Inland Wetlands Commission

MINUTES

Regular Meeting

October 28, 2015

7:00 p.m. main level meeting room

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

 Mr. Wadelton

MEMBER ABSENT: Mr. Papsin

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Vallely, Mr. Tilden, Mr. Kulur, Mr. Day

 Mr. Stafford, Mr. Woodward, Mrs. Canning, Mr. Towne, Atty. Ebersol, Mr. Charles,

 Mr. Lyon

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

Consideration of the Minutes

 The October 14, 2015 Regular Meeting minutes were accepted as amended. It was the consensus to thank Ms. Kern, who had filled in during Mrs. Hill’s absence, for her good work.

Page 3: Under Pinover: The last sentence was revised to: “A letter dated 9/25/15 from Steep Rock Association, which holds the conservation easement on the property, stated it had no problem with the application.”

Page 5: Under Stiles: The second paragraph was changed to: “Mr. Szymanski noted that currently the base of the dock is above the water level and therefore, only silt fence erosion controls may be required.”

Page 5: Under Harris: In the motion of approval: The portion of the motion beginning in the third line was changed to: “…by Frank Fowler, “Stormwater Management Plan for White Horse Country Pub,” revised to 10/3/15….”

Page 8: Under Straw Man, LLC.: The last sentence in the first full paragraph was changed to: “…poles would have no impact and that the Commission had already agreed that the construction of the seepage envelope would have no impact on the wetland pocket.”

 Also, the next paragraph was changed to: “Mr. LaMuniere clarified that the July permit revision specified that the bridge and bridge related activities had to be complete by September 30 as an approved condition of the original permit.”

Page 9: Under Potolsky: In the first line of the third paragraph, the word, “enforcement” was deleted and the sentence changed to: “The Commission ordered the removal of the sediment….”

MOTION: To accept the 10/14/15 Regular Meeting minutes

 as amended. By Mr. Davis, seconded by Mr. Wadelton,

 and passed 4-0.

Pending Applications

Levande and Siegel/137 West Shore Road/#IW-15-42/Construct Stonewall and Pillars: Mr. Vallely, agent, reviewed the survey map, by Mr. Hock, dated October 1994 on which the proposed location of the stonewall had been drawn in by hand. He noted the proposed wall was 150 feet long, 24 inches wide, and 27 inches high along the side of the road. Mr. Ajello read the 10/22/15 email from Mr. Levande, which provided answers to the questions raised by the Commission at the last meeting. Mr. Vallely noted the application had been revised to state the material excavated for the wall would be removed from the site and that the nearby catch basins would be protected with hay bales and silt fencing. The location of the proposed pillars was added to the plan and Mr. Vallely signed and dated the revised map. There were no questions from the commissioners.

MOTION: To approve Application #IW-15-42 for Levande and

 Siegel/137 West Shore Road to construct a stonewall

 and pillars per the plan, “Map Showing Property to

 be Conveyed to Alan B. Levande and Lee Siegel,” by

 Mr. Hock, dated 10/1994 and revised to 10/28/15 and

 the letter from Mr. Levande dated 10/22/15, which

 clarified the sequence of activities to carry out the

 construction of the wall; 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

 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. Wadelton, passed 4-0.

Tilden/135 Wykeham Road/#IW-15-44/Clear Brush, Restabilize Disturbed Area: Mr. Bedini noted the application had been reviewed at the last meeting and asked the commissioners for comments. Mr. Tilden proposed to plant in the spring rather than in November. Mr. Ajello asked if bare soil would be exposed for 6 months. Mr. Tilden said there was a layer of cut brush on top of the soil and that this would prevent erosion. Mr. Ajello agreed, noting the area is level. Mr. Tilden said he did not want to plant now because the area would be plowed during the winter. He added that two river birch would be planted close to the stream.

MOTION: To approve Application #IW-15-44 submitted by Mr.

 Tilden/135 Wykeham Road to clear brush and restabilize

 the disturbed areas in accordance with Section 4 of

 the application, the project narrative; 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

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

Moxey and Cruz/156 Calhoun Street/#IW-15-46/Terrace, Porch Roof, Pergola: Mr. Ajello noted that only what was shown in yellow on the plan, “Proposed Site Improvements Plan,” by Mr. Neff, dated 6/18/14 with undated, unsigned handwritten revisions was now being proposed. Mr. Kulur, agent, was present. Mr. Bedini reviewed the sequence of construction. Mr. Ajello noted the silt fence was the limit of disturbance line.

MOTION: To approve Application #IW-15-46 for Moxley and

 Cruz, 156 Calhoun Street to construct a terrace,

 porch roof, and pergola per the plan, “Proposed Site

 Improvements Plan,” by Mr. Neff, dated 6/18/14 with

 undated, unsigned handwritten revisions and the

 proposed sequence of construction, received 10/14/15;

 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

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

Stiles/25 West Shore Road/#IW-15-47/Modify Existing Dock: Mr. Ajello reported that minor revisions were needed but that he had not heard from the applicant or his agent since the last meeting. Further discussion was tabled.

New Application

Steep Rock Assn./147 Sabbaday Lane (118-120 Bee Brook Road)/

#IW-15-48/Regrading and Drainage Work for Parking Lot: Mr. Stafford, interim Steep Rock director, stated the application was to improve the parking lot at the south end of Hidden Valley. The plan, “Parking Area Improvement Plan,” by Mr. Neff, dated 10/19/15 was reviewed. It was noted the existing access would be shifted to the south, the parking area would be pitched to the center where a rain garden would be installed, and additional buffer plants would be installed. Mr. Stafford noted that not only would drainage be managed and runoff would be prevented from flowing directly into the river, but also parking lot circulation would be improved. He said the rain garden had been designed so that it would not collect more than 6 inches of runoff and that no overflow was needed. The commissioners questioned what size storm event the garden had been sized for, what the proposed elevations were, what soil types existed in this area and what the seepage rate would be, and what would happen when more than 6 inches of water collected in the rain garden. Mr. LaMuniere thought a site inspection should be conducted. The proposal to install a split rail fence around the rain garden was briefly discussed and Mr. Stafford stated he would discuss this further with Mr. Neff, engineer. Mr. Neff will attend the next meeting to review the specifications.

Other Business

Washington Park Foundation/1 Green Hill Road/Request to Revise Permit #IW-14-38: Mr. Day, president of the Foundation, and Mr. Woodward, contractor, presented the plan, “Soil Erosion and Sedimentation Plan,” by Mr. Neff, revised to 10/20/15 and it was compared to the original plan dated 7/15/14. Mr. Woodward pointed out the proposed revisions: the stonewall was moved back further from the road, a set of stairs was deleted, an ADA compliant ramp was proposed, the existing shed would be replaced by a pergola, the air conditioner compressor and generator would be moved, and the propane tank would be buried. Also, Eversource required that the electric meter be moved outside the building. Mr. Woodward described the areas where pavers would be set in stone dust and those that would be grassed. The two parking spaces that had been previously approved were noted. Although it was noted this was not a wetlands issue, Mr. Ajello raised the concern that portions of the proposed ramp and stairs were on Town property. Mr. Lyon, First Selectman, stated that the Town is also working on improvements to the Plaza and landscaping improvements. He said the goal was to tie together the improvements on both properties, but he did not want those on 1 Green Hill to extend onto Town property. Mr. Woodward said he had not been aware of any boundary line problems as the plans had originally been approved by the Wetlands Commission and Mr. Ajello responded that the boundary lines had not been shown on the approved map. Mr. Wadelton said this was not an issue that would impact any wetlands. Mr. Davis asked what would be done with the stockpiled material. Mr. Woodward said that material would be used to level off the area where there was a grade change and there was no need to truck it off site. Mr. Davis asked that hay bales be installed around the stockpile and Mr. Woodward agreed to do so.

MOTION: To approve the request by the Washington Park

 Foundation, 1 Green Hill Road to revise Permit

 #IW-14-38 in accordance with the plan, “Soil Erosion

 and Sediment Control Plan,” by Mr. Neff, dated

 7/15/14 and revised to 10/20/15; all original

 conditions of approval continue to apply.

 By Mr. Wadelton, seconded by Mr. Davis, and passed 4-0.

 Mr. Wadelton recused himself and left the table.

Straw Man, LLC./135 Bee Brook Road/Request to Revise Condition of Approval for Permit #IW-09-44: Mr. Bedini noted the request from Atty. Ebersol had been received on 10/16/15 and that he had written a draft motion of approval. He read the motion for the record. Various concerns about the proposed language were discussed and in each case it was the consensus to keep Mr. Bedini’s original wording. Mr. Davis and Mr. LaMuniere thought the draft motion reflected the many hours of discussions regarding this matter. Mr. Ajello asked what the time frame for work would be and Mr. Bedini responded approval would run from October 29 through November 30.

MOTION: With regard to the request by Straw Man, LLC., 135

 Bee Brook Road to further revise a condition of

 approval for Permit #IW-09-44, to extend the time to

 complete work on only the temporary bridge and wetland

 crossing or seep from October 29, 2015 to November 30,

 2015. This includes work to the access ramps on both

 ends of the temporary bridge and driveway from the

 bridge to the seepage envelope. This does not include

 work on the permanent bridge or other bridge related

 activities or any other activities in the upland review

 area of the property. One of the main purposes of the

 strengthened temporary bridge is to allow the applicant

 to do additional investigative work on the property to

 establish its full development potential.

 This extension of time is granted because the temporary

 bridge, in its partially completed state, is hazardous

 and unsafe. The granting of this time extension will

 allow the unsafe condition to be remedied immediately.

 Further, according to the National Oceanic and

 Atmospheric Administration, this has been the hottest

 and one of the driest seasons in 136 years of record

 keeping. Chaple Brook is dry as are most of the wetlands

 involved. It has been the long time policy of this

 Commission to require work within wetlands and in the

 upland review area to be done during dry weather

 conditions and if done immediately, this work will pose

 no threat to the brook or to wetlands.

 For these reasons any unnecessary delays will cause an

 unsafe condition to continue and in addition there is no

 reasonable probability that resumption of work will cause

 any significant adverse impact to the involved wetlands

 or watercourses.

 All other previously stated conditions to this permit

 continue to apply.

 By Mr. Bedini, seconded by Mr. Davis, and passed 3-0.

Activity Report

 Mr. Ajello reviewed his 10/28/15 activity report. In addition, the following matters were discussed.

Sarjeant/28 Tinker Hill Road: It was noted Mr. Sarjeant had brought in an application after the meeting deadline. Mr. Ajello said he had decided to bolster the bottom of the wall instead of filling in what he had excavated and regrading the area to its natural contours as the Commission had asked him to do. He noted the site was stabilized. This proposed work will be considered when the application is formally submitted at the next meeting.

Sen/116 Shearer Road: The commissioners asked Mr. Ajello to consult with the property owner about why a 10 ft. wide footbridge was needed.

 There was no Administrative Business or Communications to discuss. Hopefully work will resume on the revision of the Regulations at the end of next month.

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

 Mr. Bedini adjourned the meeting at 8:20 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator