Inland Wetlands Commission

MINUTES Regular Meeting February 28, 2018

7:00 p.m. main level meeting room

MEMBERS PRESENT: Mr. Papsin, Mr. LaMuniere, Mr. Wadelton MEMBERS ABSENT: Mr. Bennett, Mr. Davis ALTERNATE PRESENT: Mr. Matthews ALTERNATE ABSENT: Mr. Kassis STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Neff, Mr. Komisar, Mr. Turner Mr. Charles, Mr. Szymanski, Mr. Barnet, Mr./Mrs. Solomon, Mr. Buonaiuto, Mr. Cava, Mr. Bedini, Mrs. Branson, Mr. Temple, Mr. White, Mr. Couch, Ms. Maugiagli, Ms. Laukaitis

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

MOTION: To include the following subsequent business not already posted on the agenda: V. New Applications: B. Regional School District #12, 159 South Street/#IW-18-09/Ag Stem Plans. By Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0.

Consideration of the Minutes

The 2/14/18 Regular Meeting minutes were accepted as corrected. Mrs. Hill pointed out that on pages 4 and 5 all references to the Lake Waramaug Authority should be the Lake Waramaug Association.

MOTION: To accept the 2/14/18 Regular Meeting minutes as corrected. By Mr. Papsin, seconded by Mr. Matthews, and passed 4-0.

Pending Applications

The Gunnery, Inc./Lake Waramaug/#IW-18-03/Installation of Anchors and Cables for Race Course, Removal of Existing Anchors: Mr. Matthews recused himself. Mr. Turner noted that he had received emails from Ms. Weeks and Mr. and Mrs. Stitler granting permission to remove the existing anchors from their shoreline properties. He also reported that he had spoken with Mr. Hayden of the Lake Waramaug Authority, who saw no problem with either cutting off the existing anchors below grade or pulling them out. Mr. Wadelton explained the Commission requires documentation on exactly which method of removal will be used. Mr. Turner stated the logical time to remove the anchors would be during the fall draw down and he asked if it was possible for the Commission to act now on only the race course improvements. Mr. Wadelton thought a jurisdictional ruling could be made as the course was considered passive recreation and its installation would not disturb the lake. Mr. LaMuniere agreed there would be no impact to the lake and no reason not to approve the proposed course. It was noted any jurisdictional ruling would not include the removal of the anchors.

MOTION: To make a jurisdictional ruling that a permit is not required for The Gunnery, Inc./#IW-18-08 to install anchors and cables to update the race course on Lake Waramaug. By Mr. LaMuniere, seconded by Mr. Papsin, and passed 3-0.

Mr. Matthews was reseated.

101 Wykeham Road, LLC./101 Wykeham Road/#IW-18-04/Inn: Mr. Wadelton reported that a 62 signature petition requesting a public hearing had been received. A public hearing was scheduled for Tues., April 3, 2018 at 7:00 p.m. in the upper level meeting room.

Tollman/25 and 41 New Preston Hill Road/#IW-18-05/Lot Line Revision: It was noted the application had been discussed at the last meeting. The plan, “Site Development Feasibility Plan,” by Mr. Neff, dated 12/11/17 was reviewed. Mr. Neff, engineer, explained that two lots were proposed; both well over the minimum lot size required per the Zoning Regulations, and that there were wetlands on the site in close proximity to the proposed driveway location. Because this review was for feasibility only and no activities were now proposed, Mr. Wadelton asked that the applicant’s fee be returned, the application voided, and the Planning Commission informed the IWC has no problems with the feasibility plan.

Baratta/236 Nettleton Hollow Road/#IW-18-06/Driveway and Drainage Work: Mr. Neff, engineer, presented his plan, “Soil Erosion and Sediment Control Plan,” revised to 2/8/18 and said most of the project was outside the regulated area. He pointed out the 100 ft. setback line and said only a short length of the proposed driveway and the installation of some pipes to connect with the existing drainage system were regulated activities. It was noted there had been no changes to the plans since the last meeting.

MOTION: To approve Application #IW-18-06 submitted by Mr. Baratta for the installation of a driveway and drainage system at 236 Nettleton Hollow 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, 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 4-0.

Canning – Straw Man, LLC./135 Bee Brook Road/#IW-18-07/Revision of Permit #IW-09-44/Drainage Modifications, Eliminate Boulder Wall: Mr. Wadelton recused himself. Mr. Szymanski, engineer, presented his revised plan, “Site Development Feasibility Plan,” revised to 2/28/18 and said the revisions had been based on the discussion at the last meeting. These revisions included; 1) the elimination of all disturbance on the down grade side of the driveway, 2) the addition of a cross culvert pipe with infiltration area and level spreader, 3) elimination of the boulder wall, 4) incorporation of an earthen berm level spreader at the base of the roadway upgrade of the stonewall on the west side of the driveway, and 5) a maintenance plan for the driveway, swales, and infiltration areas. Mr. Papsin asked if the proposed jute mats and plantings would be installed as soon as possible. Mr. Szymanski said they would. Mr. Ajello asked that extra protection be installed around the two stockpiles on the west side of the driveway, and said otherwise, he had no problem with the application. Mr. Szymanski agreed to add staked haybales as requested. In response to a question from Mr. Matthews, Mr. Szymanski reviewed how the drainage system functions and said there was no chance that there would be erosion that would result in the formation of a ravine.

MOTION: To approve Application #IW-18-07 submitted by Mrs. Canning-Straw Man, LLC./135 Bee Brook Road to revise Permit #IW-09-44 to eliminate the boulder wall and for drainage modifications per the plan, “Site Development Feasibility Plan,” by Arthur H. Howland and Assoc., dated 10/5/17 and revised to 2/28/18; 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. LaMuniere, seconded by Mr. Matthews, passed 3-0.

Mr. Wadelton was reseated.

New Applications

Komisar/154 New Milford Turnpike/#IW-18-08/Drill Well: Mr. Komisar, property owner, pointed out the location of the existing and proposed wells on the map, “Site Layout Plan, Proposed Turnaround,” by Berkshire Engineering and Surveying, LLC., revised to 2/21/18 and said the Health Dept. had approved the proposed location. He noted he would put in the well before beginning the previously approved work on the turnaround and said he had not yet decided whether to drill or pound. It was the consensus this was a straightforward application and that Mr. Komisar did not have to attend the next meeting.

Regional School District #12/159 South Street/#IW-18-09/Ag STEM Plans: Mr. Cava, Building Committee chairman, spoke briefly about the Ag STEM program and introduced the professionals who would make the presentation to the Commission; Mr. White, landscape architect, Mr. Temple, soil scientist, Ms. Maugiagli, Ms. Laukaitis, civil engineer, and Mr. Couch, engineer. Mr. Brennan presented the plan, “Overall Site Plan,” by Matinez, Couch, and Assoc., dated 2/27/18. He pointed out the location of wetlands on the 67.9 acre site; the northeast corner far from the proposed improvements, a pocket between the upper and lower athletic fields, the pond, and the intermittent stream flowing south of the pond. He noted there were existing driveways and structures within the regulated areas. On a second map he showed the locations of all of the proposed work whether or not it was within the 100 ft. setback. The proposal included additions on the north and south ends of the existing main building, expansion of the eastern main parking lot, additional access and a small parking area to the south of the main building, growing fields, raised beds, and an emergency access also on the south side of the building, a level animal turnout area with associated stormwater system, riding ring and walkways, a change to the service driveway on the east side of the pond, several out buildings, a ramp to the upper field, and a graduation platform. Also, if the budget allows, another athletic field will be installed because the new building displaces part of the existing field. Mr. Brennan stated that there would be no impact to the pond and that the proposed regrading would not impact any wetlands. Mr. Cava stated that impacts would be kept to a minimum by utilizing the existing building whenever possible. Mr. Couch addressed the stormwater management system. He stated that TR55 had been used for the hydrology calculations and that the pipes had been sized to accommodate 2 to 100 year storm events. He said that although there would be approximately 3.5 acres of additional impervious surfaces on the site, there would be no increase in runoff due to the subsurface detention facilities and outlet control structures that would be installed. He noted that currently there is no stormwater treatment for the existing parking lots so the implementation of the proposed facilities will result in “higher integrity water than what exists now” with no increase in runoff. The locations of existing and proposed catch basins and the need to clean them regularly were noted. Mr. Couch also noted that the area around the pond had been previously disturbed, had no wetlands vegetation, and was not currently a habitat, and so there would be no impact to the wetlands. Mr. Couch explained that new pipes from the pond would be installed and that they would have grates and rip rapped outlets to prevent erosion. He also advised the commissioners that the plans include a maintenance plan. Mr. Temple reviewed his soil report, amended to 8/8/17. He stated the area has man made and poorly drained soil types, filled areas, a high water table, and compact till, which impedes water percolation; all of which were good reasons to install drainage pipes. His report also included the location and characteristics of the wetlands on site and information about the thirteen functional values of wetlands. He noted that neither the pond nor the intermittent stream have any associated natural wetlands soils, that the man-made ditch has no functional wetlands values, and none of the work would impact the wetland in the northeast corner of the property because it is too far away from the work site. He concluded that the proposed building would have no impact on the wetlands and that the proposed erosion controls would adequately protect them. Mr. Brennan stated that the construction company, O and G Industries, would phase the construction and would install the required erosion and sedimentation control measures throughout the site. He said the DEEP will also monitor the site for turbidity and stormwater discharge. Mr. Couch stated a DEEP permit is required because over 5 acres would be disturbed, and added that the permit requires weekly reports, which will be available to the Commission, and extra materials on site for the immediate repair of the erosion controls when needed. In response to a question from Mr. Papsin, Mr. Couch explained why runoff from the equine center and paddocks would not be a problem. Mr. LaMuniere asked if the final plans included a construction sequence, the location of the erosion controls, etc. Mr. Couch stated the DEEP requires phased construction and erosion control plans that the contractor must follow. Mr. Papsin asked if an independent contractor would monitor the work. Mr. Couch said the inspections would be done by both the design engineer and an independent professional who would report monthly to the DEEP. A site inspection was scheduled for Tuesday, March 6, 2018 at 3:00 p.m.

Enforcement

Mr. Ajello briefly reviewed his 2/28/18 activity report. Mr. Matthews asked about the work he had observed on the Spring Hill Farm property at approximately 290 Bee Brook Road and whether a permit had been issued. Mr. Ajello responded that utility work was in progress. Angell/47 West Shore Road/Unauthorized Lake Shore Construction: It was noted that the Lake Waramaug Association, the holder of the conservation easement, had denied the plan and so the enforcement order would be carried out. Mr. Ajello stated that weather conditions would have to be considered when ordering the removal of the terrace.

Administrative Business

Possible Revision of the Regulations: Mrs. Hill said she had written to Mr. Hayden of the Lake Waramaug Authority for information regarding the definition of “shoreline” but had not yet received an answer. She had also checked Warren’s, Morris’s, Litchfield’s, and Kent’s Wetlands Regulations, but they did not include a definition for “shoreline.” Mr. Matthews suggested Washington work with Kent and Warren to “harmonize” the regulations for Lake Waramaug. Mr. Papsin recommended instead that Washington first work on its Regulations with Mr. Hayden’s help and then ask Mr. Hayen to present them to the other towns. Mr. Wadelton agreed that Washington should take a leadership role.

Mr. Wadelton adjourned the meeting at 9:12 p.m.

FILED SUBJECT TO APPROVAL Respectfully submitted, Janet M. Hill, Land Use Administrator