Inland Wetlands Commission

MINUTES

Regular Meeting

January 25, 2017

7:00 p.m. Main Level Meeting Room

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

 Mr. Wadelton

MEMBER ABSENT: Mr. Davis

ALTERNATES PRESENT: Mr. Bennett, Mr. Kassis

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Ms. Zitter

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

MOTION: To include the following subsequent business not

already posted on the Agenda: V. Other Business: C.

budget line for LID manual and VIII. Communications:

1. 1/25/17 email to Mr. Bedini from Ms. Brant, Steep

Rock. By Mr. Wadelton, seconded by Mr. Papsin, and

passed 5-0.

Consideration of the Minutes

 The 1/11/17 meeting minutes were accepted as corrected.

Page 2; Line #3: “Plating” should be “planting.”

MOTION: To accept the 1/11/17 regular meeting minutes as

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

 passed 5-0.

MOTION: To accept the 1/19/17 special meeting minutes as

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

 passed 5-0.

MOTION: To accept the 1/18/17 DePerno site inspection

 minutes as written. By Mr. LaMuniere, seconded by

 Mr. Wadelton, and passed 5-0.

Pending Applications

DePerno/63 Wykeham Road/#IW-17-01/Wetland Restoration and Enhancement, Install Bridges and Walkway: Ms. Zitter, landscape designer, was present. The sketch map dated January 2017 was reviewed. Mr. Ajello read the project narrative, which had been submitted since the last meeting. It was noted the Commission would review any revisions and the final plans, including the design and layout of the paths, before work was done. Ms. Zitter said she would observe the water patterns in the wetlands prior to submitting plans for the paths. Mr. LaMuniere stated the applicant had submitted the information requested at the last meeting.

MOTION: To approve Application #IW-17-01 submitted by Mr.

 DePerno/63 Wykeham Road for wetlands restoration and

 enhancement and the installation of bridges and a

 walkway per the hand drawn reference plan with the

 specifications of the work to be undertaken, dated

 January 2017, and the sequence of construction, dated

 1/17/17; 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 give the contractor copies

of both the motion of approval and approved plans

prior to the commencement of work, and

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 reasonable and prudent alternatives

 exist, and believes that there is no reasonable

 probability of significant adverse impact on any

 wetlands and watercourses.

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

Maclean/22 Nichols Hill Road/#IW-17-02/Demolish, Rebuild Garage: The plan, “Soil Erosion and Sediment Control Plan,” by Mr. Neff, dated 12/23/16 was reviewed. It was noted that if the Building Official determined that changes to the construction plans were required and the existing foundation had to be removed to provide frost protection, the property owner would be required to apply for a revision of the application as the current proposal specifies that the foundation will be left in place. Mr. LaMuniere noted that moving the garage to another location on the property would result in more disturbance than the current proposal. It was the consensus to approve the application.

MOTION: To approve Application #IW-17-02 for Maclean/22

 Nichols Hill Road to demolish and reconstruct a

garage per the plan, “Soil Erosion and Sedimentation

Control Plan,” by Mr. Neff, dated 12/23/16; 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 give the contractor copies

of both the motion of approval and approved plans

prior to the commencement of work, and

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 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 5-0.

Other Business

Steep Rock Assn./118-120 Bee Brook Road/Request to Revise Permit #IW-15-48/Regrading and Drainage Work for Parking Lot: Mr. Ajello reported that last summer the infiltration basin had been installed according to the approved plan except that the fence had not been installed. The plan, Parking Area Improvement Plan,” by Mr. Neff, revised to 1/14/17 was reviewed. Mr. Ajello explained the traffic pattern was not working, especially for vehicles pulling horse trailers, so Steep Rock proposed to decrease the surface area of the infiltration basin to provide more area for vehicle parking and turning. He noted the capacity of the basin would not be reduced. Mr. Bedini read the 1/17/17 letter from Mr. Neff to the Commission, which stated the 30’ X 80’ surface area would be reduced to 22’ X 65’, but the gravel drainage pad below the rain garden would remain full size to handle the stormwater runoff. In his letter, Mr. Neff noted during the past year the rain garden had worked well with no signs of overflow. But it was noted the past year had been extremely dry, that the basin might not function as well when sediment works its way between the stones, and the decrease in the size of the basin would result in less vegetation planted. Mr. Wadelton also asked why it had been originally thought the larger size basin was needed. These points considered, the commissioners were not sure that the smaller sized proposed basin would be adequate. It was the consensus to table further discussion until Mr. Neff could be present to answer questions.

Enforcement

Angell/47 West Shore Road/Unauthorized Lake Shore Construction: Mr. Ajello reported that Mr. Angell had installed a lake shore patio without permits. He circulated before and after photos of the shoreline. Mr. Wadelton noted the Commission has specific regulations in Section 11A re: the construction of sea walls. It was the consensus that Mr. Angell should be ordered to remove the patio. Mr. Ajello said he had already sent a notice of violation and would draft an enforcement order requiring its complete removal, an application to correct a violation, and would include a fine. He said this order would require a show cause hearing and would be filed on the Land Records. The show cause hearing was scheduled for 6:30 p.m. on Wednesday, February 8, 2017 just prior to the regularly scheduled meeting.

Bazos/98 Tinker Hill Road: Mr. Wadelton and Mr. LaMuniere reminded Mr. Ajello that that a preconstruction meeting and inspection of erosion controls were required before work under this permit could begin.

Sarjeant/28 Tinker Hill Road/Unauthorized Clearing, Excavation: The 1/18/17 letter from Atty. McVerry, which stated $500 had been placed in escrow for the replacement of plants in the disturbed area if determined to be necessary was noted.

MOTION: Regarding Sarjeant/28 Tinker Hill Road: to accept

the 1/18/17 letter from Atty. McVerry to Mr. Ajello

to confirm that $500 will be held in escrow to be

released by the Town of Washington by May 31, 2017

upon successful restoration of the site and then the notice of violation will be removed from the Town Land Records. By Mr. Wadelton, seconded by Mr. Papsin,

passed 5-0.

Communications

 Mr. Bedini had received an email from Steep Rock, dated 1/25/17, which explained its proposal to acquire the Johnson Farm on West Mountain Road and asked for a letter in support from the Inland Wetlands Commission chairman. It was the consensus to authorize Mr. Bedini to write a letter in support of the acquisition. However, it was noted that the installation of a perimeter trail would likely require at least one wetland crossing, that the installation of a parking area was also proposed, and that putting in the trail and parking area could result in an increase in traffic on the one lane scenic road.

Other Business

LID Manual: Mr. Bedini reported that Mr. Hayden is drafting an LID manual specifically for Washington, that Mr. Lyon had approved it, and that $400 would be added to the Inland Wetlands, Zoning, and Conservation Commission budgets to pay for it. Mr. Wadelton noted this was at the request of the Conservation Commission. Several commissioners complained that the Inland Wetlands Commission had not been consulted. Mrs. Hill noted at the Special Meeting on 1/19, Mr. McGowan had left an LID manual for use in the Land Use Office.

Discussion/ 1/19/17 Special Meeting re: Lake Waramaug Watershed and Water Quality: It was noted that at the special meeting, the main recommendation by Mr. McGowan, representing the Lake Waramaug Task Force, was that the upland review area be increased from 100 feet to 250 feet in the Lake Waramaug watershed. Also suggested by the Task Force for the Lake Waramaug watershed was that LID engineering techniques be required for all future projects and that a third party review of all applications be required. Mr. Bedini thought these recommendations reflected a concern about potential over development around the lake and noted this was in line with its primary mission to protect the water quality of Lake Waramaug. A very lengthy discussion followed. While all commissioners were aware of the valuable and important work the Lake Waramaug Task Force was doing in protecting and improving the quality of the lake’s waters, many points were raised including the following:

* Mr. Bedini said he had previously advised the Task Force that it could propose draft revisions to the IW Regulations, which the Commission would then consider.
* Mr. LaMuniere noted inland wetlands regulations are controlled by state statutes, court decisions, and DEEP instruction.
* Mr. Wadelton pointed out that different engineers may have different approaches, even if they both propose to use LID techniques.
* An LID manual would be a guideline, not a regulation as are the guidelines of the state’s Stormwater Management and Erosion Control manuals.
* Mr. LaMuniere noted the Inland Wetlands Commission cannot control development or deny an application as long as it meets the requirements of the Regulations and it has not been shown with technical expertise that such development or proposed activity is likely to have a severe negative impact on a wetland or watercourse.
* Mr. Wadelton stated that for all of the projects the Commission has approved around the lake, the long term impacts had been improved over what they were before each project was completed.
* Mr. Papsin noted the Regulations in combination with best management practices have worked well to protect the lake. He said the monitoring and maintenance of stormwater facilities was difficult and should be the owners’ responsibility.
* Mr. Wadelton said there had not been any situation when the Commission had wished it had a 250 ft. upland review area.
* Mr. Papsin agreed the number of catch basins on the road was a major concern, but noted the Commission could not do anything about that. It was suggested that the Task Force and the Lake Waramaug Assoc. work more closely with the state DOT.
* Several commissioners noted that increasing the upland review area to 250 feet would impact property owners wanting to accomplish minor work on their properties and they questioned whether there should be more regulations that would restrict a property owner’s right to work on his own property.
* The Regulations already allow a 250 upland review area when there are steep slopes.
* Many of the applications received in the past included LID techniques even though they were not required.
* Review of all applications by a third party was generally viewed as an added burden on the property owner.
* It was noted all members of the Washington Inland Wetlands Commission have completed the DEEP training, that site inspections are conducted for almost all applications, and actions by the Commission have held up under appeal. It was the consensus the Commission is already doing a good job.
* Mr. LaMuniere presented statistics from a presentation by Atty. Brooks, which showed among other things, that 80% of CT towns have a one size URA for all resources and that the 100 ft. URA has been adopted by 62% of CT towns.
* Mr. Ajello noted that unlike many other CT towns, the Washington Zoning Regulations include setbacks from wetlands and watercourses and this bolsters protection of water resources.
* Several of the commissioners questioned whether there was justification for the proposed revisions to the Regulations.

Mr. Bedini adjourned the meeting at 8:35 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted, Janet M. Hill, Land Use Administrator