Inland Wetlands Commission

MINUTES Regular Meeting February 13, 2019

7:00 p.m. Main level meeting room

MEMBERS PRESENT: Mr. LaMuniere, Mr. Wadelton MEMBERS ABSENT: Mr. Bennett, Mr. Davis, Mr. Papsin ALTERNATES PRESENT: Mr. Kassis, Mr. Matthews STAFF PRESENT: Mrs. Hill, Mr. Tsacoyannis ALSO PRESENT: Mr. Aston, Ms. Scoldari, Mr. McGill,

Ms. Sweeney, Mr. Fowler, Mr. Hrica, Ms. Turoczi

Mr. Wadelton called the meeting to order at 7:15 p.m. and seated Members LaMuniere and Wadelton and Alternates Kassis and Matthews.

Consideration of the Minutes

Responding to Mr. Matthew’s request made at the 1/23/19 meeting, Mrs. Hill circulated a detailed account of the discussion that had taken place at the 1/9/19 meeting regarding the Kassis agricultural exemption. See the Addendum to these minutes. The commissioners read it and determined it should be added to the 1/9/19 minutes.

MOTION: To accept the 1/9/19 Regular Meeting minutes as amended. By Mr. LaMuniere, seconded by Mr. Matthews, and passed 4-0.

The 1/23/19 Regular Meeting minutes were accepted as corrected. On page 1 under Consideration of the Minutes, Mr. Matthews had referred to the 1/9/19 minutes, not those dated 12/12/18.

MOTION: To accept the 1/23/19 Regular Meeting minutes as corrected. By Mr. LaMuniere, seconded by Mr. Matthews, and passed 4-0.

MOTION: To add the following subsequent business to the agenda: V. New Applications: B. McGill and Sweeney/105, 107 River Road/#IW-19-07/Remove Invasives, Repair Driveway, C. Williams/23 Loomarwick Road/#IW-19-08/Shed, Bocci Court, Fire Pit. By Mr. LaMuniere, seconded by Mr. Kassis, passed 4-0.

Pending Applications

New Preston Women’s Club/27 Church Street/#IW-18-61/Parking Area and Drainage Improvements: Mr. Szymanski, engineer, advised the Commission he now had approval from Mr. Smith, Director of Public Works, for the proposed drainage improvements on Church Street. He read the 2/5/19 email from Mr. Smith. Mr. LaMuniere asked if there had been any revisions to the plans since they were first reviewed. Mr. Szymanski said there were none.

MOTION: To approve Application #IW-18-61 submitted by the New Preston Women’s Club for parking area and drainage improvements at 27 Church Street per the plan, “Improvement Location Plan,” by Arthur H. Howland and Associates, dated 10/19/18; 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 or watercourses. By Mr. LaMuniere, seconded by Mr. Kassis, passed 4-0.

New Applications

Rumsey Hall School/201 Romford Road/#IW-19-06/Install Foundation Drain: Ms. Scodari, Business Manager, and Mr. Aston, engineer, presented the plan, “North Dorm Foundation Drain,” by Buck and Buck, LLC., dated 2/4/19. Ms. Scodari explained that due to recent basement flooding in the dorm and the high water table, a temporary drain running over ground had been installed. It was noted there was an existing storm drain around the building, but that it had no outlet. Mr. Aston proposed to install a buried 162 ft. long drainage pipe and to construct a rip rapped plunge pool at its outlet. He pointed out the work area on the plan and said silt fencing would be installed on the downhill side. Mr. LaMuniere asked about the spillway from the rip rapped plunge pool. Mr. Aston stated the pool would be flat cut into the side of the bank and that the natural grade down to the river would be a rocky area. He added that he did not anticipate much flow except during times when the irrigation system was not operational and the groundwater was high. It was noted new drainage pipe would be installed over the septic lines, but it was not yet known how far down those lines were. Mr. Aston said the plan would be adjusted when this was known. Mr. LaMuniere asked if trees would be cut. Mr. Aston said a few would be cut 40 feet back from the river and that he would mark these on the plan. Ms. Scodari noted the school hoped to do the work in mid March during spring break. Mr. Aston will also add a note to the plan that the Land Use Office will be notified 48 hours prior to the commencement of work. The application fee and state tax were submitted. The completed statewide activity reporting form was still due. It was noted that if all the requested information is submitted before the next meeting, the applicant would not have to attend.

McGill and Sweeney/105, 107 River Road/#IW-19-07/Remove Invasives, Repair Driveway: It was noted that Mr. Papsin and Mr. Tsacoyannis had inspected the property. The location of the invasives to be removed had been drawn in by hand on a survey map of the property. Mr. McGill noted the old fence along the front of the property would be taken down and eventually replaced. He noted the invasives extended back 10 to 15 feet from the fence and he proposed to pull them out by the roots using chains. He said the roots would be taken off the property and the disturbed areas spread with a field seed mix. Ms. Sweeney noted the property was more than 100 feet from the Shepaug River. When Mr. Wadelton asked what the wetlands issue was, Mr. Tsacoyannis said the source of the water flowing in the drainage ditch along River Road was not known for sure, but that there was enough flow so that a culvert had been needed under the driveway. Mr. McGill also proposed to repave the driveway. He said he hoped the Town would replace the driveway culvert when the paving is done because that section of the driveway is heaving, probably due to a blockage in the pipe. Mr. McGill noted he had received Mrs. Hill’s application review and would submit the missing information and written approval from the holder of the conservation easement on the property as soon as possible. Mr. Wadelton said it would not be necessary for the applicants to attend the next meeting.

Williams/23 Loomarwick Rd./#IW-19-08/Shed, Bocci Court, Fire Pit: Mr. Fowler, contractor, noted this was a difficult property with both wetlands and steep slopes. He presented the site plan, “LGA Holdings,” on which the proposed locations of the shed, bocci court, and fire pit had been drawn by hand. All structures were proposed outside the flagged wetlands, but within approximately 25 ft. Mr. Tsacoyannis explained the sites were chosen because they were the most level sections of the property. Mr. LaMuniere asked if any digging would be required. Mr. Fowler stated material such as stone dust would be brought in and that the railroad ties for the court would be installed at grade so that earth would not have to be removed. The drainage and layered construction of the court was briefly noted. Mr. Fowler said a wood plank deck was also proposed directly under the existing deck. Mr. Fowler discussed the fire pit area; a 9’ X 9’ area with a 36 inch round pit, explaining that 8 to 10 inches of quarry dust would be brought in for its construction. It was noted the property is not near the lake and it was the consensus that a site inspection was not needed. Mrs. Hill noted she had not had time to review the application for completeness, and would contact Mr. Fowler if additional information was needed.

Enforcement

Collins/323 West Shore Road/Noncompliance with Permit #IW-17-31: Representing the property owner, Atty. Ebersol described the history of the violation. He acknowledged the work completed, which included the construction of a wall on the lake shore, exceeded the work specified in the approved plan. He said the owner now proposed to remove the wall and make significant improvements along 400 feet of shoreline, which would improve the ecology of the area. Mr. Hrica, engineer, presented the plan, “Stone Patio Remediation Plan,” by Hrica Associates, LLC., dated 2/8/19 and color photos of the site. He proposed to pull the edge of the wall back from the water and to change it from vertical to a 1:1 slope and to also pull the patio back 3 feet. Cross sections were reviewed. He stated to restore the shoreline, that all stones that had been existing prior to the patio construction would be left in place along the shoreline. He said that you could tell by their appearance, which stones were the originals and which had been brought to the site. He explained a straight stone embankment was not proposed; it would be irregular in shape with softer edges and areas for planting. He added that none of what was proposed was more than 3 feet tall and all of the stones would be dry laid so that water could infiltrate. Mr. Matthews asked about the patio. Mr. Hrica said it would remain. Mr. LaMuniere showed photos of the site taken prior to the installation of the wall and patio and the plan by Mr. Rosiello that the Commission had approved, stated the Commission has strictly protected the shoreline, and noted the owner now proposed work, which had been declined in the past. Mr. Hrica responded the patio would be reduced in size and pulled back. Several commissioners noted the time the IWC had spent reviewing the original application, that the work done went beyond what had been approved, that the trees were to have been preserved, and that areas of grass were to remain. Ms. Turoczi, landscaper, presented her plans, all dated 2/8/19; “Existing Conditions,” “Planting Plan – Shoreline Buffer Enhancement,” and “Conceptual Sketch to Amended Patio Edge.” She said she first assessed the plant material. She proposed to remove invasives and replace them with native plants; easily maintained plants in the upper dry and rocky zone and herbaceous shrubs and perennials in the mid and wet zones. To address the existing patio and wall, Ms. Turoczi proposed to pull back the wall so there would be less fill over the existing tree roots. She said again that the original rocks would remain on the shoreline, but added that more rocks and plant material would be brought in to create a buffer area. For the area between the road and the patio, she recommended decorative stones be installed to hold the road, take runoff, capture silt, and end the need to mow grass. In this area she also proposed planters. Trees to be saved were noted. She also stated the existing canopy was good and that she was more concerned about the understory. Mr. LaMuniere noted that the site had had much more grass prior to the construction of the patio and he questioned whether building along the lake shore should be allowed. Mr. Kassis noted the waves should not hit the wall and Mr. Matthews asked if it could be moved farther back. Ms. Turoczi said this was not possible because there would be no room for the patio. When Mr. Kassis questioned how far the wall should be pulled back to get it removed from the wave action, Mr. Hrica noted there had been no accurate mapping of the shoreline with the original application, so moving it back 3 feet had been proposed. Ms. Turoczi noted the placement of irregular boulders would help to break up the wave action. Mr. Matthews noted while the proposal was to restore the shoreline, the wall would remain. Mr. Hrica pointed out the difference was that the existing wall had a flat edge, while the proposed wall would be composed of round edged stones. Mr. Matthews expressed his concern about the proposed structure, which, he said, would impact the natural contour of the shoreline. He thought it should be restored back to the point level with the patio and that the wall should not been seen from the lake. Mr. LaMuniere compared the proposal to plans that had been denied for the nearby Seaborn property. Mr. Wadelton said the Commission had to decide whether what was proposed would have an unreasonable impact on the watercourse and noted it had no jurisdiction over appearance. Mr. Matthews asked if legally, what had been illegally built had to be removed. The applicants again explained the proposal was to move construction back to reclaim the shoreline. Mr. Wadelton stated the IWC could not deny the work proposed if there would be no impact to the lake. Atty. Ebersol noted improvements to 400 feet of shoreline were proposed only if the remediation plan was approved. Mr. Wadelton thought the remediation proposed was an improvement over the work that had been done. Mr. LaMuniere noted the Commission did not allow work on the shoreline, but Mr. Wadelton responded that all applications must be judged on their own merits and that property owners may enjoy their properties as long as they don’t significantly impact wetlands and watercourses. Mr. LaMuniere disagreed and referred to Section 11A of the Regulations. Mr. Matthews agreed with Mr. LaMuniere, said Mr. Angel had been held to this standard, again said he would like a natural looking shoreline, and asked for a site inspection. When Mr. Hrica explained the wall would be pulled back and sloped, Mr. LaMuniere said he thought it must be removed. Mr. Wadelton said Mr. Matthews and Mr. LaMuniere had no standing to make these requests and said further discussion would be tabled to the next meeting when more commissioners would be present.

Upon the exit of the applicants, discussion continued among the commissioners. Topics included the authority of the IWC under both the state statutes and Town Regulations, whether precedent was relevant, the importance of recognizing differences of opinion and treating volunteer commissioners with respect, and that the Commission should apply its standards in a fair and consistent manner. Mr. Matthews again asked for a site inspection to help the commissioners better understand the proposed remediation. Mr. Wadelton said he would wait to schedule it until more commissioners were present.

Enforcement

Mr. Tsacoyannis briefly reviewed his 2/10/19 report. He noted, too, that he had emailed each commissioner his spread sheet with his inspection reports and it was the consensus this was a good idea.

Other Business

Mr. Wadelton noted he had written a letter in support of Steep Rock’s purchase of Hillside Farm on Nettleton Hollow Road and copies of the 2/2/19 letter were circulated.

Pending Application

Collins/113 Bee Brook Road/#IW-19-04/Revision of Permit #IW-17-40 Demolish, Rebuild Dwelling: It was noted that Ms. Collins had revised the site plan per the requests the commissioners had made at the last meeting.

MOTION: To approve Application #IW-19-04 to revise Permit #IW-17-40 issued to Collins/113 Bee Brook Road to demolish and rebuild the existing dwelling per the site plan by Berkshire Engineering and Surveying, LLC., dated 8/1/17 and revised to 1/24/19; 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. LaMuniere, seconded by Mr. Kassis, passed 4-0.

Other Business

There was a brief discussion regarding complaints. It was the consensus that commissioners should not investigate complaints; they should be referred to the WEO, and that anonymous complaints would not be discussed at Commission meetings.

The meeting was adjourned at 9:25 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill Land Use Administrator

ADDENDUM - January 9, 2019

Mr. Matthews asked if Ms. Hodza was able to determine whether the work done was within the property granted an agricultural exemption whether the area where the work was done could be marked on the map so the Commission could see where it is.

Mr. Kassis: I will mark it. I will take you there myself if you want. There is no wetlands at 16 West Mt. Road and whatever I’m doing, I will, if I’m doing anything wrong, I will be the first one to admit it. I have an exemption. I am following the rules. If I’m not within the rules let me know and I’ll change it. If I was able to speak like these guys (applicants earlier in the meeting) was able to speak, I would have solved it in five minutes. I would have said, OK, if I’m doing something wrong, I won’t do it. But somehow they didn’t let me talk like these guys defended themselves and come out of it.

Ms. Hodza explains that when she receives complaints she is bound to check them out.

Mr. Kassis: But if you’re not sure about something, now it creates the impression that there *may* be something wrong. 16 West Mt. Road has no wetlands. And we established that six years ago with Ajello. There is no wetlands. He went there. Now it says I *may* be causing at 16 West Mt. Road, now everybody is focusing on it, especially the neighbors. Oh. She took pictures.

Mr. Matthews asks if maybe a site inspection should be scheduled.

Mr. Kassis: Why don’t you forget about it? I have an exemption. I’m not…

Mr. Wadelton: We’ve got to stop -

Mr. Kassis: Geez. I shouldn’t defend myself. I should go.

Mr. Matthews started to say, Oh no, but Jay

Mr. Kassis: What’s the matter with you? Honestly, what’s the matter with you?

Mr. Matthews starts to say something, but Mr. Kassis interrupts.

Mr. Kassis: Its like, if I knew that I wouldn’t have started the damn thing. I’m trying to do something nice. What’s the matter with you? There’s something wrong with you.

Mr. Kassis leaves the meeting. Mr. Matthews says it is not about him. Mr. LaMuniere asks if the work done was within the exemption area. Ms. Hodza says she doesn’t know.