Inland Wetlands Commission

MINUTES Regular Meeting February 27, 2019

7:00 p.m. Main Level Meeting Room

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

MEMBER ABSENT: Mr. Davis

ALTERNATES PRESENT: Mr. Kassis, Mr. Matthews

STAFF PRESENT: Mrs. Hill, Mr. Tsacoyannis

ALSO PRESENT: Mr. Fowler, Mr. Woodward, Mr. Hrica, Ms. Turoczi, Mr. Bent, Mr. Charles, Mr. Laifer, Mr. Hayden

Mr. Wadelton called the meeting to order at 7:00 p.m. and seated Members Bennett, LaMuniere, Papsin, and Wadelton, and Alternate Kassis for Mr. Davis.

Consideration of the Minutes

The 2/13/19 Regular Meeting minutes were accepted as amended. Page 1: Atty. Ebersol should have been listed as also present. Page 6: Mr. Matthews and Mr. LaMuniere had asked for a transcript of the discussion that had taken place on February 13, 2019 immediately after the representatives for Collins/323 West Shore Road had left the meeting and thought the minutes were incomplete without it. Mr. Wadelton responded he had asked Mrs. Hill not to do the transcript because it would be a bad precedent to provide transcripts for individuals and that he had dealt with the issues raised during that discussion in a letter he had sent to Mr. Matthews. Mr. LaMuniere noted that because commissioners could not discuss commission business outside the meetings, the transcript was needed so that those who had been absent would know all that had transpired. Mr. Wadelton noted that as written, the minutes included all that was legally required. Mr. LaMuniere said he could not approve the minutes as written because they were not complete and did not reflect the substantive discussion, which had taken place.

MOTION: To accept the 2/13/19 Regular Meeting minutes as amended. By Mr. Kassis, seconded by Mr. Bennett, passed 4-1. Mr. LaMuniere voted No.

MOTION: To include the following subsequent business not already posted on the Agenda: New Application: A. Woodco, LLC./78 Litchfield Turnpike/#IW-19-09/ Remove Debris from Upland Review Area. By Mr. Papsin, seconded by Mr. LaMuniere, passed 5-0.

Pending Applications

Rumsey Hall School/201 Romford Road/#IW-19-06/Install Foundation Drain: Mr. Tsacoyannis reported the applicant had sent in the information requested at the last meeting. The plan, “North Dorm Foundation Drain,” had been revised to 2/20/19 to indicate the trees to be cut and the construction sequence had been added. The revised plan was reviewed by the commissioners.

MOTION: To approve Application #IW-19-06 submitted by Rumsey Hall School/201 Romford Road to install a foundation drain per the plan, “North Dorm Foundation Drain,” by Buck & Buck, LLC., dated 2/4/19 and revised to 2/20/19; 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. Papsin, seconded by Mr. LaMuniere, passed 5-0.

McGill and Sweeney/105, 107 River Rd./#IW-19-07/Remove Invasives, Repair Driveway: Mr. Papsin noted he had inspected the property and had observed there were several trees that were not healthy. He thought perhaps the applicants may want to apply for a five year permit to include potential tree work. Mr. Wadelton noted that written approval from Steep Rock, the holder of the conservation easement on the property, had not yet been submitted and so the Commission could not yet act on the application.

Williams/23 Loomarwick Road/#IW-19-08/Shed, Bocci Court, Deck, and Fire Pit: Mr. Fowler, contractor, circulated photos of what was proposed and what was not proposed on the property. Mr. Papsin asked about the construction of the proposed fire pit. Mr. Fowler explained that timbers would be “excavated into” the dirt without taking out any of the soil. He stated if there was any loose soil as a result, it would be lightly spread around the site. He noted, too, that erosion controls would be installed. Regarding the proposed bocci court, Mr. Fowler stated it would be 12’ X 50’ and installed in a relatively flat area. Timbers would be installed and the court filled in behind them with crushed stone. Mr. Papsin noted the site plan did not include distances from property lines and wetlands and watercourses. Mr. Fowler said the shed, which was proposed just north of the bocci court, would be approximately 50 feet from the swale/intermittent watercourse. (The site plan shows it is approx. 10 feet from the flagged wetlands.) It will be placed on blocks on a pad of crushed stone. Also proposed was a 10’ X 30’ deck under the existing deck. It will be constructed close to the ground and will replace the pea stone area there now. It was noted a project narrative had been provided.

MOTION: To approve Application #IW-19-08 submitted for Williams/23 Loomarwick Road for a bocci court, fire pit, deck, and shed per the plan for LGA Holdings, dated 2/28/19; 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. Papsin, seconded by Mr. Kassis, passed 5-0.

New Application

Woodco, LLC./78 Litchfield Turnpike/#IW-19-09/Remove Debris from Upland Review Area: Sean Woodward explained that Steep Rock was pushing for the cleanup of the old equipment, tanks, and machinery abandoned on this property and had recommended that Enviro Shield be hired to do the work. He said he had intended to clean up the debris last summer, but it had been too wet. Some of the equipment has been there for so many years that it has sunk down approximately 2 ft. and will have to be pulled out. Mr. Wadelton advised Mr. Woodward that any tanks or equipment that can be removed without disturbing the soil may be taken out now without a permit. It was questioned whether the current application was for only the removal of tanks or if it included all equipment and machinery. It was noted the removal of all equipment and machinery had been applied for. Mr. Matthews advised Mr. Woodward it would be best to have Enviro Shield remove as much as possible while the ground was frozen. Mr. Bennett asked if the tanks would be pumped out before they were removed. Mr. Woodward said, yes, Enviro Shield would pump them out first. Mr. Wadelton said it would not be necessary for Mr. Woodward to attend the next meeting and that a condition of approval would be that the applicant give the WEO 48 hours notice prior to the commencement of work and that he meet with Mr. Tsacoyannis before work begins.

Other Business

Collins/323 West Shore Road/Non Compliance with Permit #IW-17-31: Mr. Papsin recused himself. Mr. Hrica, engineer, reviewed the proposed work for the benefit of those commissioners who had not attended the last meeting. He submitted the revised plan, “Stone Patio Remediation Plan,” by Hrica Associates, LLC., revised to 2/27/19. He explained that all the new stones and the flat faced rocks would be removed from the shoreline, no material would be added along the shore, and a 1:1 slope installed from the shore to the patio. Mr. Wadelton asked if a 1:1 slope would be adequate to dissipate the wave action. Mr. Hrica said it would. Mr. Hrica stated the scale on the approved 2017 plan misrepresented the amount of area available in which to do the approved work and so the plan had not been viable. He proposed to recreate the shoreline and to move the patio back up 3 feet at some points. Cross sections of the site were reviewed. It was noted the base stones proposed for the shoreline were pre existing and that there are photos in the file to confirm pre existing conditions. Mr. LaMuniere noted the new patio is very extensive and much larger than the patio shown on the approved plan. He asked how much of it would be removed. Mr. Hrica said it would be removed to the 101 ft. contour, which meant that there would be approximately one third less patio. Mr. Bennett asked how the proposed decorative stone would be installed. Per the plan they will dig down 6 inches, lay down fabric, and then spread pea gravel. Ms. Turoczi, landscaper, said this would allow road runoff to flow through. Mr. Hrica stressed this would be clean washed stone with rounded edges, not pavers. Mr. LaMuniere asked why they proposed pea stone instead of grass as he had heard that grass and herbaceous material would lessen the impact of road salt. Ms. Turoczi said she knew of no grass that could handle salt, adding that grass would require maintenance and fertilizer. Mr. Bennett asked if the proposed plan would allow water to infiltrate. Mr. Hrica said it would. Due to the scope of the changes proposed, Mr. Matthews and Mr. LaMuniere asked for a site inspection. Ms. Turoczi reviewed the proposed planting plan to remove the invasives and replace them with native plants for each of the zones; shoreline, middle, and upper dry zone. Stones and soil now covering the birch tree roots and the roots of a young hickory will be removed, and plants will be planted in holes and in empty spaces throughout the site. Mr. Bennett asked if the proposed plants would be typical vegetation found around the lake and Ms. Turoczi said they would. She said the patio would be pulled back, the original space reclaimed, and plant material added. Mr. LaMuniere pointed out that those were not the conditions shown in the photos of the site taken before the patio was installed. Ms. Turoczi responded that if the Commission was opposed to her adding soil and putting in plants in some areas she would comply. Mr. LaMuniere noted how the Commission strives to protect the canopy along the edge of the lake. Ms. Turoczi said the proposed work would not harm the birches or hickory trees. Mr. LaMuniere again said he would like a site inspection so he could better understand the proposal. Ms. Turoczi submitted her plan, “Conceptual Sketch to Amended Patio Edge,” no revision date, but received 2/27/19. A site inspection was scheduled for Wednesday, March 6, 2019 at 4:30 p.m. Mr. Hayden of the Lake Waramaug Task Force was present and Mr. Wadelton said he would be welcome to attend and that the Commission would appreciate his comments at the next meeting.

Enforcement

Mr. Tsacoyannis noted he had sent his report out in advance of the meeting and spoke briefly about the following additional matters: Steep Rock Assn./124 Christian Street/#IW-18-36: Mr. Tsacoyannis reported the work to remove the invasives was almost completed. Mr. Wadelton noted the Commission preferred the burn treatment described in the proposed revision of the permit to the chemical treatment of glyphosate originally approved, but said that the contractor had withdrawn the application to revise the permit so burning off the new shoots was not possible under the current permit. He hoped Steep Rock was aware the application for the revision had been withdrawn and that there were better options available for doing this work. Mr. Tsacoyannis will check with Steep Rock to make sure it is aware of what transpired.

101 Wykeham Road, LLC./101 Wykeham Road: Mr. Tsacoyannis had written to both Fuscoe, the environmental clean up company, and to Ms. Klauer, property owner, regarding the submission of a plan that separates the clean up operation from the construction process. Atty. Kelly has also been in to discuss this matter with him. A possible bond for the clean up was also discussed. Woodruff/3 West Shore Road: Mr. Tsacoyannis recommended a site inspection be scheduled as he believed Mr. Woodruff had recently asked that the notice of violation be removed from the Land Records. However, it was noted the request had been made several years ago and no clean up work has been done on site since then. Mr. Kassis thought perhaps doing corrective work now could result in further damage. It was the consensus not to schedule an inspection until the owner reports that clean up work has been undertaken.

Privilege of the Floor

Mr. Hayden of the Lake Waramaug Task Force noted the IWC had previously approved the installation of a dock at Arrow Point, but that he now knew he would have to pour come concrete in order to attach the dock to the shore. Mr. Wadelton directed him to consult with Mr. Tascoyannis.

A bond for the 101 Wykeham Road clean up was again discussed. Mr. LaMuniere pointed out that the Commission had previously OK’d a small bond for the clean up of hazardous materials after the fire. Mr. Wadelton said he did not think such a bond was possible.

Mr. Wadelton reported that he had consulted with Atty. Olson who had advised him regarding properties for which the IWC had granted agricultural exemptions, that approval and permits from other commissions such as ZBA and Zoning were still required for buildings and structures.

The meeting was adjourned at 8:26 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator