Inland Wetlands Commission

MINUTES

Regular Meeting

February 24, 2016

7:00 p.m. main level meeting room

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

 Mr. Wadelton

MEMBER ABSENT: Mr. Bedini

ALTERNATE PRESENT: Mr. McCormack

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Sabin, Mr. Szymanski, Mr. Trinkaus, Mrs. Haddad, Mr. Clark, Mr. Neff,

 Mr. Aston, Ms. Scodari, Mr. Ensley,

 Mr. Johnson

 Mr. Wadelton called the meeting to order at 7:03 p.m. and

seated Members Davis, LaMuniere, Papsin, and Wadelton.

Consideration of the Minutes

 The 2/10/16 Regular Meeting minutes were accepted as corrected. The spelling of Trinkaus was corrected throughout. On page 4 in the 11th line from the bottom, “stonewall” should be “stonewalls.”

MOTION: To accept the 2/10/16 Regular Meeting minutes as

 corrected. By Mr. Papsin, seconded by Mr.

 Davis, and passed 4-0.

 (Mr. McCormack was not yet present.)

 Mr. McCormack arrived and was seated for Mr. Bedini.

 The 2/18/16 Allin Cottage, LLC. site inspection minutes were accepted as amended. The spelling of Ajello was corrected and on page 2 the last phrase in parentheses was deleted.

MOTION: To accept the 2/18/16 Allin Cottage, LLC. site

 inspection minutes as amended. By Mr. Papsin,

 seconded by Mr. McCormack, and passed 4-0.

 (Mr. LaMuniere did not vote because he had not

 attended the site inspection.)

Pending Applications

Bazos/90 Tinker Hill Road/#IW-15-52/Lake Access Path and Dock: Mr. Wadelton reported that a petition from Mr. Berner to intervene had been received, that it was a verified pleading with an attached four page engineer’s report and so met all requirements and it was, therefore, accepted by the Commission.

 Mr. Sabin, landscape architect, reviewed the site plan revisions to address concerns raised at the last meeting: 1) materials for the wooden stairs were specified, 2) the rain garden had been moved 8 to 10 feet to the east, 3) a note to require the daily stabilization of the work site was added, 4) a note to require daily silt fence at the edge of the road was added, and 5) information regarding the temporary plywood path was provided.

 Mr. Sabin objected to acceptance of the intervener’s petition because it was submitted so late in the application process; the application had been submitted in November, and because the intervener was from Warren. Mr. Wadelton responded that an intervener petition could be filed only for environmental impact reasons, the allegations did not have to be proved, and there were no filing time limits. He advised Mr. Sabin that an application extension would be required to give the Commission time to review both the allegations and the applicant’s responses. Mr. Sabin submitted a written request for an extension to March 24, 2016.

 The commissioners raised questions and concerns. 1) Mr. Papsin said he wanted a long term maintenance plan, which had been requested at the last meeting, and information to show that the rain gardens had been properly sized for the volume of runoff coming down the hill. 2) Mr. LaMuniere asked for confirmation that the proposed work on the gravel road that would prevent runoff from reaching the stairway path would be done first in the sequence of construction. Mr. Sabin said it would. 3) Mr. LaMuniere asked about the access path between points A - B and whether the intervals between the slabs would be reinforced and whether Mr. Sabin thought that traffic would damage the slope and erode it. Mr. Sabin stated that bark mulch would be used in the intervals. 4) Mr. LaMuniere asked if the plywood would be left in place for the duration of the construction to protect the slope and whether Mr. Sabin thought ledge spurs would be a problem. Mr. Sabin stated he would work around the trees and ledges, would have the plywood in place in each section during construction, and would stabilize section by section to limit the size of the disturbed areas. 5) With the goal of preventing sediment from reaching the lake, Mr. LaMuniere asked if it would be wiser to construct section C – D with its rain gardens and drainage dry well before working on section B – C, which he thought would be the most vulnerable to erosion. Mr. Sabin said it would also be wise to use the rain garden and dry well as shallow temporary sediment basins while work progressed and complete them at the end of the project. 6) Mr. LaMuniere thought his request for drilling to determine the location of ledge was still relevant because ledge could impact the installation of the rain garden. Mr. Davis also asked that the test drilling be done and the results reported back to Mr. Szymanski who could determine then if the rain gardens would function. 7) Mr. LaMuniere noted the Commission had asked for an engineered design and asked Mr. Sabin if the information he had provided was the same as what would have been included in an engineered design. Mr. Sabin said it was, based on his license as a landscape architect and his construction experience. 8) Mr. LaMuniere noted the plans had been revised the types and amounts of materials to be used would have changed, and so asked for a revised list. Mr. Papsin asked that the application form be revised, too. Mr. Papsin asked for confirmation that the canopy would not be cut and said he had previously asked for a planting plan. Mr. Sabin said he would work around the trees except in Area C-D and that the rain gardens would be planted with a native wet-dry seed mix.

 Mr. Trinkaus, engineer for the intervener, referred to his 2/23/16 review letter and in addition made the following points.

Mr. Trinkaus said the focus should be on stormwater management and that Mr. LaMuniere was correct when he asked for soil testing and drilling because at least 1 ft. of soil is required for the rain gardens to function properly. He did not recommend using the rain gardens as temporary sediment basins and he questioned how the runoff from the steps would be directed to them. Regarding the work proposed at the top of the project in the driveway area, he stated the swales proposed did not comply with the 2002 Ct. E&S Guidelines, the swales would have to be larger to accommodate a 10 year storm, that runoff follows the path of least resistance so it was unlikely it would turn off sharply and head away from the path as proposed, that details for the level spreader were lacking, and a grading plan was needed for the driveway. Regarding the work proposed at the base of the path, Mr. Trinkaus assumed there would be bedrock in this area causing sheet flow over the road or possibly frost heaves. He also noted 6 to 8 ft. X 3 ft. deep would be large enough for a landing area, but small enough so that it could not be used as a parking space. Noting the bedrock on the hillside, Mr. Trinkaus asked for better plans for anchoring the plywood on the steep slopes and for attaching the stairs to the rock. He stated that drainage calculations were needed for the upgrade swale and the rain gardens so it could be determined that they were adequately sized and that there would be no impact to the lake.

Dobson/295 New Milford Turnpike/#IW-16-03/Repair Septic System: Mr. Neff, engineer, responded to Mr. Ferlow’s 1/1/16 letter to Mr. Bedini. His plan, “Septic System Repair Plan,” revised to 2/17/16 was reviewed. Mr. Neff stated he had moved the stockpile area further from the river to the northern corner of the property. Mr. LaMuniere noted that the excavated material, except for top soil, would be hauled immediately off site. Mr. Neff also stated that new leaching units would be used instead of washing and reusing the old units. There were no additional questions or comments.

MOTION: To approve Application #IW-16-03 submitted by Mr.

 Dobson to repair the septic system at 295 New

 Milford Turnpike per the plan submitted, one

 sheet, by Mr. Neff, dated 1/4/16 and revised to 2/17/16; 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. Papsin, seconded by Mr. Davis, passed 5-0.

McLean/71 West Shore Road#IW-16-04/Replace Deck, Rebuild Retaining Wall: Mr. Ensley, contractor, explained the existing wall was falling down and would be rebuilt to the same dimensions. He said it would not be over 4 feet tall and would use the existing base and pad. He also stated that the old mahogany decking would be replaced with new mahogany boards. Photographs of the site were circulated. Mr. Ajello reviewed Mrs. Hill’s 1/27/16 review and the documents in the file and stated the erosion control measures were his greatest concern. Mr. Papsin noted an erosion control plan had not been submitted. Mr. Ensley said the proposed work would be done on an existing concrete slab. Mr. Wadelton said there was not much potential for erosion problems, noting that in addition, the EO would monitor the site. Mr. Papsin recommended a condition of approval that if the mahogany boards were to be stained, this work be done away from the lake.

MOTION: To approve Application #IW-16-04 for McLean/71

 West Shore Road to replace the deck and rebuild

 the retaining wall referencing the application

 itself and exhibits A-E; 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, and

 4. any staining of the deck shall take place

 10 feet or more from the lake;

 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. Davis, seconded by Mr. LaMuniere, passed 5-0.

Haddad/141 West Shore Road/#IW-16-06/2nd Story Addition, A/C Pads, Entrance Stairs: Mr. Clark, engineer, presented the site plan revised to 2/12/16, which included rain garden details, a planting plan, and the construction sequence. Also added to the plan was a table of measurements, a limit of disturbance line, and additional notes. He stated that in response to Mrs. Hill’s 1/27/16 review the proposed removal of invasives and work near the intermittent stream had been deleted from the application and he said no changes to the existing drainage system were proposed. Mrs. Haddad said she would address the brook and the invasives in a future application. Mr. Clark said that pea stone would be deposited on an 8 ft. wide strip of driveway and the A/C pads would be installed under the existing porch to move them farther from the wetlands. Mrs. Hill noted that Warren had been notified of the application because the property was located within 500 ft. of the town line. Mr. Ajello was concerned about further erosion to the driveway and recommended that heavier stone be spread during construction. Mr. Clark responded that in order to prevent erosion of the driveway, the previous owner had been granted a permit for a berm to divert the runoff from the driveway and direct it to the brook. He did not think that putting more stone on the driveway would help solve the problem. He proposed to put the construction of a diversion swale and berm back in the application saying that no work would be needed in the wetlands, just in the flat area to the north of the house. Mr. Ajello still thought an anti tracking pad should be installed during construction and Mr. LaMuniere agreed as these are required for most applications. Mr. Clark agreed to add 2 inch stone to fill the driveway ruts and to dress the driveway later when the project is completed. Mr. Wadelton asked Mr. Clark to add notes to the plan to describe the work to be done to install the berm and swale and to add their locations to the map.

MOTION: To approve Application #IW-16-06 submitted by Mr.

 and Mrs. Haddad to construct a second story

 addition, install A/C pads and entrance stairs,

 and construct a berm and swale at 141 West

 Shore Road per the map, “Site Plan,” by Oakwood

 Environmental Associates Consulting Engineers,

 dated 1/26/16 and revised to 2/12/16; 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,

 3. any changes to the plans as approved must be

 submitted immediately to the Commission for

 review,

 4. that a gravel anti tracking pad be installed

 on the driveway during construction, and

 5. that construction details for the berm and

 swale to be installed to the north of the house

 in order to control the overflow from the wetlands

 pocket towards the house be submitted;

 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. Papsin, passed 5-0.

Rumsey Hall School/201 Romford Road/#IW-16-07/2nd Story Addition to Office Building, Install Sewer Lateral, Resurface and Expand Existing Sidewalk and Parking: Ms. Scodari, Business Manager, noted that a revised cover letter and plans had been submitted since the last meeting. Mr. Aston, engineer, stated the revisions included a new project narrative, details regarding the erosion control measures, an anti tracking pad, and the addition of a stockpile area. Mr. LaMuniere asked if sufficient wetland protection measures had been added to ensure that sediment would not migrate into the wetlands. Mr. Aston noted the location of the proposed silt fence and pointed out that this had been addressed in the new narrative.

MOTION: To approve Application #IW-16-07 submitted by

 Rumsey Hall School/201 Romford Road to rebuild

 and enlarge the office building, install a septic

 lateral, and add parking and sidewalks per the

 plans, “Administration Building Replacement,” 12 sheets, by Buck & Buck, LLC., dated 2/18/16; 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. Papsin, seconded by Mr. Davis, and approved

 5-0.

Allin Cottage, LLC./217 West Shore Road/#IW-16-08/Single Family Dwelling, Guest House, Pool, Septic System, Well, Driveway, Accessory Building, Float, Dock, Parking Area: Mr. Wadelton noted a petition from Mr. Berner for intervener status had been received, that it was a verified pleading, had been properly notarized, and included an engineer’s report by Mr. Trinkaus. He stated the petition was accepted by the Commission. Mr. Szymanski, engineer, stated he had only received Mr. Trinkaus’s report late in the afternoon and so had not had time to respond. He noted the statute states clearly that any party may intervene based on a two part test; one being that the proposed activity is reasonably likely to unreasonably pollute the wetlands or watercourse. Mr. Wadelton agreed saying it was up to the intervener to prove that unreasonable pollution would result.

 The plan, “Proposed Site Development Plan,” by Arthur H. Howland and Assoc., revised to 2/24/16 was reviewed.

 Mr. Szymanski briefly addressed some of the points raised in Mr. Trinkaus’s 2/23/16 report. 1) He handed out an excerpt from the CT DEP 2004 Stormwater Quality Manual and pointed out that document considers 10% coverage as open, not low density development, and he added low intensity development was unlikely to impact watercourses. 2) Regarding the concerns raised about erosive soil types, Mr. Szymanski compared this site to the nearby Stiles project, where, he said, 25% of the lot was disturbed without any adverse impacts to the lake and said the Allin Cottage work would be completed in sections to limit the area disturbed at any one time. 3) He confirmed that he had not submitted drainage calculations.

 Mr. Trinkaus advised that if an appropriate treatment system is not installed there can be adverse impacts even at 3% coverage. He said the upper most swale had to be properly sized to convey the runoff that the proposed 1 ft. X 1 ft. swale could not handle. Mr. Szymanski said there was a swale proposed to intercept and redirect the watercourse, but he would look at that more closely. Mr. Trinkaus noted that rain gardens are dry systems and warned they would not function properly if they hit seasonal groundwater when installed. He said that groundwater could also impact the cultec system proposed, but that insufficient data had been submitted to make that determination. He noted that if the proposed stormwater management systems overflowed and discharged into the lake the result would be unreasonable pollution. Other points by Mr. Trinkaus included that a thorough review of the plan is needed to make sure it will work, there were no provisions proposed to handle both surface flow and groundwater from the cut into the hillside for the parking area, and the flow from the intermittent streams and seasonal runoff had not been addressed.

 Mr. Szymanski asked Mr. Trinkaus to get any additional comments to him in a timely manner. Regarding the cut for the parking area, he stated a 9 inch berm had been proposed on the downhill side, but said he could also install a curtain drain on the uphill side. He said he would provide information about the groundwater table and spot elevations. Mr. Szymanski noted the cultec system would handle the roof runoff and had been designed for a 100 year storm event and that the impervious surfaces of the buildings had been counted when designing the rain gardens, so actually they would handle double the amount of water that they need to handle. He said the driveway would not be paved and that its runoff would sheet flow into forested areas. Mr. Trinkaus said that a driveway with a grade of over 6% should be paved to prevent erosion.

 Mr. Szymanski discussed how any overflow from the cultec system and rain gardens would be captured in a roadside catch basin and directed easterly through a 15 inch pipe to a remediation recharge system. Mr. Trinkaus thought Mr. Szymanski had made too many assumptions without test results that the proposed infiltration system would work. He stated that as designed none of the proposed systems would properly infiltrate water and so the runoff would blow through the remediation system and increase pollution to the lake. He said likely pollutants were metals, suspended solids, and nutrients such as phosphorous. Mr. Szymanski explained how he had over designed both the cultec system and rain gardens, but Mr. Trinkaus countered that if the ground is saturated, water will not infiltrate, and untreated runoff will reach the lake. He thought a designed wetland would be a better solution. Mr. Szymanski said he would provide additional data and make adjustments if necessary.

 Mr. LaMuniere stated the Commission would consider whether there was a reasonable likelihood that the activities proposed would result in an unreasonable impact to the lake and he asked Mr. Szymanski for a written response to Mr. Trinkaus’s letter.

 Mr. Szymanski noted the difference between state guidelines and the Town’s regulations. He also recommended the Commission inspect his ongoing project at 199 West Shore Road to compare the properties and see how that plan is functioning. Mr. Szymanski also stated that calculations cannot substitute for consideration of site conditions.

 Mrs. Hill was asked to notify the commissioners when further data and revisions are submitted so that they can review them before the next meeting.

New Application

Milbauer/119 West Shore Road/#IW-16-09/Reside Dwelling: Mr. Johnson, contractor, listed the proposed work; removal of siding and installation of clapboards, reroof, and replace the windows. He stated there would be no change to the volume or shape of the existing dwelling, no change in its footprint, and no soil disturbance. Site management concerns were discussed. Mr. Johnson noted that due to site constraints, the only place available for parking was the existing driveway. Mr. Papsin stated the Commission’s only concern was erosion due to construction vehicle traffic. Mr. Ajello recommended berming around the catch basin at the bottom of the driveway, installing hay bales at the driveway at the end of each day, and the phasing of workers. Mr. Johnson noted the project would not increase the runoff on the property. Mr. Papsin recommended the dumpster be covered each night so that potentially hazardous demolition materials could not be covered with rain water, which then might leak onto the property. The map, “Map Prepared for James A. and Julia F. Case, by Mr. Bertaccini, dated 4/30/90 and photos of the property were studied. Mr. Johnson was asked to submit a narrative on what reasonable steps would be taken to manage the construction site.

Enforcement

 Mr. Ajello reviewed his 2/22/16 activity report and noted several DEEP permits for herbicide applications whose local permits had not yet expired.

 Mr. Wadelton adjourned the meeting at 9:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator