Inland Wetlands Commission

MINUTES Regular Meeting February 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 ABSENT: Mr. Kassis, Mr. Matthews

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Charles, Mr. Turner, Mrs. Branson, Ms. Purnell, Mr. Bent, Mr. Angell, Mr. Neff Mr. Lilienthal, Mr. Szymanski

Mr. Wadelton called the meeting to order at 7:02 p.m. and seated Members Bennett, LaMuniere, Papsin, and Wadelton.

MOTION: To add the following subsequent business not already posted on the Agenda: V. New Applications: E. Canning (Straw Man, LLC.)/135 Bee Brook Road/ #IW-18-07/Revision of Permit/Eliminate Boulder Walls, VII. Enforcement: D. Angell/47 West Shore Road/ Unauthorized Lake Shore Construction/Request for Extension. By Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0.

Pending Application

PH Partners, LLC./49 Potash Hill Road/#IW-18-02/Replace Drainage Pipes, Maintain Swales: It was noted the application had been discussed at the last meeting and there had been no issues to resolve.

MOTION: To approve Application #IW-18-02 submitted by PH Partners, LLC. to replace drainage pipes and maintain swales at 49 Potash Hill Road per the plan, “Drainage Repair Map for Parcels 1 & 4,” by Arthur H. Howland and Assoc., dated 1/22/18; 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 exists, 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 4-0.

New Applications

The Gunnery, Inc./265 West Shore Road and Lake Waramaug/#IW-18-03 Installation of Anchors and Cables for Race Course: Mr. Turner, crew coach, represented The Gunnery. He explained that since 1978 steel posts had been driven into the shoreline at both ends of the course and seven lines of 5/8 inch cable installed to create the race course lanes. The current application proposes to remove the existing 7 steel posts in Washington and to install large block anchors; 4 anchors at each end of the course, and 4 lines of thinner cable. It was noted that in shallower water, stainless steel darts could be used instead of the blocks. The new cable would lay on the bottom of the lake when not in use, at least 43-45 inches below the surface, and would be pulled up and tightened for races. Mr. Turner stated that boats would be able to pass over the cable without getting caught up in it and that no lines would run from shore to shore as they do now. Mr. Ajello asked how the existing steel posts would be removed. Mr. Turner said a tripod with a welded eyelet would be made to pull them out with as little disruption as possible. Mrs. Hill noted she had notified Kent and Warren of the application as required by state statute. Mr. Wadelton asked the applicant to amend the application to include only activities proposed in Washington and to provide a detailed description of the work to be done and an erosion control plan so this information could be reviewed prior to the next meeting. Information by Precision Racing submitted with the application was briefly reviewed: a) “Gunnery School Race Course Proposal,” b) specifications for block and dart type anchors, c) an aerial view entitled, “Gunnery Rowing Proposed Race Course Upgrade,” showing the location of the race course, and d) a diagram showing the location of the lateral and lane lines. Mr. Turner noted the installation of the lanes would not interfere with the existing bubbler or docks on Arrow Point. He also noted he had contacted the DEEP Navigation Unit who advised him that buoys would be required. He said he was not sure whether signs would be installed to indicate there were underwater lines.

101 Wykeham Road, LLC./101 Wykeham Road/#IW-18-04/Inn and Appurtenances: Mr. Szymanski, engineer, noted a permit for the inn had been approved in November of 2008 and had been revised several times since then. He referred to his letter dated 2/8/18, which noted the permit was now expired and listed the revisions made since 2008. He then described additional revisions to the site plan required by the Fire Marshal and Building Department. These included for the main building: three concrete landings and two grass paver emergency gathering areas, one 30 feet from wetlands, and minor associated regrading, for the spa building: a 5’ X 20’ pull off area, a shift of 5 ft. in the location of the building, and a concrete landing 140 feet from wetlands, and for the poolhouse: the addition of three concrete landings. He then submitted a letter dated 2/14/18 and revised plans, “Proposed Sedimentation and Erosion Control Plan,” sheets SES.1 revised to 2/5/18 and SEQ.1 – SEQ.4 dated 2/14/18 to address Mrs. Hill’s 2/14/18 application review. He noted that 10 cubic yards of fill would be required for the emergency egress landings and gathering areas. He stated the original plans had included a detailed construction sequence, which had now been updated to reflect the revisions listed above. Mr. Szymanski noted the original plans consisted of 30 sheets and asked if the Commission required a full set. It was noted two full sets were needed. Mr. Ajello asked if the previous conditions of approval were listed on the site plan. Mr. Szymanski reviewed the 2008 conditions of approval. Mr. LaMuniere stated the Commission always focusses on the drainage system and asked for confirmation that there had been no modifications to that original system. Mr. Szymanski said it had been improved with an increase in treatment capability, but otherwise was sized the same and that this was shown on sheet OSD.1. Mr. LaMuniere noted the conditions of approval would be carefully reviewed and the Commission would consider whether additional conditions were needed. Mr. Ajello asked that all conditions of approval be listed on the plans so that the contractor would have them. Mr. Szymanski said he would add them in draft form.

Canning-Straw Man, LLC./135 Bee Brook Road/#IW-18-07/Revision of Permit #IW-09-44/Drainage Modifications, Eliminate Boulder Walls: Mr. Wadelton recused himself. Mr. Charles, agent, and Mr. Szymanski, engineer, presented the map, “Proposed Sanitary Disposal System Plan,” by Arthur H. Howland and Assoc., dated 10/24/17 and revised to 12/20/17 and circulated five photos of the current conditions along the driveway. The driveway construction; installing stabilization fabric under the processed aggregate for structure, was noted. Mr. Szymanski reported that the slopes had been graded back with no issues and there was no need for the originally proposed boulder wall on the uphill side. He said the drainage plans had not yet been finalized because he first wanted to discuss them with the Commission. He proposed a) grading the driveway with a 2% cross pitch from east to west to direct runoff to the uphill side, b) a fully vegetated swale with stone check dams to slow the velocity of the runoff would be installed on the uphill side, c) the swale would have a temporary jute mat for stabilization for the one to two years it would take the root system to establish itself, d) there would be a 40 ft. transition area having a less than 5% slope to promote infiltration above the wetland area, and e) the mature trees would be kept on the downhill side of the driveway. In response to questions by the commissioners, Mr. Szymanski stated that the vegetated swale with the stone check dams and infiltration area would be adequate to slow the velocity of the runoff and that the cross culverts had already been installed. He added the pipes had been sized to adequately handle heavy rain events. Mr. Papsin stressed that because the driveway would not be paved, it was essential to have a good maintenance plan. Mr. Szymanski agreed and said he would include this on the revised sheets.

Mr. Wadelton was reseated.

Enforcement

Mr. Ajello reviewed his activity report dated 2/14/18.

Angell/47 West Shore Road/Unauthorized Lake Shore Construction/ Request for Extension: Mr. Wadelton read two emails from Mr. Angell, dated 2/13 and 2/14/18, in which he requested another 30 day extension in which to get a ruling from the Lake Waramaug Authority (LWA)and to either remove the terrace if denied or to move the terrace if approved. Mr. Angell said he would not be able to do this work now anyway because his enforcement order said the work must be done during low water conditions and he showed photos on his phone that indicated the water level within 6 to 8 inches of the top of the terrace. He explained the LWA had to vote at a board meeting whether to approve his application or not and that was the reason for the delay in getting its decision. Mr. Angell stated the plans now being reviewed were for a slightly narrower terrace pulled back from the rip rapped shoreline and the area would be planted with native species to match those already growing in the buffer zone. He also planned to take out the pieces of concrete rip rap and to replace them with stone and to remove invasive species. He thought he might have a response from the LWA within two weeks. He again stated that if the LWA denied his application, the terrace would be removed, but if it approved it, Mr. Sabin, landscape architect, would then draft the final scaled plans for the work he had described above. A lengthy discussion followed about whether or not the request for the extension should be granted. Mr. Papsin noted the property was still under the enforcement order and did not want to set a precedent. Mr. Ajello asked what the difference was between the current proposal and the application that had been denied last month. Mr. Angell said the terrace was located farther back from the lake where he did not think the water would reach except in a 100 year storm. Mr. LaMuniere was concerned that the LWA may not have been given plans with specific dimensions to review. Mr. Bennett said he would be in favor of granting the extension as there could be no work done now anyway. Mr. Ajello responded that the enforcement order did not require the removal to be done when the water level was low. Mr. Angell said if he was forced to remove the terrace now, it would do more harm to the lake than if he could wait and do all of the work at once. Mr. Bennett noted the water level is high and so asked if the LWA gave its approval, when would the work be done. Mr. Angell said now he could move the top rocks only because there was ice, but would ask Mr. Sabin when the best time to do the work would be. Mr. Wadelton agreed that precedent was a concern, but said the ultimate goal was to protect the lake.

MOTION: Regarding Angell/47 West Shore Road/Unauthorized Lake Shore Construction: to grant another 30 day extension to allow time for Mr. Angell to get a response from the Lake Waramaug Authority and to provide the Commission with a specific application. By Mr. Papsin, seconded by Mr. Bennett, passed 3-1. Mr. Papsin voted no because he did not want to set a precedent.

New Applications

Tollman/25 and 42 New Preston Hill Road/#IW-18-05/Lot Line Revision: Mr. Neff, engineer, presented his plan, “Site Development Feasibility Plan,” dated 12/11/17. He proposed to add an 8+ acre portion of 41 New Preston Hill Road to the adjoining 3.3438 property. He noted wetlands had been flagged in the SE corner of the lot and that although there was no work proposed at this time, in the future a driveway would be installed in the regulated area. There was a lengthy discussion about whether an application was needed because a permit cannot be issued when no activity is proposed. Mr. Neff pointed out there was no application form for a feasibility review. Mr. Ajello, Mr. Neff, and Mrs. Hill pointed out that other towns require an application for a feasibility review, since there are wetlands on the property the Zoning Commission will require a signoff from Wetlands, and that a feasibility review by Wetlands prior to subdivision, first cut, or lot line revision approvals may result in plans that provide greater protection for the wetlands. However, Mr. Wadelton pointed out the Commission may only regulate activities.

Baratta/236 Nettleton Hollow Road/#IW-18-06/Install Driveway and Drainage System: Mr. Neff, engineer, explained a garage addition was proposed more than 100 ft. from the watercourse, but that a portion of the driveway and drainage system would be installed within the regulated area. He said only a limited area would be disturbed. The map, “Soil Erosion and Sedimentation Control Plan,” by Mr. Neff, dated 2/14/17 and revised to 2/8/18 was reviewed. Mr. Neff stated the new drainage system would connect into the existing system and would not discharge into the brook. He pointed out the location of the existing pipes and catch basin, the trees that would be removed, and the existing rain gardens. The relocation of the septic system was briefly discussed and it was noted the leaching field would be well out of the regulated area. Mr. LaMuniere asked how much soil would be excavated. Mr. Neff said they would reuse as much of the excavated material as possible and would remove the rest from the site. The location of the silt fencing was noted and Mr. Neff advised the Commission that site was well vegetated and was not steep. It was the consensus that a site inspection was not needed.

Administrative Business

Regarding possible future revisions to the Regulations, Mr. Neff said it was difficult to obtain original signatures on the application form and suggested the Commission consider revising its Regulations. Mr. Papsin asked the commissioners to think about adding a definition of “shoreline” to the Regs. Mr. Wadelton recommended a definition of “vertical sea wall” be added. Mrs. Hill was asked to contact Mr. Hayden at the LWA to ask him for his input.

Discussion resumed about the proper way to review projects for feasibility. Mr. Wadelton said he would consult with Atty. Olson about how this should be properly conducted without needless regulatory burden on the public.

MOTION: To adjourn the meeting. By Mr. LaMuniere, and seconded by Mr. Papsin.

Mr. Wadelton adjourned the meeting at 9:40 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted, Janet M. Hill, Land Use Administrator