Inland Wetlands Commission

MINUTES

Regular Meeting

December 9, 2015

7:00 p.m. Upper Level Meeting Room

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

 Mr. Papsin, Mr. Wadelton

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. McCormack, Mr. and Mrs. Ratcliff,

 Mr. Neff, Mr. Johnson, Mr. Szymanski,

 Mr. and Mrs. Gutierrez

 Mr. Bedini called the meeting to order at 7:00 p.m. and

seated Members Bedini, Davis, LaMuniere, Papsin, and Wadelton. He then introduced Mr. McCormack, who sat in on the meeting to learn more about the Commission.

MOTION: To include the following subsequent business not

 already posted on the agenda: V. New Applications:

 C. Mackesy/233 West Shore Road/#IW-15-58/Addition

 and Renovation to Existing Dwelling, Demolish
 Carriage House, Relocate Driveway and Pool. By Mr.

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

Consideration of the Minutes

MOTION: To accept the 11/24/15 Regular Meeting minutes as

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

 and passed 4-0-1.

 Mr. Davis abstained because he had not attended

 the meeting.

MOTION: To accept the 12/3/15 Bazos site inspection minutes

 as submitted. By Mr. Wadelton, seconded by Mr.

 Papsin, and passed 4-0-1.

 Mr. Davis abstained because he had not been present.

Pending Applications

Potolsky/131 West Shore Road/#IW-15-49/Reposition Dock and Anchor Rock: It was noted the application had been discussed in detail at the last meeting and there had been no questions. Mr. Ajello stated the dock would be moved and extended slightly and that the work would be done by hand.

MOTION: To approve Application #IW-15-49 submitted by Mr.

 Potolsky to reposition the dock and anchor rock

 at 131 West Shore Road in accordance with the

 plan, “Proposed Dock Relocation and Expansion,” by

 Mr. Lasar, architect, revised to 10/4/2010 and the

 untitled dock sketch, dated 12/9/15; 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 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 and watercourses.

 By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 5-0.

Cowles/210 West Shore Road/#IW-15-50/Rebuild Retaining Wall and Install Underground Utilities: Mr. Neff, engineer, reviewed his plan, “Proposed Site Plan,” dated 11/2/15 and noted there had been no revisions since the last meeting. He explained the proposed work would be done on the road side of the house and that there was good access to the work sites. The commissioners had no questions.

MOTION: To approve Application #IW-15-50 submitted by Mrs.

 Cowles, 210 West Shore Road, to rebuild the retaining

 wall and install underground utilities per the plan,

 “Proposed Site Plan,” by Mr. Neff, dated 11/2/15; 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 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 and watercourses.

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

Ratcliff/30 East Shore Road/#IW-15-51/Additions to Existing Dwelling: Mrs. Hill noted that Mr. Quinn, engineer, had been told it was not necessary to attend the meeting because there had been no additional questions from the commissioners. The plan, “Proposed Building Additions,” by Peak Engineers, LLC., dated 11/16/15 was briefly reviewed.

MOTION: To approve Application #IW-15-51 submitted by Mr. and

 Mrs. Ratcliff, 30 East Shore Road, for additions

 to the existing dwelling per the map by Peak

 Engineers, LLC., dated 11/16/15; 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 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 and watercourses.

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

Bazos/90 Tinker Hill Road/#IW-15-92/Access Path to Lake and Installation of Dock: Mr. Bedini recused himself. It was noted that Mr. Sabin, landscape architect, had asked that discussion be tabled to the next meeting. However, the commissioners did briefly list questions they have and additional documentation and information that is needed before they can thoroughly review of the application. Considering the extreme nature of the site, Mr. LaMuniere said sufficient information had been not been provided about how the work would be carried out. He said an engineered design was needed and Mr. Papsin agreed. Mr. LaMuniere was also concerned about how a wooden staircase would be constructed over ledge with a 10 ft. vertical drop. He asked for engineered plans to address drainage; how it would “funnel” down the hill and how it would be controlled. Mr. Papsin also had questions. He said calculations were needed regarding water volume in storm events and that engineered plans should address the anchoring of both the proposed slabs and staircase. He noted that the proposed path had not been staked for the 12/3 site inspection and recommended a second inspection be conducted after the route is staked. Mr. Wadelton agreed that full engineered drawings are needed. He also asked that the plans show all property lines, contours, and elevations, that a more detailed sequence of construction be submitted, and that complete stormwater runoff and erosion control plans were needed. A long term maintenance plan was also requested. Mr. Papsin noted that the upper part of the hill had been clear cut. Mr. LaMuniere asked that the potential impact of the clearing to the area drainage patterns should be included in the engineer’s report. It was also noted that additional information on the proposed dock was needed as well as a good drawing of the shoreline.

MOTION: To continue discussion of Application #IW-15-52

 submitted by Dr. Bazos for a path to access the

 lake and a dock at 90 Tinker Hill Road to the

 next meeting. By Mr. Wadelton, seconded by Mr.

 Papsin, and passed 4-0.

 Mr. Bedini had recused himself.

Mr. Bedini was reseated.

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 plan, “Proposed Driveway Plan,” by Arthur H. Howland and Assoc., revised to 11/24/15 and said there had been no changes since the last meeting. He noted the proposed plan would decrease the amount of disturbance in the upland review area and that the plans for the wetland crossing were the same as were approved in the original application. Mr. Papsin asked if a stockpile area was shown and Mr. Szymanski said it was. There were no further questions.

MOTION: To approve Application #IW-15-53 submitted by Mr. Day,

 24 Old North Road and 40 Old North Partners, LLC.,

 40 Old North Road, to relocate the previously approved driveway per the plan, “Proposed Driveway

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

 11/13/15 and revised to 11/24/15; 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 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 and watercourses.

 By Mr. Davis, seconded by Mr. Wadelton, passed 5-0.

Sarjeant/28 Tinker Hill Road/#IW-15-54/Stonewall and Replanting: Mr. Bedini read Mr. Sarjeant’s 12/9/15 email, in which he asked that discussion be tabled to the next meeting. Mr. Ajello reminded the Commission that the enforcement order had been issued in August and that it could be another three to four months before the restoration planting could be done and so he recommended that the order be filed on the Town Land Records.

MOTION: To file the 8/31/15 enforcement order for Sarjeant,

 28 Tinker Hill Road, on the Town Land Records. By

 Mr. Wadelton, seconded by Mr. Davis.

Mr. LaMuniere noted that a long time has passed without any resolution of the violation. He also noted that a substantial tree had been removed from the hillside and the area grubbed and he recommended this tree be replaced. He pointed out that the enforcement order specifically required that the disturbed areas be restored to their original condition. He noted, too, that the stonewall had not been specifically addressed in the order.

 Vote: Passed 5-0.

Town of Washington/5 River Road/#IW-15-55/Remove Invasives, Replace Fence: It was noted there had been no questions at the last meeting and so Mr. Sherr had been advised it was not necessary for him to attend. Mr. Wadelton noted the invasives would be removed by hand.

MOTION: To approve Application #IW-15-55 submitted by the

 Town of Washington to remove invasives and replace

 the fence at 5 River Road; 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 and watercourses.

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

New Applications

Washington Art Assoc./4 Bryan Hall Plaza/#IW-15-56/Repair Septic System: Mr. Neff, engineer, presented his plan, “Septic System Repair Plan,” dated 11/17/15. He noted how close the existing system is to Canoe Brook and explained that the existing 550 gal. steel tank was rusting and would be replaced with a larger 1000 gal. tank. He stated that the existing tank and some of the excavated soils would be removed from the property. Mr. Bedini asked if the new septic tank would be pumped regularly. Mr. Neff responded it would be done every three to five years. Mr. Neff also noted that the water line would have to be relocated in order to maintain the required setback distances from the septic tank and leaching field and that the existing hemlock tree would be removed because it is in the water line route. Mr. LaMuniere asked if all the work to be done was on the north side of the existing wall. Mr. Neff said it was except for the work on the water line. The proposed erosion control measures were briefly noted. Mr. Neff stated that the work was proposed for the spring of 2016, that 60 yards of material would be excavated and 15 yards removed from the site. Mr. Ajello suggested that if this was an emergency repair, the Commission could grant approval with only one meeting. Mr. Neff stated it was not an emergency and that the work had to be coordinated with the water company. Mr. Wadelton said there was no provision to allow approval of any application in under 14 days and if this had occurred in the past, it had been incorrectly done by the Commission. Mr. Papsin asked if the disturbed areas would be seeded and mulched. Mr. Neff said they would. There were no further questions.

Hayes/59 South Fenn Hill Road/#IW-15-57/Erect Fence: Mr. Ajello noted this is an application to erect a fence in the vicinity of wetlands. It was noted the application was not complete; in particular, the signature of the property owner was missing. Mr. Ajello will call the agent to get the missing information.

Mackesy/233 West Shore Road/#IW-15-58/Renovations and Additions to Existing Dwelling, Demolish Carriage House, Relocate Pool and Driveway: Mr. Szymanski, engineer, represented the property owners. The plan, “Proposed Improvement Location Plan (Main House,)” by Arthur H. Howland and Assoc., revised to 12/4/15 was reviewed. Mr. Szymanski listed the following proposed activities: move the pool to the back of the house, demolish the carriage house and construct a new addition to the rear of the house, add a retaining wall on the east side of the property, and relocate the driveway and build a retaining wall on the west side of the property. He also noted the installation of a rain garden was included in the application and that New England wetland mix would be planted as an additional buffer. Mr. LaMuniere questioned whether the intermittent watercourse shown on the plan extended further uphill, but Mr. Szymanski said it did not and suggested the Commission conduct a site inspection. Regarding construction of the retaining walls, Mr. Papsin asked if trenches would be dug and filled with stone. Mr. Szymanski said, yes. He also stated that no stockpile area was needed because the excavated material would be taken off site, that construction would begin to the rear of the site and would move forward towards the road, and that 3 inches to 2 ft. of regrading would be required at the northeast corner of the house. He said he would make sure that the plan specifies that 6 inches of top soil will be spread over the disturbed areas. He said that the proposed addition and pool were located at least 50 ft. from wetlands. It was the consensus that a site inspection was not necessary.

Hayes/59 South Fenn Hill Road/#IW-15-57/Erect Fence: Mr. and Mrs. Gutierrez, agents, submitted page 4 of the application with the property owner’s signature. The application process was briefly reviewed and it was noted the missing documentation could be submitted any time prior to the January 13 meeting.

Activity Report: Mr. Ajello briefly reviewed his report dated 12/9/15.

Administrative Business

Approval of 2016 Calendar

MOTION: To approve the 2016 Calendar as submitted. By Mr.

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

Revision of the Regulations: Mr. LaMuniere reported that based on recent comments made by Atty. Brooks, further revisions were needed to the latest draft. Mr. Bedini suggested the Regulations should include a statement that the Commission has no authority to act on applications less than 14 days after submission. He said the Commission should consult with Atty. Olson regarding what options the Commission has to handle emergency situations. Mr. Wadelton noted that many emergencies can be handled as enforcement matters, and so action can be taken without waiting 14 days as would be required for applications. He also noted that the state legislature has not given IW commissions the authority to waive the 14 day requirement for applications. Mr. Bedini said the Commission would discuss its options after hearing from Atty. Olson.

MOTION: To adjourn the Meeting. By Mr. Wadelton.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator