/Dredge Pond, Rebuild Stonewall per pictures submitted that are equivalent to plans dated 10/11/17 and signed by Jorge Criollo. 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 gives the contractor copies

 of both the motion of approval and 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 feasible and prudent alternatives

 exist, and believes that there is no reasonable

 probability of significant adverse impact on any

 wetlands or watercourses.

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

**Hamilton/183 West Shore Road/#IW-17-44/Extend Driveway, Demolish, Rebuild Dwelling, Construct Garage:**

Mr. Bennett of Hamilton Homes and Mr. Szymanski, P.E. were present to represent the property owner.

Mr. Szymanski stated that there were minor changes made to the plans since their last meeting with the IWC. He said that he would first addressed Ms. Hill’s questions regarding stockpiling at the site. Mr. Szymanski informed the Commissioners that the excavated materials would be loaded into trucks and removed from the site then taken to another location where there are no wetlands. Mr. Szymanski stated that the question regarding plantings for the raingarden were addressed as well as included on the revised plan.

Mr. Szymanski stated that they added two rows of rechargers to the accommodate the roof runoff from both the proposed garage and home.

Mr. Ajello asked Mr. Bennett if they were at the point that they could close out the original application for the all the activity within 100’ of the lakeshore.

Mr. Bennett confirmed that they could close out the original permit. He noted that there is some planting that needs to be done and the silt fence will remain until finished.

Mr. Szymanski confirmed that they will be taking the soil off site for the rechargers.

Mr. Ajello informed the Commissioners that this application is before them because of the wetlands on the adjoining property.

Mr. Szymanski noted that there no activity will be occurring up gradient from the indicated wetland area.

Mr. LaMuniere asked about the regrading and the water drainage in one area of the plan.

Mr. Bennett stated that they recently discussed this and are considering an earth swale that would go into a culvert drain that leads to a rain garden. Mr. Szymanski added the swale to the plan, initialed and dated it.

**MOTION:** To approve Application #IW-17-44 for Hamilton/183 West Shore Rd/Extend Driveway, Demolish, Rebuild Dwelling, Construct Garage per plan called “Proposed Site Plan,” prepared for Mary Elizabeth Danehy & Rosemary J. Hanson, by Arthur H. Howland, with a revision date of 9/26/17 inclusive of the hand drawn revisions signed by P.Szymanski, dated 10/11/17. 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 gives the contractor copies

of both the motion of approval and 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 feasible and prudent alternatives

 exist, and believes that there is no reasonable

 probability of significant adverse impact on any

 wetlands or watercourses.

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

**New Applications**

**STE Enterprises, Enterprises, LLC/135 Calhoun Street/#IW-17-45/Construct Tree House:**

Mr. Szymanski was present to represent the property owner. He stated the they flagged the existing wetlands system located on the western portion of the property. The property owners are proposing to use existing mature birch trees to construct a treehouse that is 12’x 10’and a deck around it. He said the total structure in the air would be 20’x 16’. Mr. Szymanski stated that the only disturbance is that there is some scrub shrub in between the trees. The shrub would be flush cut and there will be no stump removal.

The Commissioners looked at the map titled “Site Development& Soil Erosion & Sedimentation Control Plan” prepared for STE Enterprises, LLC. By Arthur H. Howland & Assoc.,sheet SD.1, dated 9/7/17.

Mr. Szymanski informed the Commissioners that there would be a mowed trail leading to the treehouse. He stated that the construction materials will be delivered to the site on a mule type vehicle along the existing mowed trail. Mr. Szymanski stated that no trees will be cut down.

**Spring Hill Farms, LLC/2 New Milford Turnkpike/#IW-17-46/Porch Addition and Driveway within 100’ of Bee Brook:**

Joline Audet was present to represent the property owner.

The Commissioners looked at the map titled “Proposed Site Plan-Property Improvements” #2 New Milford Tnpk/127 Christian Street, by Brian Neff, sheet 1 of 1, dated 10-5-17.

Ms. Audet stated that the original driveway is off of Rt.202 (New Milford Tnpk) and they are proposing to relocate it to the other side of the house off of Christian Street. She stated that they have checked with the Selectman’s Office and Assessor to confirm the change of the property address.

Ms. Audet stated that this is a flat lot and it has a straight drop off into Bee Brook. They are proposing to remove the existing driveway and reseed that area, add a small 6’ covered porch to the front of the house facing Christian Street. She confirmed that the indicated stockpile is for the proposed driveway materials the old driveway materials will be taken off site by truck.

Mr. Ajello asked the Commission if it would be possible to discuss the Beck property since Ms. Audet is their agent and was present. Mr. Ajello wanted the Commission to verify the proposed removal of some trees at the property and a slight change in the plan that the IWC had approved.

Mr. Ajello reminded the Commissioners that they approved the removal of a concrete pier at this location. Ms. Audet informed him that the property owners would like to keep the existing pier and cap it with a wood or wood composite type decking.

There was a brief discussion regarding trimming back and existing tree.

The Commission agreed that the removal of the 4 trees and capping the existing pier at 3 Perkins Road for Beck is considered an amendment to the original application because there is less activity in the lake.

**Town of Washington/Historic New Preston Falls/#IW-17-47/Selective Tree Removal, Install boardwalk, stone terrace, interpretive sign, stone stairs, repair footbridge, plant & seed:**

Mr. Sabin, Landscape Architect and 1st Selectman Lyon were present to introduce this application.

Mr. Sabin stated that his firm created the plan for the New Preston Falls pro bono for the Town of Washington Conservation Commission, for which he is an alternate member. He discussed the proposed improvements. He discussed the materials that would be used on the boardwalk.

Mr. Davis asked how high the boardwalk would be.

Mr. Sabin responded approximately 2ft high. He noted that there would be very little tree removal and light excavation.

It was note that the Town would be responsible for the maintenance of the area.

Mr. Sabin stated that they are requesting 5 years for a permit because there would need to be fundraising.

Mr. Papson asked if the Town could notify the D.E.E.P. Fisheries Department about the proposed activity because it is located next to a class 3 wild trout stream. He also expressed concern about visitors leaving garbage behind.

Mr. Sabin stated that they are not planning on putting garbage cans in the area and that people would have to carry out what they bring in.

1st Selectman Lyon discussed how the property has changed over the years.

There was a brief discussion regarding who to contact at D.E.E.P. Mr. Papson suggested that they ask for input and if anything should be modified. He stated that he thinks it is important to notify them.

Mr. Wadelton recused himself from the following discussion and replaced with Mr. Papson

**Seated:** Mr. Papson, Mr. Davis, Mr. LaMuniere, Mr.Bennett, Mr. Kassis

**Other Business**

**Straw Man, LLC/135 Calhoun Street/135 Bee Brook Road/Request to Release Bond:**

Atty. Ebersol, Mr. Szymanski, P.E. and Mr. Charles were present to represent this application.

Mr. Szymanski addressed questions that were asked by the Commissioners at the last meeting. He stated that with respect to the entrance, before the culvert, a boulder wall was proposed on the right side, in lieu of the boulder wall the area was sloped and seeded the gentle slope that exists. He said that, as an engineer, he does not have any concerns about this.

The Commissioners looked at photographs of the existing conditions submitted by Mr. Charles.

Mr. Szymanski stated that the area at the culvert has been seeded and hayed all the areas that were disturbed. He noted that they added some mesh netting in some of the steeper areas to provide some additional stabilization. He stated that he did not have any concerns. Mr. said that there is a small amount of material migrating through the culvert and this is normal and will happen over time.

Mr. Papsin stated that there was another boulder wall proposed up gradient of the seepage envelope and he asked if this was still going to be required.

Mr. Szymanski stated that the work has ceased just past where the existing stonewall was removed. He said that at this point the area is stable and he doesn’t feel the boulder wall is needed at this point.

Mr Papsin asked if all the riprap has been done on the wing walls.

Mr. Szymanski stated that it has and displayed a photograph of the wing walls. He stated that there is no concern of erosion in that area, in his opinion.

Mr. Papsin stated that the upper end of the driveway has not been completed as per plans.

Mr. Szymanski confirmed this and stated that they are working at seeing how this upper portion will tie in with the rest of the site to minimize site disturbance.

Mr. Papsin stated the last two items in question were construction materials on site and railings at the culvert.

It was noted that there are no construction materials on site.

Mr. Charles explained that the builder has requested not to put the railings at this time to allow for room of the boxes of the modular houses.

There was a brief discussion regarding the bond release. Mr. Ajello wanted to verify that whether the IWC, when approving this plan, thought the railings were important to their decision.

Atty. Ebersol stated that last year there were six items that the IWC requested to be addressed in order for the bond release and these items have been addressed. He noted that last year there was a public hearing in which the IWC indicated that the bond would be returned as soon as the temporary bridge was removed.

Mr. LaMuniere stated that that was before the applicant decided to keep the temporary bridge for the construction of the culverts. He noted that the temporary bridge has been removed and there are only a few things to be done.

The Commissioners discussed the possibility of retaining a portion of the bond until the few things are done.

**MOTION:** To approve the release $17,500.00 of the bond, for Straw Man, LLC/135 Bee Brook Road, retaining $2,500.00 for work yet to be done, by Mr. Allen, seconded by Mr. LaMuniere, passed 5-0.

**Administrative Business**

**Election of Officers:**

The Commission nominated Mr. Papsin.

**MOTION:** To elect Mr. Papsin as Vice Chairman of the Town of Washington Inland Wetlands Commission, by Mr. Allen, Seconded by Mr. Kassis, passed unanimously.

**Adjournment**

**MOTION:** To adjourn at 10:00 pm, by Mr. Papsin, seconded by Mr. Davis, passed unanimously.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Shelley White

 Land Use Clerk

 10-18-17