Inland Wetlands Commission

MINUTES

Regular Meeting

January 14, 2015

7:00 p.m. Upper Level Meeting Room

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

Mr. Wadelton

MEMBER ABSENT: Mr. Davis

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Lintner, Mr. Charles, Mr. Szymanski,

Mr. Harris, Mr. Neff, Ms. Rowe, Mr. McDonough

Mr. Bedini called the meeting to order at 7:00 p.m. and

seated Members Bedini, LaMuniere, Papsin, and Wadelton.

MOTION: To include the following subsequent business

not already posted on the agenda: V. New

Applications, F. Stiles and Angiollo/25 West

Shore Road/#IW-15-06/Demolish, Reconstruct

Dwelling, Relocate Driveway, Install Septic

System, Landscape, etc. and IX. Communications,

B. Correspondence from Mr. Charles to Mr. Ajello

and Mr. Bedini, dated 12/18/14 and 1/13/15. By

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

Consideration of the Minutes

The 12/10/14 Regular Meeting minutes were accepted as corrected.

Page 5: third line under Wykeham Rise, LLC.: Change “revisions” to “reductions.”

Page 5: half way down the page under Wykeham Rise, LLC: There was a 12,000 sq. ft. reduction in pavement, not 1200 as was written.

Page 6: at the end of the top paragraph: Delete “if he did not think the Commission should do so” at the end of the sentence.

Throughout Wykeham Rise, LLC: Mr. Szymanski had referred to this matter as a proposal throughout the discussion, but Mr. Ajello said “request” should be changed to “report” saying that a decision from the Inland Wetlands Commission was not asked for and was not necessary.

MOTION: To accept the 12/10/14 Regular Meeting minutes as

corrected. By Mr. LaMuniere, seconded by Mr.

Wadelton, and passed 4-0.

The 12/18/14 site inspection minutes were accepted as corrected. It was noted the site inspection was for two addresses; 335 Litchfield Turnpike and 27 Mt. Tom Road and the minutes should also contain the two application numbers; IW-14-54 and IW-14-55.

MOTION: To accept the 12/18/14 Site Inspection minutes as

corrected. By Mr. Wadelton, seconded by Mr.

Papsin, and passed 4-0.

Pending Applications

Shepaug Valley Properties/27 Mt. Tom Road/#IW-14-54/Timber Harvest and Stream Crossing and Ebner/335 Litchfield Turnpike/#IW-14-55/Timber Harvest: It was noted that the conservation easement forms for these two applications had not been signed and submitted by the property owner. Mr. Lintner, forester, said he would get these forms in by the end of the week and noted the ground was frozen so he would like to begin work as soon as possible. It was the consensus to make submission of the signed forms a condition of approval. There were no other questions from the commissioners.

MOTION: To approve Applications #IW-14-54 submitted by

Shepaug Valley Properties for a stream crossing

and timber harvest at 27 Mt. Tom Road and #IW-14-55

submitted by Mr. Ebner for a timber harvest at 335

Litchfield Turnpike per the details provided in the

map, “The Oscar and Barbara Ebner and Shepaug Valley

Properties, LLC., 335 Litchfield Turnpike and 27 Mt.

Tom Road,” dated 11/21/14; the permits shall be

valid for two years and are 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 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, and

4. that no work be carried out until the mandated

Conservation pre application forms have been signed by the property owners and submitted to the Land Use Administrator;

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. LaMuniere, seconded by Mr. Wadelton, passed 4-0.

Maier/148 South Street/#IW-14-56/Driveway Gate: Mr. Neff, engineer, presented the plan, “Driveway Entrance Gate Plan,” dated 11/16/14, which, he said, had not been revised since the last meeting. Mr. Bedini noted the proposal had been explained at the last meeting and there had been no questions or concerns raised at that time. Mr. Neff noted there is an existing conduit for the proposed gate.

MOTION: To approve Application #IW-14-56 submitted by Mr.

Maier to install a driveway gate at 148 South Street

per the plan, “Driveway Entrance Gate Plan,” by Mr.

Neff, dated 11/16/14; 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 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 to any

wetlands or watercourses.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed

3-0-1.

Mr. Papsin abstained because he had not attended the

last meeting.

New Applications

Mason/140 Wykeham Road/#IW-15-01/Single Family Dwelling: Mr. Szymanski, engineer, presented the map, “Proposed Site Development and Sedimentation Control Plan,” by Arthur H. Howland and Assoc., dated 12/11/14 and revised to 11/12/14. He noted the plans included the installation of a well, septic system, and driveway, but that the only activities proposed within the upland review area were installation of a portion of the silt fence and minor contouring. He pointed out the proposed location of the house in a high area and the locations of a small stockpile area and additional silt fencing around the well. He explained the existing curb cut would not be used due to the amount of grading that would be required there and because the sight lines were better at the proposed cut. Mr. Szymanski said the conservation easement form had not yet been submitted, but that it would be in by the next meeting. It was the consensus that a site inspection was not necessary.

Hayes/59 South Fenn Hill Road/#IW-15-02/Remove Invasives: This application was not discussed because there was no representative present and it was incomplete.

Rowe/38 Kielwasser Road/#IW-15-03/Exemption Request for Lot Line Revision: Ms. Rowe and Mr. McDonough were present. It was noted the proposed transfer of land would be to a family member and that the property would remain in farmland. Mr. Ajello said the property could also be considered to be used recreationally as it serves as an access to the lake. The map, “Property/Boundary Survey, Lot Line Revision Map Prepared for Susan A. Rowe,” by Mr. Alex, revised to 12/2/14 was reviewed. Mr. Wadelton noted that only the lot line would change; no activities were proposed in wetlands or in the upland review area. He said this would be an as of right activity and the other commissioners agreed and noted no permit was required.

Lancaster/18 Sabbaday Lane/#IW-15-04/Drainage Work, Driveway Improvements, Sediment Basin: Mr. Sabin, landscape architect, reviewed his plan, “Driveway Improvements,” dated 1/15/14, which he said was updated to address some of the concerns raised in Mrs. Hill’s 1/13/15 review. He noted the owners have an existing permit for maintenance of the driveway. Mr. Sabin explained that the large uphill watershed flows down across the property and erodes the driveway. To correct this he proposed the installation of a 12” PVC pipe and catch basins along the driveway to catch runoff, which would then flow into a swale and then to an existing culvert with a proposed extension, then to another swale, and finally into the proposed sediment basin before reaching the brook. In response to some of Mrs. Hill’s questions in her review, Mr. Sabin noted he had now submitted a sequence of construction, said the work would be done in early spring and would take about 2 weeks, and said the wetlands had not been flagged, the only work proposed near the brook was the installation of the sediment basin, and that the entire area along the brook was existing lawn. The work approved under the previous permit was briefly discussed. Mr. Ajello said he would check the previous permit to determine whether all of the required work had been completed. It was noted a new wall was also proposed. Mr. Ajello noted this area was very steep. Mr. Sabin stated there would be openings, scuppers, in the base of this wall for the water to flow through. He also noted that the slope of the driveway would decrease and so the velocity of the runoff should slow down. Mr. Papsin asked that contours be shown on the plan so the commissioners could see how steep the grades are. Mr. Sabin said the cross grade is now 7%, while 3% is proposed. Mr. Ajello was concerned the wall would concentrate the flow, which could result in further erosion. Mr. Sabin said the driveway in this area would be paved so it would not erode. He also said there would be a mowable bank with lawn below the scuppers and he did not anticipate that when the water from the scuppers flowed to solid turf that there would be any erosion problems. A site inspection was scheduled for 3:00 p.m. on Wednesday, Jan. 21.

Harris and Sass/254 and 258 New Milford Turnpike/#IW-15-05/Install Driveway, Parking Areas, Septic Systems, and River Walk, Construct Addition, Lot Line Revision: Mr. Harris, owner of 254 New Milford Turnpike, said he had the opportunity to purchase the adjoining 14+ acre property, but wanted to know before making the purchase that what he would propose would be permitted. He summarized the current problems encountered with the operation of his restaurant on its current .424 acre site. He presented the map, “Lot Line Revision, Proposed Development, and Erosion Control Plan,” sheet SD-1, by Studer Design Assoc., Inc., dated 1/8/15 and described the work he would like to do: 1. revise the lot lines, 2. abandon the septic systems on both properties and install two new ones, one on each property, on the hill to the rear of the properties, 3) install a new restaurant parking lot over the abandoned septic system on what is currently 258 New Milford Turnpike, 4) make driveway improvements and install two additional parking lots; one an employee lot on the newly configured 254 N. Milford Trnpk. and the other at #258, both on land on the other side of the East Aspetuck River, 5) construct a restaurant addition, and 6) install rain gardens and a river walk. It was noted that approval of both septic systems to cross the river and to be pumped up hill and to install pump chambers, possibly in the parking lot, must be granted by the Health Department and specific engineered plans would be required. Mr. Papsin asked if all of the parking areas would be pervious surfaces. Mr. Harris responded the lots in the rear would be crushed stone, but the lot in the front of the property would be paved. The safety of the existing bridge was discussed. Mr. Harris said he had had it inspected and “for the most part” it was adequate. He noted that large construction trucks would not cross the bridge; that smaller loads of construction materials for the septic systems and parking lots would be transported across the bridge. Mr. Bedini advised Mr. Harris to address all of the concerns raised in Mrs. Hill’s 1/13/15 review. Mr. Harris pointed out the locations of the rain gardens, said the wetlands had been flagged but had not yet been put on the plan, and said he would respond to all of Mrs. Hill’s points. He asked the Commission if in principle it supported his plan. Mr. Bedini said there were no glaring issues at this point. It was the consensus of the commissioners that they did support the plan.

Stiles and Angiollo/25 West Shore Road/#IW-15-06/Demolish, Reconstruct Dwelling, Relocate Driveway, Install Septic System, Landscape, etc.: Mr. Szymanski, engineer, presented the map, “Site Development Plan,” sheet SD.1, by Arthur H. Howland and Assoc., dated 4/7/14 and referred to landscaping plans by Mr. Rosiello. Mr. Szymanski stated the proposed new septic system had a design flow reduction to accommodate two rather than four bedrooms. Regarding stormwater management, he stated that drainage calculations had been submitted, that the roof runoff would be captured in the drainage system, and that the proposed system was designed for a 100 year storm event. The installation of the two proposed cultech rechargers was briefly discussed. Mr. Szymanski said these units would be installed below grade and would allow for the infiltration of stormwater. It was noted that the oil tank had previously been removed and would not be replaced. It had been leaking, the area had been remediated, and Mr. Szymanski said he could supply a copy of the report. Mr. Papsin asked if any of the trees would be cut down. Mr. Szymanski responded that the large tree in front would be taken down. He added, however, that he had listened to comments previously made by the Commission and so was proposing to remove the existing lawn area and replace it with a landscaped filter area. Regarding the removal of existing ledge for the reconstruction of the house, Mr. Szymanski said they would try to hammer it out, but might have to blast. Also, ledge will be removed along West Shore Road south of the proposed driveway entrance to improve sight lines. In response to some questions raised in Mrs. Hill’s 1/13/15 review, Mr. Szymanski referred to the cross section of the septic system on sheet SDS.1 and said no additional material would be deposited as there are good soils on site. Also, no stockpile area was proposed and the location of silt fencing was noted. Three questions from Mr. McGowan of the Lake Waramaug Assoc. were noted. 1) It appeared to him that the cultech system was sized based on the sq. ft. of the footprint of the house and was not sized based on the total area of all impervious surfaces for the entire lot as the regulations require. Was the cultech system properly sized? 2. Is there a stormwater management plan? 3. He suggested it would be appropriate for the Commission to send this application to an engineering consultant for review. Mr. Szymanski stated the proposed drainage system and landscaping are greater than required to accommodate the increase in impervious surfaces and that he would respond in more detail at the next meeting. Mr. Papsin asked if an irrigation system was proposed for the landscaping. Mr. Szymanski said he would find out. After a brief discussion it was the consensus of the commissioners that it was not necessary to refer the application to a consultant for review.

Other Business

Lautier/56 June Road/Request to Revise Permit #IW-13-21/Extend Deck: Mr. Lautier’s 1/9/15 letter and plan entitled, “Deck Expansion,” by Oakwood Environmental Assoc., dated 12/30/14 were reviewed. The proposed deck would be enlarged by 352 sq. ft. and would be 60 feet from the nearest watercourse, which would not be impacted. Most of the deck posts would be pinned to ledge and the one closest to the watercourse would be hand dug and then pinned when the ledge is reached. The commissioners had no questions or concerns.

MOTION: To approve the request submitted by Mr. Lautier, 56

June Road to amend Permit #IW-13-21 to extend the

deck in accordance with the drawings submitted and

description dated 1/9/15; all of the original

conditions of the permit continue to apply. By Mr.

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

Enforcement Report: Mr. Ajello reviewed his 1/13/15 report.

MOTION: To add Spring Hill Farm, LLC./69 Whittlesey Road/

Modification of Site Plan for Exemption to the agenda.

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

Spring Hill Farm, LLC., 69 Whittlesey Road/Modification of Site Plan for Exemption: Mr. Ajello read the 1/12/14 letter from Atty. Kelly regarding the change in location of a wine storage building. The map, “Topographic Survey,” by Mr. Farnsworth, revised to 1/5/15 was reviewed. It was noted the building would be further from wetlands, the Shepaug River, and from the flood plain. Mr. Wadelton stated the building would still be an agricultural use and the Commission had already determined it was an as of right activity. It was the consensus that this was an as of right activity that did not require a permit.

Communications

12/19/14 Letter from Mr. Charles to Mr. Ajello re: Steep Rock Temporary Bridge Crossing of Bee Brook: Mr. Charles said he was bringing this to the Commission because Mr. Ajello had not yet responded to the questions raised in his 12/19 letter and because he wanted to understand the different ways the EO and Commission had in evaluating comparable situations. Most of his questions centered on Steep Rock’s late installation of the erosion control measures and the work he described as not having been done per the approved permit. Mr. LaMuniere stated that he had inspected the site regularly, had observed no flooding or erosion, and said that even if the contractor’s work had not been per the approved permit, it had been sufficient. He also stated he did not think the steel plates had impacted the brook. Mr. Ajello gave a detailed report on what had transpired since the beginning of the project and why he thought the way in which the work had been done provided a better level of protection. He said he had inspected the site after the December 9th storm had had seen no erosion and had asked the contractor to add more rip rap on the ramp at that time. He noted the contractor had also installed silt fencing at that time. He said the contractor had responded quickly and that he was satisfied with the work done. Mr. Charles said he was surprised the Commission found this to be an acceptable installation since the erosion controls had not been installed when the work started and there had been some erosion that had occurred due to the plates. Mr. Charles stated the permit approved was for a 24 ft. wide by 54 ft. long access and asked why it had not been installed as approved and what exactly had the EO agreed to. Mr. Ajello said if a corduroy crossing had been used there would have been more erosion, that the intensity of use did not deteriorate the crossing until the bad weather, and at the time, no one had complained that the installation could have been done better. He said the plates did work and they had protected the stream. There was a brief discussion regarding whether or not any erosion had occurred. Mr. Charles stated it could not be seen from the road when driving by. Mr. Charles thought there was very little information in the file on this temporary crossing and that the approved plans called for 6 inches of stone to be placed on stabilization fabric from Rt. 47 to the crossing, but that this had not been installed. Mr. Charles submitted photos for the file. He said his questions had not been answered and so he would write a second more concise letter to Mr. Ajello.

Straw Man, LLC./135 Bee Brook Road: Mr. Charles noted this project was not addressed in the current EO report. He said his client could begin work now, but had been advised not to until the appeal of the Commission’s decision had been settled.

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

Mr. Bedini adjourned the meeting at 9:10 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator