Inland Wetlands Commission

MINUTES

Regular Meeting

January 13, 2016

7:00 p.m. main level meeting room

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

MEMBER ABSENT: Mr. Davis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. McCormack, Mr. Sabin, Mr. Szymanski, Mr. Neff, Mr. Gutierrez, Mr. Bennett

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

Consideration of the Minutes

 The 12/9/15 Regular Meeting minutes were accepted as corrected.

Page 4: 6th line: Insert “all” so that this line ends, “…review all of the application.”

Page 4: 26th line: The sentence beginning with “Mr. LaMuniere” was changed to: “Mr. LaMuniere stated that the potential impact of the extensive clearcutting on the steep hillside immediately above the project area on the project’s drainage pattern should also be considered in the engineer’s report.”

MOTION: To accept the 12/9/15 Regular Meeting minutes as

 corrected. By Mr. Wadelton, seconded by Mr. Papsin,

 and passed 4-0.

 The 1/7/16 Special Meeting minutes were also accepted as corrected.

Section 2: It had been agreed at the end of the meeting to delete seeps because the Commission has no jurisdiction over them and this should have been indicated.

MOTION: To accept the 1/7/16 Special Meeting minutes as

 corrected. By Mr. Wadelton, seconded by Mr. Papsin,

 and passed 4-0.

Pending Applications

Sarjeant/28 Tinker Hill Road/#IW-15-54/Stonewall and Planting:

It was noted that Mr. Sarjeant had sent an email requesting that discussion be tabled to the next meeting and it was also noted that the 65 day time limit for acting on this application would end on January 28.

Washington Art Association, Inc./4 Bryan Plaza/#IW-15-56/Repair Septic System: Mr. Neff, engineer, presented his plan, “Septic System Repair Plan,” dated 11/17/15 and said there had been no revisions since the last meeting. He briefly explained that the existing steel tank was in the process of failing, the water line must be moved in order to complete the repair work, and the work would be done in the spring. Mr. LaMuniere stated the application had been thoroughly reviewed at the previous meeting and that there were no outstanding issues to address.

MOTION: To approve Application #IW-15-56 submitted by the

 Washington Art Assoc., Inc. to repair the septic

 system at 4 Bryan Plaza per the plan, “ Septic System

 Repair Plan,” by Mr. Neff, dated 11/17/15; the permit

 shall be valid for 2 years and is subject to the

 following conditions:

 1. that the Land Use Office by 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 approved plans prior

 to the commencement of work, and

 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 on any

 wetlands or watercourses.

 By Mr. LaMuniere, seconded by Mr. Papsin, passed 4-0.

Bazos/90 Tinker Hill Road/#IW-15-52/Lake Access Path and Dock: Mr. Bedini recused himself. Mr. Sabin, landscape architect, and Mr. Szymanski, engineer, were present. Mr. Sabin reviewed the revisions to his plan, “Proposed Lake Access and Dock,” revised to 1/12/16. These addressed Mrs. Hill’s 11/24/15 review for completeness and the list of information requested by the Commission at its 12/9/15 meeting and included: clarification regarding the limit of disturbance line and extension of proposed silt fencing, the addition of notes stating that the work will be done by hand, that there will be no tree clearing in general or along the path, that the canopy will be preserved, and that leaf litter is to remain on site, the addition of details regarding the size and location of the proposed dock anchorage and details for the slab steps, cross sections of the stone steps, and the addition of wooden stairs and details about how they will be anchored. Mr. Szymanski said he had staked the locations of the tops and bottoms of the steps, the locations of trees, and the centerline of both the proposed path and the existing right of way. Mr. Sabin stated that three trees were in the way of the path, but that he would realign it so it would not be necessary to take them down. He then read the 1/10/2016 letter from Dr. Bazos in which he stated that 1) he had no plans to land a seaplane on Lake Waramaug and 2) that he had hired Mr. Sabin and Mr. Szymanski due to their sensitivity to nature and to the lake. Mr. LaMuniere raised several concerns: 1) he noted that the hillside was extremely steep along the road shoulder and he wanted to know what would be done in that area, 2) he feared the path would act like a chute for water and asked how the volume of runoff would be handled in a heavy storm, and 3) he noted the extensive clearcutting on the hillside above the proposed path area and asked how this would impact the drainage in the area. In response the third concern, Mr. Sabin reviewed the area topography and said the runoff from the cleared hillside would not flow towards the path. He also stated that the slab steps would not act as a chute because they would be installed slightly above grade. He said any increase in runoff would be minimal. Mr. Szymanski said that before the next meeting he would do a 2 ft. topo map, would inspect the site, and would look at the current erosion problem on the “road” above the proposed path to ensure there would be no erosive velocities there. He said he would look into a long term solution to make sure the water was directed away from the path. He added that he was not too concerned about the pathway because there would be no contouring and the trees, the canopy, the root structure, and the forest litter would remain. Mr. Sabin explained how the slabs would be transported into position by hand. Mr. LaMuniere thought ruts would develop in the pathway due to the many trips that would be made with the heavy stones. Mr. Sabin suggested that plywood be put down to prevent any ruts from forming. Mr. Papsin asked if the DOT had approved the project. Mr. Sabin said he had contacted the DOT, but would not apply for final approval until the IWC had approved the plans. Mr. LaMuniere again noted how steep the shoulder was. Mr. Sabin noted that the steps would not come over the escarpment, but would be off to the side of the steepest section of the bank. Mr. LaMuniere asked for specific construction details for this area and that excavation be done by hand to confirm the location of ledge. Mr. Ajello suggested that Mr. Sabin submit photos of similar projects. Mr. Sabin explained how the ledge would be drilled so that it would look like natural rock. Mr. Papsin asked where the hillside runoff would go along West Shore Road. Mr. LaMuniere asked if it would be possible to trap this water near the road in a relatively flat area. Mr. Sabin said he would look into the possibility of infiltration in this area. Mr. Papsin asked how the stairs would be installed over the existing 4 ft. tall stonewall. Mr. Sabin responded the wall would be taken apart, the stone slabs put in, and then the wall would be meshed through them. Mr. Szymanski said again that he would make sure that no concentrated runoff is directed towards the path. The anchor for the dock was briefly reviewed. The 5’ X 3” X 15’ stone will be placed by machine and fit into the slope rather than secured with concrete. Also a set of stairs was proposed to access the dock from the road. A site inspection was scheduled for Friday, January 22, 2016 at 3:00 p.m.

 Mr. Bedini was reseated.

Hayes/59 South Fenn Hill Road/#IW-15-57/Fence: Mr. Gutierrez, contractor, represented the applicant. Mr. Ajello noted the 660 ft. long proposed fence was not proposed in wetlands, but was entirely within the upland review area. A portion of a survey map with the fence location indicated was reviewed. Mr. Gutierrez stated that the post holes would be dug by hand and by machine and that the excavated soils would be put back in the holes. Mr. LaMuniere said the installation of the fence posed no threat to the wetlands. Mr. Ajello stated that no erosion controls were proposed, but that the disturbed areas would be seeded and mulched.

MOTION: To approved Application #IW-15-57 submitted by

 Mr. Hayes to erect a fence at 59 South Fenn Hill

 Road per the topographic plan for 59 South Fenn

 Hill Road, dated 1/13/16; the permit shall be

 valid for 2 years and is subject to the following

 conditions:

 1. that the Land Use Office by 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 approved plans prior

 to the commencement or work, and

 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 on any

 wetlands or watercourses.

 By Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0.

Mackesy/233 West Shore Road/#IW-15-58/Renovations and Additions to Existing Dwelling, Demolish Carriage House, Relocated Driveway and Pool: Mr. Szymanski, engineer, presented the plan, “”Proposed Improvement Location Plan (Main House,)” by Arthur H. Howland and Assoc., revised to 1/12/16 and noted the revisions to the previous plan; 1) a stairwell and a 4 inch drain that connects to the drainage system were added on the east side of the house and 2) a note was added that all disturbed areas will be covered with a minimum of 6 inches of top soil and then seeded. He also noted that the proposed site development plan moved construction farther from the watercourses and that a vegetated buffer was proposed. Mr. Papsin asked if a planting plan for the rain gardens had been submitted. Mr. Szymanski said that was part of the previous application that had been approved.

MOTION: To approve Application #IW-15-58 submitted by Mr.

 and Mrs. Mackesy, 233 West Shore Road with reference

 to sheet SD.1, “Proposed Improvement Location Plan

 (Main House,)” by Arthur H. Howland and Assoc.,

 dated 3/23/15 and revised to 1/12/16; the permit

 shall be valid for two years and is subject to the

 following conditions:

 1. that the Land Use Office by 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 approved plans prior

 to the commencement or work, and

 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 on any

 wetlands or watercourses.

 By Mr. Wadelton, seconded by Mr. Papsin, passed 4-0.

New Applications

Gutierrez/13 Dark Entry Road/#IW-16-01/Repair Footing Drain: Mr. Gutierrez explained the existing curtain drain is clogged, causing his basement to flood. He proposed to dig out the pipe, put waterproof coating on the basement wall, install the new pipe, and cover it with gravel and a tarp. He also proposed to install a window well on the south side of the house nearest to the wetlands and the plan for the window installation was noted. The sequence of construction was reviewed. Mr. Gutierrez said that the repair work would come as close as 20 feet to the wetlands. He said he hoped to do the work as soon as possible before it got too cold to coat the basement wall. It was the consensus this was a straightforward application and that Mr. Gutierrez would not have to attend the next meeting.

Amed/210 New Milford Turnpike/#IW-16-02/Reconstruct Dwelling: Mr. Bennett, agent, explained the dwelling had recently burned down and would be rebuilt on the existing foundation. No excavation would be required. On the plan, “Nazia Properties, LLC.,” by Mr. Alex, dated 1/5/16 he pointed out the limit of disturbance line and the location of the abandoned accessory building that had been demolished. Mr. Bennett read the project description and noted the work would begin in February and take 8 months to complete. He noted, too, that there was already crushed stone on the driveway that would be used by construction vehicles and that possibly per the Building Code another course of blocks might be required around the foundation. It was the consensus that a site inspection was not necessary.

Other Business

Revision of the Regulations: Mr. LaMuniere discussed three further revisions to the draft that had been reviewed on 1/7/16. 1) He explained that for Section 8.10 language written by Atty. Brooks was clearer than the language proposed and so it was the consensus to use what had been written by Atty. Brooks. 2) A paragraph regarding PA 12-151 will be added as a new Section 8.04. 3) He recommended that the appendix information re: 8-7d of the state statutes be deleted because it was already incorporated elsewhere in the Regulations and the commissioners agreed.

Activity Report: Mr. Ajello reviewed his 1/13/16 report. Regarding The Gunnery soccer field construction, he stated that work on the level spreaders would soon be completed and that no sediment had escaped the site after the last storm.

Emergency Repairs: Mr. Papsin asked how the Commission should deal with emergency septic repairs in the future since state law requires that the Commission wait 14 days before acting on an application. Mr. LaMuniere said that the Commission had agreed to consult with Atty. Olson on this matter. Mr. Wadelton said he had discussed this with the Town Sanitarian who thought this was a non issue because it usually takes that long to organize and schedule the repair work.

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

 Mr. Bedini adjourned the meeting at 8:33 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator