Inland Wetlands Commission

MINUTES

Regular Meeting

October 26, 2016

7:00 p.m. main level meeting room

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

MEMBERS ABSENT: Mr. Bedini, Mr. Davis

ALTERNATES PRESENT: Mr. Bennett, Mr. Kassis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mrs. Sutter, Mrs. Swanson, Mr. Szymanski

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

MOTION: To include the following subsequent business not

 already included on the agenda: VIII.

 Communications: B. 10/25/16 Letter from Ms. Weeks

 to Mr. Bedini, C. Undated Letter from Ms. Ernhout

 to the Inland Wetlands Commission, D. 10/26/16

 Email from Ms. Cross to Mrs. Hill. By Mr.

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

Consideration of the Minutes

MOTION: To accept the 10/12/16 Regular Meeting minutes

 as written. By Mr. Papsin, seconded by Mr.

 LaMuniere, and passed 5-0.

Pending Applications

Meyer/106 Shearer Road/#IW-16-30/Dredge Pond, Repair Dam, Repair Footbridge, Access, Fireplace, Pier: It was noted the following documentation had not yet been submitted; approval from the holder of the conservation easement on the property and final plans for the repair of the dam. Mr. Papsin stated the reason a site inspection had not yet been scheduled was because the Commission was waiting for the final plans. The Commission has until the next meeting to act, or the applicant may request an extension if the final plans are not ready by that time. Further discussion was tabled to the next meeting.

Neuwirth/156 Sabbaday Lane/#IW-16-32/Dredge Pond: It was noted there had been no changes to the application and that a letter of approval had been received from the holder of the conservation easement on the property.

MOTION: To approve Application #IW-16-32 for Newwirth,

 to dredge the pond at 156 Sabbaday Lane per the

 plan, “Pond Cleanout Plan,” one sheet, by Mr. Neff,

dated 10/2/10; 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
2. 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. LaMuniere,

 seconded by Mr. Papsin, passed 5-0.

Supply Holdings, LLC./2 Calhoun Street and 9 Bee Brook Road/ #IW-16-33/Stormwater Management: Mr. Szymanski, engineer, reported the plans had been revised since the last meeting and described each revision. Added were: a yard drain at the end of the recharger to facilitate cleaning, a permanent maintenance schedule, and a grassed drainage swale on the uphill, rear side of the parking lot. The plan, “Site Development Plan,” sheets SD.1 and SU.1, by Arthur H. Howland and Assoc., revised to 10/26/16 were reviewed. It was noted that a letter of approval from Steep Rock Assn., the holder of the conservation easement on the property, had been received. Mr. LaMuniere asked if drainage calculations had been submitted and whether the proposed system could handle 2 inches of rain in 45 minutes. Mr. Szymanski said it would handle a 1.5 inch rainfall in an hour. Sheet SU.1 was reviewed in more detail regarding the construction and operation of the recharger and its connecting pipes. Mr. Szymanski noted that the Health Dept. had signed off on the application.

MOTION: To approve Application #IW-16-33 for Supply

 Holdings, LLC. for stormwater management at 2

 Calhoun Street and 9 Bee Brook Road, per the

 plan, “Site Development Plan,” sheets SD.1 and

 SU.1, by Arthur H. Howland and Assoc., dated

 3/14/12 and revised to 10/26/16; 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,

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 wetland or watercourse. By Mr.

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

Other Business

Request to Transfer Permit #IW-16-08 Issued to Allin Cottage, LLC. to Lake Waramaug Partners, LLC: Mr. Ajello explained that this was a simple name change; that the property had been sold.

MOTION: To approve the request to transfer Permit

 #IW-16-08 issued to Allin Cottage, LLC. to Lake

 Waramaug Partners, LLC., 47 Tanner Hill Road,

 New Preston, Ct. 06777 with the understanding

 that all existing permit conditions are retained.

 By Mr. LaMuniere, seconded by Mr. Papsin, and

 passed 5-0.

Communications

 Mr. Wadelton reported that four letters had been received expressing dissatisfaction with the approval of Permit #IW-16-31

issued to Mr. Stiteler, 198 Tinker Hill Road, for an accessory building and driveway. He responded to the common points raised in each. He said the Commission was not required to notify adjoining property owners of pending applications, 2) that the Commission had waited the required 14 days before acting on this application, 3) that it had already been approved so there was nothing the Commission could do at this time, and 4) a soil scientist had flagged the wetlands and the approved plans showed the improved wood road would go through a regulated area with pockets of wetlands on each side, but would not go through actual wetlands. Mrs. Sutter, who sent one of the letters, stated a similar application for this property had been denied in 2004 due to the location of wetlands. She noted the area was now experiencing a drought. Mr. Ajello responded that wetlands are determined by soil type, not by the amount of water present. Mr. Ajello and Mr. Wadelton also noted that the interpretation of laws evolves over the years and that to deny an application now, the Commission must have evidence that the proposed work would most likely result in a significant adverse impact to the wetlands or watercourse. Mrs. Sutter said the site was a delicate area, where a basin has formed at the bottom of the hill and collects the hillside runoff. She thought the Lake Waramaug Task Force would also contract the Commission. She concluded stating she thought the Commission should have paid more attention to past history and that she did not think it was “looking out for the lake.” Mr. Wadelton stated the Commission takes the protection of Lake Waramaug very seriously.

Enforcement

 Mr. Ajello reviewed his enforcement report dated 10/26/16.

Mr. Ajello also reported on the removal of a tree 25 feet from the Lake Waramaug shoreline. He said the owner had asked him several months ago if it could be cut down, he had inspected it and had found it was not diseased or damaged, and he had then responded that he did not have the authority to give an answer; that the property owner would have to consult with the Commission. Mr. Wadelton noted that brush had also been cut. Mr. Ajello said the owner was willing to plant native species in its place. Mr. Wadelton and Mr. Papsin thought an application to correct a violation should be submitted. Mr. LaMuniere asked if the removal of this tree would have an impact on the lake. Mr. Wadelton responded that since the work was done in a regulated area, an application should be submitted so a determination could be made. Mr. Papsin said the application should include a planting plan. It was the consensus that a notice of violation should be sent.

Mr. Ajello noted the fine ordinance had been discussed at the last meeting and he provided copies for the commissioners.

Mr. Wadelton adjourned the meeting at 7:48 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted, Janet M. Hill, Land Use Administrator