Inland Wetlands Commission

MINUTES

Regular Meeting

November 24, 2015

7:00 p.m. main level meeting room

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

MEMBER ABSENT: Mr. Davis

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Neff, Mr. Szymanski, Mr. Sabin, Mr. Sherr, Mrs. Smith, Mr. Lasar, Mr. Quinn, Mr. Ratcliff, Mr. Sarjeant, Mr. Mack, Mr. Sorosiak

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

MOTION: To include the following subsequent business on the

 agenda: V. New Applications: F. Sarjeant/28

 Tinker Hill Road/#IW-15-54/Construct Stonewall

 and Planting, G. Town of Washington/5 River Road/

 #IW-15-55/Remove Invasives and Replace Fence.

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

 passed 4-0.

Consideration of the Minutes

 The 10/28/15 meeting minutes were accepted as corrected. On page 3, in the last line under Tilden, “birch” should be “birches.”

MOTION: To accept the October 28, 2015 Regular Meeting

 minutes as amended. By Mr. Papsin, seconded by

 Mr. LaMuniere, and passed 4-0.

Pending Applications

Stiles/25 West Shore Road/#IW-15-47/Modify Existing Dock: Mr. Szymanski, engineer, explained the existing dock extends 25 to 30 feet into the lake, while the proposed dock will extend 21 feet. He proposed to keep the existing concrete abutment, but to saw the extension, remove it, and leave the natural lake bottom. He noted a turbidity curtain would be installed while work was in progress. Also, rip rap using 6 inch to 12 inch stones would be installed at a 2:1 slope on the lake shore to break up the wave action. The plan, Proposed Concrete Dock Removal Plan,” by Arthur H. Howland and Assoc., dated 11/24/15 was reviewed. Mr. Papsin asked if the demolished material would be taken off site. Mr. Szymanski said it would. It was noted that in the future a floating dock could be attached to the abutment and no additional Inland Wetlands permit would be required. Mr. Szymanski said he would notify the WEO prior to the start of work.

MOTION: To approve Application #IW-15-47 submitted by Mr.

 Stiles, 25 West Shore Road, to modify the existing

 concrete dock per the map, “Proposed Concrete Dock

 Removal Plan,” by Arthur H. Howland and Assoc.,

 dated 11/24/15; 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,

 2. that the property owner give the contractor

 copies of both the motion of approval and approved

 plans prior to the commencement of work,

 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

 to any wetlands or watercourses.

 By Mr. LaMuniere, seconded by Mr. Papsin, passed 4-0.

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

#IW-15-48/Regrading and Drainage Work in Parking Lot: Mr. Neff, engineer, presented his plan, “Parking Area Improvement Plan,” dated 10/19/15 and said there had been no revisions since the original submission. He briefly described the proposed work; regrading and paving of the parking lot and the installation of a rain garden in the center of the parking area. He noted the rain garden was sized to handle the first 1 inch of rain, after which it would overflow and the runoff would flow overland as it currently does. He said this was better than running catch basins and pipes to the river. In response to questions from the commissioners, Mr. Neff stated the rain garden would be 30 ft. by 80 ft., 6 inches deep with a gravel subbase, and that a fence would be installed around it. A planting list was not yet available, but would be submitted as soon as it was prepared. He noted the rain garden would be grassed until the planting would be done in the spring. Mr. Neff was not concerned that any mulch used would wash out of the garden because the area would be sunken and there would be good drainage with sand and gravel underneath.

MOTION: To approve Application #IW-15-48 to regrade and do

 drainage work on the driveway for Steep Rock Assn.

 at 147 Sabbaday Lane (118-120 Bee Brook Road) per

 the print by Mr. Neff entitled, “Parking Area

 Improvement Plan,” sheet 1 of 1, dated 10/19/15; 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,

 2. that the property owner give the contractor

 copies of both the motion of approval and approved

 plans prior to the commencement of work,

 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. Papsin, passed 4-0.

New Applications

Potolsky/131 West Shore Road/#IW-15-49/Reposition Dock and Anchor Rock: Mr. Lasar, agent, submitted documents that had been missing from the application; the statewide reporting form, conservation easement form, project narrative, and construction sequence. He explained the applicant wants to move the existing dock 6 ft. along the shoreline and to also extend it 6 feet in length. He stated the granite stone to which the dock is attached would be moved by hand and there would be no impact on the lake. Mr. LaMuniere asked if any work would be done on the wall. Mr. Lasar said, no. Mr. Ajello noted this section of the shoreline was rough and naturalized and said he did not expect the proposed work would cause any problems. Mr. Lasar also submitted photos of the site. There were no other questions from the commissioners.

Cowles/210 West Shore Road/#IW-15-50/Rebuild Retaining Wall, Install Underground Utilities: Mr. Neff, engineer, submitted the statewide reporting form and USGS topo map and presented his plan, “Proposed Site Plan,” dated 11/2/15. He noted that the work area was not on the lake side of the house and that the existing driveway would provide good access. He explained the 2 to 3 ft. tall concrete block wall was in poor condition and would be replaced with a stonewall. In response to a question by Mr. Ajello, Mr. Neff noted the curtain drain behind the wall would tie into the existing culvert. The commissioners agreed that a site inspection was not necessary.

Ratcliff/30 East Shore Road/#IW-15-51/Additions to Dwelling: Mr. Quinn, engineer, and Mr. Ratcliff were present. The plan, “Proposed Building Additions, Inland Wetland Application,” by Peak Engineers, LLC., dated 11/16/15 was reviewed. Mr. Quinn noted the two proposed porch additions were within 100 feet of the river and the runoff from all three additions would reach the street and eventually flow into the river. Therefore, he proposed to collect a majority of the roof runoff in cultec rechargers. He said down spouts would be installed on the additions to direct the water to the cultec units, which would be sized to handle the first one inch of rainfall. He explained this would address the chance of thermal pollution. Any additional rainfall would continue to flow down the street as it does now. Mr. Quinn stated that due to the ledge on site partial crawl spaces were proposed and the additions would be built on piers. A small machine with a hammer would break up the ledge and the excavated material would be trucked off site. Mr. LaMuniere asked if any work was proposed on the existing stonewalls. Mr. Quinn said no work was proposed. Mr. Quinn pointed out the proposed erosion control measures and said he would add a limit of disturbance line approximately 8 to 10 ft. from the proposed additions. Mr. Ajello noted that the state had issued an encroachment permit as a portion of the porch additions was in the state right of way. It was the consensus that a site inspection was not necessary.

Bazos/90 Tinker Hill Road/#IW-15-52/Lake Access Path and Dock: Mr. Sabin, landscape architect, said a path and granite slab steps were proposed in the deeded access to a 50 ft. wide lake front property. He said adjoining neighbors would not give permission to access the lake through their property and the proposed route was the only access from the Bazos house to the lake. On the upper portion of the steep bank a 10% grade path was proposed to reach the steps. From there, 4 ft. long, 8 inch thick granite slab steps with boulder cheek walls were proposed down the remainder of the hill. Mr. Sabin noted silt fence would be installed on both sides of the steps, the steps would be set into the existing grades, existing trees would be retained, and approximately 7 cu. yards of material would be excavated. He said the slab steps would be installed by hand and small machine with the intent of disturbing as little of the hillside as possible. Also proposed in the application were the excavation of a 12’ X 20’ “slot” in which to store the dock and to drive in when needed, wooden stairs, and a 360 sq. ft. dock. The 11/24/15 letter from the Lake Waramaug Task Force and Lake Waramaug Association was noted. It urged the Commission to have a qualified engineer review the plans and to hold a public hearing to consider the application. Mr. Sabin responded that the proposed work would not impact Litchfield and Fairfield counties, said the proposed activity was not unprecedented, and noted his experience working around the lake and that he has not had any violations. Mr. Ajello noted that 150 steps plus ramping were proposed and that the grade of the hillside was approximately 2.5:1. Mr. LaMuniere thought that on such a steep hillside the steps would tend to migrate. Mr. Sabin said this would not occur due to how the steps would be installed; he would cut down into the bank, put in processed stone, lay the slabs on top of the stone, and then construct the cheek wall with boulders. Mr. LaMuniere asked if he had considered installing a wooden stairway on the steeper sections. Mr. Sabin said he might have to do that over sections of ledge, but pointed out that staircases would require footings, concrete, and maintenance so they would have more impact than stone slabs. Mr. Sabin stated he had met with the DOT who wanted the lower area to be cut back further into the hillside. He said that fifteen feet into the hillside was now proposed and that some of the rock taken from this area would be used for the boulder cheeks. He referred to the plan, “Proposed Lake Access and Dock,” by Sabin Landscape Architects, dated 11/15/15 to discuss construction details. A site inspection was scheduled for Thursday, December 3, 2015 at 3:00 p.m. Mr. Bedini said the Commission would discuss the Task Force letter after conducting the site inspection.

Day/24 Old North Road and 40 Old North Partners, LLC./40 Old North Road/#IW-15-53/Relocate Previously Approved Driveway: Mr. Szymanski, engineer, presented the map, “Proposed Driveway Plan,” by Arthur H. Howland and Assoc., dated 11/13/15 and revised to 11/24/15. He noted a driveway to access a rear lot had been approved several years ago, but had not been installed. He said the proposed relocation would reduce disturbance in the upland review area by 160 to 200 sq. feet. He pointed out the existing lot lines and the proposed lot line revision, should relocation of the driveway be approved. It was also noted that tree clearing would be necessary in the right of way and that the driveway grade would be 7% with an 80 ft. section at 10%. In response to three questions raised in Mrs. Hill’s application review, Mr. Szymanski stated the work would be done when dry weather was forecast and would take approximately 2 weeks and a stockpile area had been added to the plan. He explained the driveway would have an underdrain on the uphill side, which would tie into the road catch basin, and there would be no driveway crown so runoff could sheet flow. He said all mature trees on the down gradient side would be retained. It was noted that the wetland crossing had previously been approved and there were no proposed changes.

Sarjeant/28 Tinker Hill Road/#IW-15-54/Stonewall and Replanting: Mr. Sarjeant said that he had received Mrs. Hill’s review, but had not had time to respond and he had received Health Department approval. His untitled hand drawn planting plan was reviewed. Mr. Sarjeant noted that much of the proposed work had already been done; the wall was in place, large boulders had been placed along the bottom, and rhododendron and myrtle had been planted. He said he had followed recommendations by the LWA regarding what kind of vegetation to plant, that he had gone ahead and planted the hillside to hold the bare dirt there, and that sedge and tall grass would be planted below the wall. Mr. Bedini asked if the area in front of the wall would be used for parking and Mr. Sarjeant said it would not, that the area by the storm drain had always been used for parking. Mr. Bedini asked what the long term plans were for keeping sediment out of the catch basin. Mr. Sarjeant said the area around the basin would be planted. Mr. Ajello recommended winter rye. Mr. Ajello noted an enforcement order had been issued, which directed Mr. Sarjeant to retain a professional to develop restoration and erosion control plans, to provide a site plan, to re-establish the contours, to reconstruct the disturbed areas, and to submit an application to correct a violation. Mr. Papsin did not think that adequate information had been included in Mr. Sarjeant’s planting plan. He did not think the number of plants proposed was sufficient and noted neither a maintenance plan nor plant sizes had not been included. It was the consensus of the commissioners that a comprehensive planting plant was required and that the density of the plants should be increased. Mr. Papsin asked what size boulders would be placed at the bottom of the wall. Mr. Sarjeant they would be approximately 2’ X 3’. Mr. Papsin recommended that jute matting be installed to hold the hillside, more plants be planted above the wall, and more boulders and plants be placed in front of the wall. Mr. Ajello thought a substantial tree should be planted in the depression in front of the wall to restore the canopy. Mr. Sarjeant objected due to the expense and because he had followed LWA recommendations regarding plant types. Mr. Sarjeant said he would work on a more detailed plan for the next meeting. Mr. Ajello advised him that the Conservation District could help him draw up a planting plan.

Town of Washington/5 River Road/#IW-15-55/Remove Invasives, Replace Fence: Mr. Sherr submitted photos of the section of the Shepaug riverbed where invasives have accumulated over the years. He said they would be removed by hand with no earth disturbance and no change to the river or to the nearby retaining wall. Once cut, the plant material would be dragged to the opposite side of the river where it would be bundled and put through a chipper. He estimated that 1.5 to 2 yrds. of chipped material would result. Mr. LaMuniere said he understood there would be no grubbing and Mr. Sherr confirmed this was so. Mr. Papsin noted the river was low, so this would be a good time in which to do the work. Mr. Sherr stated that the job would take 1 to 1.5 days to complete. Also included in the application was the replacement of the split rail fence at the top of the riverbank. Mr. Papsin asked if the Town was concerned about the erosion of the retaining wall. Mr. Sherr said his committee would look into that.

Other Business

Smith/35 East Shore Road/Request to Revise Permit #IW-14-26/ Enlarge Portico: Mr. Ajello noted that a smaller portico roof with no poles had previously been approved and that plan was briefly reviewed. Currently a 4’ X 10’ portico with posts is proposed. This was shown on a portion of a survey map dated 11/24/15, signed by Mrs. Smith. It was noted that the post holes would be dug by hand, that the dwelling is located between the construction site and the river, and that the installation of the roof would cause a slight increase in roof runoff. Mr. LaMuniere said the proposed work would not endanger the East Aspetuck River and the other commissioners agreed.

MOTION: To approve the request by Mrs. Smith to revise Permit

 #IW-14-26 to enlarge the portico at 35 East Shore

 Road per the hand drawn portion of the map dated

 11/24/15 and the written description of the work to

 be done on the yellow sticker; the permit expires on

 June 11, 2016; all previous conditions apply.

 By Mr. LaMuniere, seconded by Mr. Wadelton,

 passed 4-0.

Gaggini/213 Roxbury Road/Extend and Revise Permit #IW-13-37/Erect Deer Fence: Mr. Sorosiak, agent, presented the plan, “Zoning Location Survey,” by Brautigam Land Surveyors, dated 10/21/15 on which he had indicated the location of the proposed deer fence along the length of the southern property boundary line. He noted a 7.5 ft. tall fence was proposed using trees and stakes as needed. Mr. LaMuniere asked how the fence would cross the wetlands. Mr. Sorosiak said the wetlands was a seasonal stream. He offered to either leave the fence high over the wetlands or to place no stakes in the crossing. He said if the stakes were placed every 15 to 20 feet, it would be possible to avoid the wetlands. Mr. LaMuniere cautioned him not to interrupt the flow of the stream. Mr. Sorosiak estimated the work could be completed within the next two weeks.

MOTION: To approve the request by Mr. and Mrs. Gaggini to

 revise and extend Permit #IW-13-37 to erect a deer

 fence at 213 Roxbury Road; all original conditions

 apply; the work is to be completed by the end of the year.

 By Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0.

Haight/45 Old North Road/Request to Revise Permit #IW-14-46/ Extend Culvert Pipe, Building Retaining Wall, Widen Road, etc.: Mr. Mack, engineer, reviewed the map. “Site Plan,” by Stuart Somers Co., LLC., dated 8/22/14 and revised to 11/4/15. He proposed to realign the driveway at the intersection of Old North Road to make it less hazardous. He said the plan had been submitted to the First Selectman, but had not yet been acted on. He proposed to pave a parking area along the road and to construct a stone retaining wall at its edge along a portion of the eastern boundary line. He also proposed to extend an 18 inch culvert pipe, to move the air conditioning and generator pads, and to convert 177 sq. ft. to lawn. He also noted there is an area that is eroding and undermining the driveway and said it would be repaired. The extension of the culvert pipe was discussed. Mr. LaMuniere noted it already discharges into the wetlands and so asked why it had to be extended. Mr. Ajello said it now crosses a service trench and that the extension would result in more useable space around the house. Mr. Mack said he would add a 5’ X 5’ spreader at the end of the pipe. Regarding the proposed increase in lawn, the commissioners thought that since this area was wetlands, it should be planted, kept as a wet meadow, and mowed only twice a year.

MOTION: To approve the request by Mr. Haight, 45 Old North

 Road, to revise Permit #IW-14-46 to extend the culvert pipe, build a retaining wall and other miscellaneous structures per the site plan prepared for Haight/45 Old North Road by Stuart Somers Co., LLC., dated 8/22/14 and revised to 8/11/15; all original conditions of approval apply and subject to the following additional conditions:

 1. that a stone velocity dissipater be installed at

 the end of the extended culvert pipe near wetlands

 flag #10 and

 2. that the area above the pipe to the west to the

 new parking area and stonewall be planted and retained as meadow, to be mowed 2 times a year.

 By Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0.

Activity Report: Mr. Ajello briefly reviewed his 11/24/15 report. There were no questions from the commissioners

Administrative Business

Revision of the Regulations: The 11/24/15 draft was circulated. Mr. LaMuniere asked for comments from the commissioners before it is sent to Atty. Olson for a legal review.

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

 Mr. Bedini adjourned the meeting at 9:25 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator