Inland Wetlands Commission

MINUTES

Regular Meeting

October 12, 2016

7:00 p.m. main level meeting room

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

 Mr. Wadelton

MEMBER ABSENT: Mr. Bedini

ALTERNATES PRESENT: Mr. Bennett, Mr. Kassis

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Sonnichsen, Mr. Szymanski, Mr. Ciarlone

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

 seated Members Davis, LaMuniere, Papsin, and Wadelton and Alternate Bennett for Mr. Bedini.

MOTION: To include the following subsequent business not

 already posted on the agenda: VI. Other Business

1. Allin Cottage, LLC./217 West Shore Road/Request

to Revise Permit #IW-16-08/Adjust Stonewall and Paths.

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

Consideration of the Minutes

 The 9/28/16 Regular Meeting minutes were accepted as corrected. References to “Mr. Laird” on pages 1, 3, 5, and 8 were changed to “Mr. Davis.”

MOTION: To accept the 9/28/16 Regular Meeting minutes as

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

 passed 5-0.

MOTION: To accept the 10/5/16 Hamilton/183 West Shore Road

site inspection minutes as written. By Mr. LaMuniere, seconded by Mr. Davis, passed 5-0.

MOTION: To accept the 10/5/16 Stiteler/198 Tinker Hill Road

site inspection minutes as written. By Mr. Davis,

seconded by Mr. Papsin, and passed 5-0.

Hamilton/183 West Shore Road/#IW-16-26/Remove Decks and Stairs, Demolish and Reconstruct Building and Deck, Stabilize Shoreline: Mr. Szymanski, engineer, presented the plan, “Proposed Shoreline Stabilization,” sheet SD.1, revised to 10/12/16. He said that based on observations made at the recent site inspection the following were proposed; the installation of a bio filter and 5 ft. wide rip rapped area at the outflow of the existing pipe that catches the road runoff and the installation of two rain gardens, also to catch runoff from West Shore Road. He noted the double row of bio filter would run from the building to the eastern property line and pointed out trees that would be removed in the northwest corner of the property and replaced with other trees. Additional modifications to the plan were the addition of a bulkhead with an area available for a dock, which would require no tree cutting and would utilize the existing grade, and an underground utility conduit. Mr. Papsin asked when the planting would be done and whether a planting maintenance schedule and supervision were included in the plan. Mr. Szymanski said the planting would be done in the spring and offered to add provisions for maintenance as a condition of approval. Mr. LaMuniere asked if the existing vegetation along the road would remain. Mr. Szymanski said it would.

MOTION: To approve Application #IW-16-26 for Hamilton to

 remove decks and stairs, demolish and rebuild a deck

 and building, and to stabilize the shoreline at 183 West

Shore Road per the plan, “Proposed Shoreline Stabilization,” sheet SD.1, by Arthur H. Howland and

Assoc., revised 8/16/16, 9/27/16, 10/11/16, and 10/12/16;

the permit shall be valid for 2 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,

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.

Ingrassia/69 Whittlesey Road/#IW-16-27/Dredge Pond: Mr. Ajello reported that written approval from the holder of the conservation easement had not yet been received, but that a letter had been prepared and was waiting for the state Commissioner’s signature. It was the consensus that given the current good weather conditions for this work and in the interest of expediency, the commissioners would make receipt of this approval letter a condition of approval so that work would be able to begin prior to the next meeting.

MOTION: To approve Application #IW-16-27 submitted for

 Ingrassia to dredge the pond at 69 Whittlesey Road

 per the plan, “Pond Cleanout Plan,” sheet 1, by Mr.

 Neff, dated 9/8/16 with no revisions; the permit is

 valid for 2 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,

1. any changes to the plans as approved must be submitted

 immediately to the Commission for review,

1. that written approval from the state Dept. of

Agriculture be received by the EO prior to commencement

of work;

 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 5-0.

Meyer/106 Shearer Road/#IW-16-30/Dredge Pond, Repair Dam, Repair Footbridge, Fireplace, Access, and Pier: Mr. Sonnichsen, engineer, submitted revised plans, “Proposed Pond Bottom Excavation Plan, Clunde Pond Dam Repair,” by Waldo and Assoc., LLC., revised to 10/12/16 and a copy of the application submitted to the DEEP for a dam safety permit. He noted that Steep Rock, the holder of a conservation easement on the property, had been notified about these applications, but had not yet issued written approval for the proposed work. The pond, which is in the easement area, has a 700 acre watershed. Mr. Sonnichsen explained that in March of 2010 the Ct. DEEP had notified the owners that repairs to the existing dam were required and so his firm had done a hydraulic analysis of the capacity of the spillway and had determined it was inadequate to handle a 100 year storm event. He reviewed several options that had been considered for the spillway. The option proposed was to retain its length, but to raise the abutments and earth embankment by 1 ft. in order to increase the depth of flow over the spillway. It was noted that an application for the treatment of the pond with an aquatic herbicide had been approved, but that this work had not yet been done. Mr. Sonnichsen said it would make sense to remove the weeds and organic sediment when the pond is lowered to do the work on the dam. He noted approx. 1.5 ft. of sediment would be removed and pointed out the proposed dewatering area on the west side of the pond. He said this was a logical place for it because there was adequate access to this area and added that an anti tracking pad would be installed at the entrance. He said that once dewatered, the excavated material would be removed from the site. Other proposed work was detailed. The location of the fireplace was noted, an 8 ft. X 8 ft. gazebo was proposed on the pier, a wooden walkway at the inflow end of the pond would be repaired in kind, and the existing walkway over the spillway would be replaced. Mr. Sonnichsen noted the sequence of construction, water control plan, and structural design would all be reviewed and approved by the DEEP, which has jurisdiction over all spillway issues. He stated this was not a high hazard dam because the pond area was small and there was not much chance of downstream damage. He did not think the gate would open and so explained the pond would be drawn down by breaking through a narrow point of the spillway to slowly lower the pond level 2 ft. at a time. He stated mainly a long reach excavator would be used for dredging, but added all of the equipment to be used was listed on the plan. Mr. Davis asked about the pipe below the spillway. Mr. Sonnichsen noted it is a 60 in. corrugated metal pipe. He stated the work would not begin until the spring or summer of 2017 when good weather was forecast and that once started it would take a couple of days. He noted the state requires a contingency plan for storm events. Mr. Papsin asked that the entire access, not just the anti tracking pad, be shown on the plan. Mr. Sonnichsen agreed to do so, adding that no trees would be cut for the accessway. Plans for removing fish when the water level is lowered were noted. Mr. Sonnichsen said he understood any revisions to the plan once approved would have to come back to the Commission for further review.

Stiteler/198 Tinker Hill Road/#IW-16-31/Improve Existing Wood Road, Construct Accessory Building w/Appurtenances: Mr. Szymanski, engineer, stated that based on observations made at the 10/5/15 site inspection, the proposed 10 ft. wide driveway had been shifted a few feet to save some of the existing trees. The majority of the remainder of trees to be cut were under 10 in. in diameter. Mr. LaMuniere asked how much clearing would be done. Mr. Szymanski noted all clearing would be within the limit of disturbance line and read note #1.6.1.a on the plan, which stated the limit of clearing would be marked prior to the commencement of work. It was noted there were independent wetlands on both sides of the wood road. Mr. Szymanski also read notes that had been added to the plan regarding the monitoring of the proposed erosion controls. The plan, “Proposed Site Development and Soil Erosion and Sedimentation Control Plan,” by Arthur H. Howland and Assoc., revised to 10/12/16 was reviewed and the location of the underground utilities noted. He also proposed to amend note #7 under the rain garden planting notes to change “should” to “shall,” made the revision, and initialed the plan. Mr. Davis asked if the canopy would be restored in the area where most of the trees to be cut were located. Mr. Szymanski said that a significant canopy would remain. Mr. Ajello asked for a road profile. Mr. Szymanski stated no grade changes were proposed and the driveway surface would be gravel. He added that the rain garden had been sized to handle the runoff should the owners decide to pave the driveway in the future. It was anticipated that work on the project would begin next year.

MOTION: To approve Application #IW-16-31 for Stiteler to

 improve the existing wood road and construct an accessory

 building with appurtenances at 198 Tinker Hill Road per

 the plan, “Proposed Site Development and Soil Erosion

 and Sedimentation Control Plan,” by Arthur H. Howland

 and Assoc., dated 2/18/16, revised to 10/12/16, and

 with the handwritten correction to #7 under the rain

 garden planting notes that “should” is changed to

 “shall;” the permit shall be valid for 2 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,

1. any changes to the plans as approved must be submitted

 immediately to the Commission for review, and

1. that written approval from Steep Rock Assn. must be

received by the Land Use Office prior to the issuance

of the permit;

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 5-0.

New Applications

Neuwirth/156 Sabbaday Lane/#IW-16-32/Dredge Pond: It was noted the pond is very small, it can be accessed through a field, a permit to dredge it expired two years ago, and there were no revisions to the previously approved plan. Mr. Wadelton read the 10/12/16 email from Mrs. Hill to Mr. Neff to advise him the mandatory conservation easement form had not yet been submitted.

Supply Holdings, LLC./2 Calhoun Street and 9 Bee Brook Road/ #IW-16-33/Stormwater Management: Mr. Szymanski, engineer, presented the revised plan, “Site Utility Plan,” by Arthur H. Howland and Assoc., revised to 10/5/16. He noted there was a conservation easement on the property and that written approval of the project from the holder of that easement had not yet been submitted. Mr. Szymanski reviewed the proposed drainage plans to manage roof and parking lot runoff, noted the property was not in the upland review area, and said the Shepaug River was the nearest watercourse. Mr. Wadelton noted a permit from the Commission was required because all of the drainage would flow to the river and there was the potential for adverse impacts. Mr. LaMuniere asked if the entire parking area would be paved. Mr. Szymanski responded while the application was to pave the entire lot, it had not yet been decided whether this would be done. If the entire lot was to be paved, he said, the existing recharger would require an inspection and any paving done would be done in a way so that it would be inspectable. Mr. Ajello asked if there was any reason to fear septic problems. Mr. Szymanski said no work was proposed near the septic system and the entire area had well drained soils. Mr. Ajello asked for a maintenance plan for the catch basins on site and Mr. Szymanski agreed to submit one. Mr. Papsin asked if an oil-water separator tank should be installed. It was noted the area was used for parking, not servicing vehicles and that much of the area was already paved. Mr. Ajello asked what would be done about winter sand. Mr. Szymanski said 2 ft. sumps were proposed and that he would include a plan for their maintenance.

Other Business

Allin Cottage, LLC./217 West Shore Road/Request to Revise Permit #IW-16-08/Adjust Stonewall and Paths: Mr. Szymanski reviewed the “Proposed Site Development Plan,” by Arthur H. Howland and Assoc., revised to 10/11/16 and the updated “Planting Plan,” by Ben Young Landscape Architect. He noted it would be densely planted along the lake shore and reviewed the plant list. Two of the minor changes proposed were a 12 to 14 ft. extension of the lower retaining wall near along the underground infiltration system and the addition of two returns. Mr. Szymanski said there were no changes to the approved maintenance plan. Mr. LaMuniere stated the proposed revisions would not impact the lake.

MOTION: To approve the request to revise Permit #IW-16-08

 issued to Allin Cottage, LLC./217 West Shore Road to

 adjust the stonewall and paths per the plan, “Proposed

 Site Development Plan,” by Arthur H. Howland and Assoc.,

 dated 11/19/15 and revised to 10/11/16 and the updated

 Planting Plan by Ben Young Landscape Architect; all

 conditions of approval remain. By Mr. LaMuniere,

 seconded by Mr. Papsin, and passed 5-0.

Enforcement

Harker/248 West Shore Road/Unauthorized Work: Mr. Ciarlone, contractor, was present. Mr. Ajello reported a second violation had occurred on this property. In replacing a generator, a trench had been excavated near a steep slope 20 ft. above the lake. Neither contractor who did this work had contacted the Land Use Office to get a permit. (Mr. Ciarlone was not one of the two contractors involved.) Mr. Ajello noted a silt fence had been installed and there had been no impact to the lake. It was the consensus that ultimately it is the property owner’s responsibility to obtain required permits. Mr. Davis and Mr. LaMuniere recommended the owner be fined. Mr. LaMuniere and Mr. Wadelton spoke of the importance of the systematic, equal, and fair application of the fine ordinance. Mr. Ajello noted the fine for a second offense in the regulated area that did not have an adverse impact was $350 and said he would issue the fine. Mr. Ciarlone indicated that in the future, he would be in charge of obtaining permits for work on the property.

 Mr. Ajello briefly reviewed his 10/12/16 enforcement report.

Other Business

Discussion Regarding Fines: Mr. Wadelton summarized that when there is a violation where a fine is appropriate, a fine would be issued, and if there was any doubt, the enforcement officer would consult with the Commission. Mr. Ajello reviewed the structure of the fine ordinance. Mr. Davis noted the Commission must be very careful to apply the same standards to all. Mr. LaMuniere did not think the Commission had been systematic with fines. A specific case was discussed where trees that the applicant’s engineer had said would not be cut, were indeed cut within the regulated area. Mr. LaMuniere thought this was an example where there should have been a fine. Mr. Wadelton noted that failure to apply to the Commission for revisions to an approved permit is not listed in the fine ordinance as a violation that requires a fine. He also reminded the commissioners that when making determinations regarding cutting and/or replanting in the upland review area, decisions should be tied to whether this was likely to result in a significant adverse impact to the wetlands or watercourse. The discussion continued briefly on other ways to deal with violations and the procedure per the ordinance for handling non payment of fines.

 There being no further business, Mr. Wadelton adjourned the meeting at 8:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator