Inland Wetlands Commission

MINUTES Regular Meeting November 14, 2018

7:00 p.m. main level meeting room

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

MEMBER ABSENT: Mr. Davis

ALTERNATES PRESENT: Mr. Kassis, Mr. Matthews

STAFF PRESENT: Mrs. Hill, Ms. Hodza

ALSO PRESENT: Mr. Hayden, Mr. Neff, Mr. Athas, Mr. Cramer Mr. Harrington, Mr. Bennett

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

Consideration of the Minutes

There was a correction in line 23 on page 3 of the 10/24/18 minutes; “Mr. Charles” should be “Mr. LaMuniere.”

MOTION: To accept the 10/24/18 Regular Meeting minutes as corrected. By Mr. Papsin, seconded by Mr. LaMuniere, and passed 5-0.

MOTION: To add the following subsequent business not already posted on the agenda: V. New Applications: C. Seaborn/327 West Shore Road/#IW-18-53/Install Underground Utilities, D. Cappuccio/58 West Morris Road/#IW-18-54/Install Rip Rap at Pond Outlet, E. Funston/294 West Shore Road/#IW-18-55/Drill, Install Well, F. Zaken/199 West Shore Road/#IW-18-56 Install Boat Lift. By Mr. Papsin, seconded by Mr. LaMuniere, and passed 5-0.

Pending Application

Erben Partners, LLC./169 West Shore Road/#IW-18-50/Revision of Permit #IW-17-26/Connect Accessory Building to Septic System and Water Service: It was noted that there were no outstanding questions, no revisions had been made since the last meeting, and Mr. Szymanski had been advised he did not have to attend tonight.

MOTION: To approve Application #IW-18-50 submitted by Erben Partners, LLC., 169 West Shore Road to revise Permit #IW-17-26 to connect an accessory building to the septic system and water service per the map, “Proposed Site Development Plan,” by Arthur H. Howland and Assoc., dated 5/25/17 with the following revisions: 8/16/17 – drainage revisions, 8/28/17 – revise footprint, 3/27/17 - add septic system and ret walls, 7/12/18 – planting plan, boulder seawall, 8/6/18 – add lakefront planting, 9/21/81- revised to label accessory building, and 10/18/18 – accessory building septic connection and utilities; 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 Applications

Lake Waramaug Task Force/Arrow Point (Assessor’s Map #12-02-11)/ #IW-18-51/Install Dock: Mr. Hayden, Executive Director of the Lake Waramaug Task Force, stated the dock was for a pontoon boat the Task Force would use for educational purposes on the lake. The location and address of the Arrow Point property were noted. The 280 sq. ft. dock was proposed on its eastern shore and would be accessed from an existing driveway in Warren. Mr. Hayden submitted a letter dated 11/13/18, which responded to the questions raised in Mrs. Hill’s 11/13/18 application review. A sketch plan dated 5/9/18 was reviewed. Mr. Hayden stated there would be no soil disturbance, no pouring of concrete, and no removal of existing vegetation, and that all work would be done by hand. He explained the dock would be attached to a large boulder and anchored with two concrete filled buckets at its far end. When asked why the proposed dock extended out so far, Mr. Hayden said the lake was very shallow in that area. Mr. LaMuniere asked if the dock would be constructed on site. Mr. Hayden stated it would be built in sections off site, would be taken out of the water for the winter, and would be stored on the Arrow Point property. Mr. Wadelton asked if the adjoining towns had been notified of the application and Mrs. Hill said they had. It was the consensus this was a straightforward application and that Mr. Hayden did not have to attend the next meeting.

Averill (New Preston Water Co.)/10A New Preston Hill Road/ #IW-18-52/Install Generator: Mr. Athas, president of the New Preston Water Company, said the proposed generator would be installed on a precast concrete pad over gravel behind the existing pump house and pointed out the proposed location and that of a nearby intermittent stream on an enlarged section of an aerial photo. Ms. Hodza noted the proposed generator was a small one to serve 24 houses in case of a power failure. Mr. Papsin asked where the propane tank would be located. Mr. Athas was not sure, but thought it might be installed on top of the generator. Mr. Papsin asked that information on the size and proposed location of the tank be submitted with the application. The location of an old farm road used to access the pump house was noted. Mr. Matthews asked how close the generator would be from the boundary line. Ms. Hodza said it would be approximately 25 ft. from the line. Mr. Papsin noted pages 3 and 4 of the application form were missing and must be submitted.

Seaborn/327 West Shore Road/#IW-18-53/Install Underground Utilities: Mr. Harrington, contractor, stated the two existing utility poles were dilapidated, but that Eversource would not replace them because there was no easement. The proposal is to install the utilities underground and to remove the overhead lines. The work would be done entirely on the Seaborn property. The site plan entitled, “Plot Plan Rosenberg Property, no date or signature, was reviewed. Mr. Harrington said a mini excavator would be used to dig a trench, the work would take two days, and the disturbed areas would be seeded and mulched. Mr. LaMuniere reviewed Mrs. Hill’s 11/13/18 application review and noted the required letter of authorization for Mr. Harrington had not been submitted. In response to other questions raised in the review, Mr. Harrington stated 46 cubic yards of material would be excavated, all the work would be done by machine, and work would start upon approval unless the ground froze, in which case it would be done in the spring. He marked the location of the property on the USGS topo map. Mr. LaMuniere asked if a silt fence was needed. Mr. Harrington said, no, because the site didn’t have much of a grade. Mr. Harrington was advised that he did not have to attend the next meeting.

Cappuccio/58 West Morris Road/#IW-18-54/Install Rip Rap at Pond Outlet: Mr. Neff, engineer, presented his plan, “Rip Rap Installation at Pond Outlet,” dated 11/10/18, which included a detail of the pond outlet. He explained the proposal was to fill in and repair the scouring caused by the breach of an upstream dam and noted the old railroad bed, as well as the pond outlet, had washed out and would be repaired. Standard sized rip rap, 75% of which would be 15” to 30” in diameter, would be installed. Mr. Neff stated the DEEP would inspect the dam, but as a first step, the area downstream of the pond would be stabilized. It was noted that in addition to lining the streambed to prevent further erosion, the rip rap would slow the velocity of the water. Mr. Neff said Mr. Cappuccio has access rights along the railroad bed, which would provide a stable surface for access by large trucks. The 200 cubic yards of rip rap to be used would be deposited in the work zone and an excavator would be used to install it. Mr. Neff said the work would be done as soon as possible due to the continued erosion of the washed out area. Mr. Wadelton noted that if dam repairs were necessary in the future, a permit from the Inland Wetlands Commission would be required.

Funston/294 West Shore Road/#IW-18-55/Drill, Install Well: Mr. Cramer of E. Garrity Water Solutions presented the application and plan, “Funston Addition Site Plan,” dated 9/6/94 with the proposed well location shown in red. He explained the existing well was too close to the septic system and that a proper well and septic system would be installed. The new well location would be behind the house; 54 feet from the lake. Mr. Cramer submitted a detailed “Sedimentation and Water Control Plan,” dated 11/1/18, color photos of the site, Assessor’s card, and information on bentonite. Sediment pits, silt fence and hay bales were proposed between the well and the lake. Excess water resulting from the drilling would be directed to the pits where sediment would settle before reaching the erosion control measures. In addition to drilling the well, an approximate 2 to 3 ft. deep trench would be dug for the pipes that will connect the well to the house. Mr. Cramer discussed how bentonite is used to keep the well open while drilling and to fill in the abandoned old well. It was noted the new septic system would be installed more than 100 feet from the lake and so would not be under the Commission’s jurisdiction. Mr. Cramer advised the commissioners he planned to do the work in December when the ground was frozen and to use the existing driveway to access the work site.

Zaken/199 West Shore Road/#IW-18-56/Install Boat Lift: Mr. Bennett, contractor, represented the applicant. He described the proposed boat lift as a 1000 lb. self-contained fiberglass unit that would not leak out or contaminate the water and would not require an electrical line. He noted the hydraulic fluids used for the lift were environmentally friendly. He said the lift would stand in the lake next to the existing dock on four aluminum and steel poles on 17” by 20” pads. He noted the dock would be removed for the winter every year and briefly explained how this would be done using air lift bags and a pontoon boat. He stated the lift would prevent the boat from rocking and would create a stable environment for children. Asked where the lift would be assembled, Mr. Bennett said it would be built out in the water and then set in place. In the winter it would be stored on the beach with the docks and nothing would remain in the water. Mr. LaMuniere said he thought this would not impact the lake. Mr. Bennett was advised that he did not have to attend the next meeting.

Enforcement

In addition to what was written in Ms. Hodza’s 11/14/18 staff report, the following matters were discussed:

101 Wykeham Road. LLC./101 Wykeham Road: After reviewing Ms. Hodza’s report, the commissioners discussed briefly the clean up work requested and whether the entire bond or a portion of the bond must be posted prior to beginning the cleanup. A decision will be made after it is determined whether the Fusco proposal will be reviewed by an engineer on behalf of the IW and Zoning Commissions. It was noted that due to the location of wetlands behind the main building, any cleanup work would be under the jurisdiction of the IWC.

Angell/47 West Shore Road/Unauthorized Terrace: It was noted the lake level remains high and the terrace had not yet been removed. Although some commissioners thought Mr. Angell should be asked to remove it immediately, Mr. Wadelton pointed out that a two year permit had been granted. The motion of approval was reviewed. It called for the removal of the terrace during the drawdown of the lake, but the drawdown did not occur.

Collins/323 West Shore Road/Non Compliance with Permit #IW-17-31: Ms. Hodza reported she had no recent contact with Mr. Collins or his attorney, nor had any restoration plans been submitted. It was the consensus that a cease and desist order should be issued.

Santangelo/69 and 77 West Morris Road/Failure to Maintain Dam: It was noted the breach of this dam caused the downstream damage to Mr. Cappuccio’s property. Ms. Hodza stated the DEEP had contacted the property owner several times since 2011 requiring maintenance and repairs to the dam, but that the property owner had ignored those letters. Ms. Hodza issued s notice of violation and she explained the damaged areas must be cleaned up and stabilized. Ms. Hodza will consult with the DEEP regarding the enforcement of this matter.

Seaborn/327 West Shore Road/#IW-18-26: As noted in the report, Mr. Papsin and Ms. Hodza inspected the site on 10/26 to determine whether the work done to date complied with the permit issued. They found the plan had been substantially followed, although the stairs down to the lake were wider than approved. They observed heavy root damage to the maple tree. The contractor told them he would have a tree expert look at the tree.

Administrative Business

2019 Calendar: The draft 2019 calendar was approved with minor revisions.

MOTION: To approve the 2019 Inland Wetlands Calendar. By Mr. Papsin, seconded by Mr. Bennett, passed 5-0.

Other Business

Haestad/52 River Road: Mr. Papsin voiced his concern that the number of trees cut on this property far exceeded the number the Commission had been told would be cut. He estimated that 20 cords have been cut although the forester told the Commission only 8 to 10 cords would be cut. He also noted the work was being done next to the river. Mr. Wadelton said the Commission had approved an exemption for silviculture and so the work was not under the Commission’s jurisdiction. Mr. Papsin said he would not have approved that many trees cut in the upland review area had the forester given the Commission an accurate number of the trees to be cut. Mr. Wadelton said the property owners were required to get a permit from the Selectmen’s Office if the number of trees cut exceeded a certain number. Mr. Kassis explained the cutting would not be a violation unless the bounds of the exemption were exceeded. Mr. Papsin recommended that in the future the Commission conduct site inspections of properties before granting exemptions. Mr. LaMuniere and Mr. Matthews agreed this was a good idea. Ms. Hodza suggested third party foresters could be consulted when reviewing silviculture applications.

The meeting was adjourned at 8:45 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator