Inland Wetlands Commission

MINUTES

Regular Meeting

October 25, 2017

7:00 p.m. Main Level Meeting Room

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

ALTERNATE PRESENT: Mr. Matthews

ALTERNATE ABSENT: Mr. Kassis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Rosiello, Atty. Kelly, Mr. Sabin, Mr. Meharg, Mr. Hayden, Mrs. Branson, Ms. Audet, Mr. Oskandy

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

MOTION: To include the following subsequent business

not already posted on the agenda: V. New

Application: A. Harpel/26 Parsonage Lane/#IW-17-48

Resurface Tennis Court, Install Access. By

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

Consideration of the Minutes

The 10/11/17 Regular Meeting minutes were accepted as corrected.

Page 1: Mr. Davis should be listed only one time as present.

Page 4: Last sentence in next to the last paragraph: “clearing” should be “clearly.”

Page 9: In the last paragraph the second sentence was revised as follows: “He mentioned that the root systems and canopy are important components of the habitat of the lake.”

Page 20: The last sentence in the 4th paragraph should begin, “Mr. Szymanski said that there is….”

Page 21: Under Election of Officer it should state, “The Commission nominated Mr. Papsin for vice chairman.”

MOTION: To accept the 10/11/17 Regular Meeting minutes

as corrected. By Mr. Papsin, seconded by Mr. Davis,

and passed 5-0.

MOTION: To accept the 10/18/17 Collins site inspection

minutes as written. By Mr. Davis, seconded by Mr.

Bennett, and passed 5-0.

Pending Applications

Collins/323 West Shore Road/#IW-17-31/Remove Trees, Build Stone Patio: Mr. Rosiello, landscaper, submitted a landscaping plan, “Lakeside Concepts for Jay Collins,” sheet LWS3, which he said had been revised per discussion at previous meetings. The size of the patio had been slightly decreased, some additional trees would be retained, and an additional white oak would be planted. It was noted that five trees would still be cut; each of them having a caliper of less than three inches. Mr. Papsin and Mr. LaMuniere said they were comfortable with the revised plan.

MOTION: To approve Application #IW-17-31 submitted by Mr.

Collins, 323 West Shore Road to remove trees and

build a stone patio per the plan, “Lakeside Concepts

for Jay Collins,” sheet LWS3, by Rosiello Designs,

dated 10/19/17; 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 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. Papsin, seconded by Mr. LaMuniere, passed 5-0.

Angell/47 West Shore Road/#IW-17-38/After the Fact Application for Stone Terrace and #IW-17-39/Remove Part of Stone Terrace, Extend it Back, Construct Stonewall: Mr. Sabin, landscape architect, and Atty. Kelly were present. Atty. Kelly’s 10/24/17 letter was distributed. Mr. Sabin noted the application had been amended as had been discussed at the last meeting to include the addition of rip rap in front of the existing terrace and said this would eliminate the need for disturbance behind the existing patio. He note the 694 elevation had been located and marked. He submitted photos to show this location and a survey map by Mr. Alex on which it was indicated. Mr. Wadelton advised the applicant that since the last meeting Mr. Hayden had done research and had found a survey that showed the surface of the lake as defined in a Town Ordinance from October 1958. He said in accordance with this Ordinance the existing shoreline shall be measured by the level of water measured 12 inches above the top of the spillway; the elevation of the top of the spillway being 693.6, which means the shoreline is actually at elevation 694.6. Mr. Wadelton explained that due to the very shallow slope on the this property, the lake elevation would be pushed considerably further back and the shoreline elevation would have to be remarked. He then read #3 of the Ordinance, which states that no permit shall be granted, which will allow any change by extending or excavating more than 11 feet of the existing shoreline and he noted the length of the patio the applicant proposed to keep was over 11 feet long. He stated in view of this information and the recent letter from the Lake Waramaug Assoc. who holds the conservation easement on the property and is opposed to the application and wants the patio removed, the Commission cannot approve the application as it now exists. Atty. Kelly strongly objected that the applicant had not been notified prior to the meeting of this new information or that Mr. Wadelton had done research without the applicant’s consent. Mr. Wadelton responded that the Commission did not need the applicant’s consent to do research. Atty. Kelly said he would like time to review the new information and Mr. Wadelton said further discussion would be tabled to allow him to do so. Atty. Kelly said he had many questions including how, after 1958, the Zoning Commission could have established the shoreline elevation at 694. Mrs. Hill asked whether there was time enough to consider the application again at the next meeting and Mr. Ajello said there was.

Collins/113 Bee Brook Road/#IW-17-40/Addition to Existing Dwelling: Ms. Collins presented a revised plan, “Site Plan for Proposed Addition,” by Berkshire Engineering and Surveying, LLC., which she said now included the location of the proposed roof drains. She did not submit this map for the file. Mr. LaMuniere asked about the location of the cul tech units and Ms. Collins said these were on the river side of the dwelling near the property line. Mr. Ajello said he did not remember the riverside deck shown on the plan. Ms. Collins stated it was located on an existing foundation slab. Mr. Ajello asked if all of the information requested in Mrs. Hill’s 9/11/17 review had been submitted and Ms. Collins said it had. Mr. LaMuniere noted the new roof was a considerable amount of impervious surface to propose in the flood plain and that all of its runoff would be collected at one point. He asked how the rain water from the proposed eastern addition would get to the cul tech units as this was not indicated on the plan. He said it appeared that only the existing house would be serviced by the proposed cul tech system. It was not known whether gutters were proposed. Ms. Collins will consult with her engineer and report back at the next meeting.

STE Enterprises, LLC./135 Calhoun Street/#IW-17-45/Construct Tree House: Mr. Oskandy, engineer, presented sheet SD.1 and said there had been no revisions since the last meeting. The location of the proposed structure was discussed and it was noted that it was just over 50 feet from the flagged wetland boundary. Mr. Papsin asked for confirmation that there was no excavation proposed. Mr. Oskandy said scrub brush would be cleared out, but there would be no tree or stump removal.

MOTION: To approve Application #IW-17-45 submitted by

STE Enterprises, LLC. to construct a tree house at

135 Calhoun Street per the plan, “Proposed Construction

Zoning Location Map,” sheet ZL.1, by Arthur H. Howland

and Assoc., dated 9/20/17; 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 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 5-0.

Spring Hill Farms, LLC./2 New Milford Turnpike/#IW-17-46/Porch

Addition and Driveway Relocation: Ms. Audet, agent, noted there had been no revisions to Mr. Neff’s plan since the last meeting and that she had provided the information requested in the application review.

MOTION: To approve Application #IW-17-46 submitted by

Spring Hill Farms, LLC. to add a porch and relocate

the driveway at 2 New Milford Turnpike per the plan,

“Proposed Site Plan,” by Mr. Neff, dated 10/5/17;

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

Town of Washington/5 East Shore Road/#IW-17-47/Tree Removal, Boardwalk, Terrace, Sign, Stairs, Repair Footbridge at New Preston Falls: Mr. Sabin, Conservation commissioner, presented the 10/19/17 letter he had written to the DEEP Department of Fisheries per the request made by the Commission at the last meeting. He said the Conservation Commission would be happy to include all recommendations from the Dept. of Fisheries and so hoped the IWC would not delay action until a response was received. Mr. LaMuniere suggested a condition of approval that any recommendations from the Dept. of Fisheries be incorporated into the plan but Mr. Ajello said this was not necessary because the Commission always requires that any changes to the approved plans be reviewed and approved by the Commission. Mr. Sabin explained the work to be done included the repair of the footbridge and the installation of the boulder rip rap and boardwalk and that this work would not take place in the stream. Mr. LaMuniere noted the proposed boardwalk was 100 ft. from the stream and so said there would be no impact to it. Mr. Papsin asked if any more trees would be removed. Mr. Sabin said the ashes in decline would be taken down. In addition, Mr. Sabin stated that all the work would be done by hand, that the first work to be done would be the bridge and pathway connections, and the last work planned was construction of the stairway from the patio and the installation of the terrace. He also noted there were no immediate plans for the removal of invasives. He asked the Commission for a five year permit.

MOTION: To approve Application #IW-17-47 submitted by the

Town of Washington for tree removal, installation of

a boardwalk, stairs, sign, and terrace, and repair of

the footbridge at 5 East Shore Road per the plan,

“Historic New Preston Falls,” sheet L-1, by Sabin Landscape Architects, dated 10/4/17; 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,

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

New Application

Harpel/26 Parsonage Lane/#IW-17-48/Resurface Tennis Court, Temporary Access: Mr. Meharg, representative from Putnum Tennis Courts, explained the process for converting the existing hard surface court to clay. He said because the existing court is located near wetlands, the clay surface would be installed over the existing surface. Curbing would be installed around the existing fence and the pitch of the court would be changed slightly to slow down runoff. All of the proposed construction would take place over the existing court except for accessing the site. Mr. Meharg said the access would be temporary and off an existing private gravel road. Along the access brush would be cleared, a silt fence installed, and the area replanted when the work is completed. The access would also be used for annual maintenance, which would be done by hand. The hydro court drainage system to be installed was discussed in detail. Large capacity reservoirs will be installed to hold runoff. Mr. Meharg said that in very heavy or prolonged rains, the water would sheet flow over the reinforced concrete curbs, but because there would be only a two inch pitch to the court and the clay would be compacted, the clay would not migrate. In response to a question by Mr. Davis, Mr. Meharg said in the event of a monsoon and some of the clay material did migrate over the curb, there would be 45 feet of grass between the court and the wetlands where the clay would collect. The plan, “Tennis Court Improvement Plan,” by Jason Dismukes, LLC., dated 10/24/17 was reviewed and the stockpile and silt fence locations were noted. Mr. Meharg said mid sized and smaller equipment would be used, such as a bobcat and front end loader, and triaxle trucks would haul in the material. Mr. Papsin asked if fabric mat would be put down under the stockpiles and Mr. Meharg said it would. Access by triaxle vehicles was discussed. Mr. Meharg said the access road is stable, the vehicles would enter the court from one corner only, and they would turn around on the court. Mr. Ajello noted the application had not yet been reviewed for completeness. Any further questions will be forwarded to Mr. Meharg before the next meeting.

Other Business

Activity Report: Mr. Ajello circulated his 10/25/17 report and gave a brief review.

Mr. Wadelton adjourned the meeting at 8:12 p.m.

Mr. Hayden asked for the status of the enforcement order in effect for 47 West Shore Road. Mr. Wadelton noted the meeting had been adjourned and advised him to discuss this matter with Mr. Ajello during office hours.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator