Inland Wetlands Commission

MINUTES

Regular Meeting

March 22, 2017

7:00 p.m. Main Level Meeting Room

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

 Mr. Papsin, Mr. Wadelton

ALTERNATE PRESENT: Mr. Bennett

ALTERNATE ABSENT: Mr. Kassis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Sabin, Mr. McMorrow, Mr. Komisar, Mr. Dobson, Mr. Szymanski, Mr. McGowan

 Mr. Bedini called the meeting to order at 7:00 p.m. and

seated Members Bedini, Davis, LaMuniere, Papsin, and Wadelton.

Consideration of the Minutes

MOTION: To accept the 3/8/17 regular meeting minutes

 as submitted. By Mr. Wadelton, seconded by Mr.

 Papsin, passed 4-0-1.

 Mr. Davis abstained because he had not attended

 the meeting.

Pending Applications

Stiles and Angiollo/25 West Shore Road/#IW-17-06/Lake Shore Steps, Retaining Wall, Electrical Conduit: Mr. Szymanski, engineer, responded to Mrs. Hill’s 3/7/17 application review. He presented a revised plan, “Existing Building Location Map and Proposed Lakefront Work,” revised to 3/22/17. He stated 1) notes had been added that the land use office would be notified at least 48 hours prior to the start of work, 2) Mr. Stiles would be responsible for inspecting and maintaining the erosion control measures, and 3) details for the construction of the retaining wall had been added. He said that 6 yards of material would be deposited on the up gradient side of the retaining wall. He also proposed to place bluestone on the existing abutment; on top, but not extending over the sides. On the side of the abutment, 6” to 12” angular rip rap would be placed to break up the wave action. He also proposed planting winterberries with a 2” to 3” mulch. He noted, too, that the top soil would be fully contained behind the retaining wall and that any excess material would be taken away. Mr. Ajello noted no activity was proposed that was directly in the water or that would impact the water, but asked if there were any provisions for retaining the loose soils. Mr. Szymanski said there would be no disturbance along the shoreline; the only disturbance would be between the concrete and the road. He said there were areas on the back side of the wall that would allow infiltration and that minor adjustments could be made on site if needed.

MOTION: To approve Application #IW-17-06 for Stiles and

 Angiollo, 25 West Shore Road, to install lake shore

 stepping stones, a retaining wall, and electrical

 conduit per the reference document, “Existing

 Building Location Map and Proposed Lakefront Work,”

 by Arthur H. Howland and Assoc., dated 3/2/17 and

 revised to 3/22/17; 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,

1. that the property owner give the contractor copies

of both the motion of approval and approved plans

prior to the commencement of work, and

1. 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. Papsin, and

passed 5-0.

Angell/47 West Shore Road/#IW-17-07/Lakeside Terrace, Shed, Landscaping: Mr. Sabin, landscape architect, presented a revised site plan and a rendering of the proposed shoreline. He stated that in response to the comments made at the last meeting, the revised plan concentrated on the restoration of the shoreline. He said he had determined where the natural shoreline had been and drew up plans to propose pulling out the terrace to that point so that it no longer projected out into the water, and then creating an irregular boulder and rip rapped shoreline. He proposed to leave the remaining section of terrace in place and to extend it back into the hillside where it would be at a low grade and could not be seen from the road. Other proposed activities such as landscaping, removing a section of stonewall that serves no purpose, and removing chunks of concrete and pieces of asphalt would remain as previously proposed. Mr. Sabin also stated that to correct erosion behind the existing wall near the biofilter, the area would be planted including ferns within the bio buffer. Non native autumn olive would be removed from the buffer garden. Mr. Sabin showed a rendering of what he proposed the shoreline would look like after the proposed work had been completed. Mr. Ajello asked what he was designating as the location of the original shoreline. Mr. Sabin stated it was 3 feet back and ran through the center of the dock. Mr. Ajello presented old photos, which, he said, showed that the original shoreline was located further back. Mr. Wadelton viewed the photos and agreed that the original shoreline was not where Mr. Sabin proposed, but was at least 2 to 3 feet further back. Mr. LaMuniere agreed, but thought it was 2 to 4 feet further back. Mr. Ajello read from the 3/8/17 minutes that stated when the terrace was removed and the shoreline restored to its original state, the Commission would then consider an application for a terrace somewhere else on the property. Mr. Sabin responded that his proposal would limit the disturbance along the shoreline because the removal and reconstruction would be done at one time. Mr. Sabin briefly explained how he had determined the location of the original shoreline and suggested the Commission meet on site to determine where it was. Mr. Ajello noted Mr. Angell was under an enforcement order to remove the terrace and extension because the Commission would not have permitted a patio at the shoreline, would not have allowed it to extend into the water, and furthermore, Section 11A of the Regulations would not have allowed it. Mr. Bennett, Mr. Papsin, and Mr. Wadelton agreed the enforcement order was to remove the terrace and so said it should be taken out. Mr. LaMuniere agreed, saying the Regulations were strict and the order was not open for discussion. Mr. Sabin noted that Mr. Angell was not ignoring the order; he was trying to resolve the violation. He said he now understood there was no way to resolve the issue without first removing the terrace. Mr. Papsin asked if Mr. Angell had paid his fine, but Mr. Ajello responded that he had not yet been fined. Mr. Sabin submitted a letter of withdrawal dated 3/22/17.

New Applications

Komisar/154 New Milford Turnpike/#IW-17-08/Driveway and Retaining Wall: Mr. McMorrow, engineer, presented the plan, “Site Layout Plan Proposed Turnaround,” by Berkshire Engineering and Surveying, LLC., revised to 3/17/17. Mr. Komisar was also present. Mr. McMorrow pointed out the location of the existing building, driveway, and the East Aspetuck River and noted the land slopes down to the river. He explained there was no way to turn around in the existing driveway so that you didn’t have to back out onto Rt. 202, and that part of the driveway was not on the Komisar property so Mr. Komisar planned to purchase a piece of adjoining property from the state so he could install a turnaround. He said it was important to maintain the existing gravel accessway to the lower part of the property and so proposed to construct a retaining wall and to fill in behind it to construct the turnaround. Mr. McMorrow addressed the items listed in Mrs. Hill’s 3/17/17 review. Regarding materials to be deposited, he added 10 yards of stone for the retaining wall footing and 30 yards for the concrete block wall. He spoke briefly about the proposed interlocking wall, saying it would only be necessary to dig down 1 foot to set the blocks and that the company would provide specifications if the Commission required them. Mr. LaMuniere questioned whether there would be compaction under the weight of the blocks, which would cause the wall to sink. Mr. McMorrow said that should not be a problem because the sand and gravel on site would provide a good base. He also explained the work to construct the wall could be done with a mid sized excavator from both the accessway below and the existing driveway and that the wall segments would have geogrids. Mr. Davis voiced his concern about work being done so close to the edge of the river. Mr. McMorrow responded that no work would be done on the 2:1 slope and that equipment would stay on the accessway. Mr. Davis asked if hay bales would be installed. Mr. McMorrow said he would move the proposed silt fence to the outside edge of the disturbed area. He explained the work was proposed for the dry season, the duration of work would be 4 to 6 weeks, said he had added more detail to the sequence of construction, and pointed out the stockpile area and limit of disturbance line. Mr. Komisar submitted the signed conservation form and Mr. McMorrow submitted a revised application form. Mr. Davis asked if the 12 foot tall wall would have weep holes. Mr. McMorrow said that would be up to the designers, but said sometimes crushed stone is used for backfill to accommodate the natural drainage. Mr. Papsin asked if the side slopes would be planted with perennial seed. Mr. McMorrow said there would not be much area to seed as the turnaround would be paved. There were no further questions and it was noted the applicant did not have to attend the next meeting. Mr. McMorrow said he would submit a revised plan with the new silt fence location.

Dobson/195 and 200 Church Hill Road/#IW-17-09/3 Lot Subdivision Feasibility: Mr. Dobson presented the plan, “Site Development Feasibility Plan,” by Mr. Neff, dated 3/9/17 for a three lot subdivision on 30+ acres at the intersection of Church Hill and Popple Swamp Roads. No activities were proposed within 100 feet of any wetlands or watercourses. It was noted that the Inland Wetlands Commission had to review the application before it was submitted to the Planning Commission. Mrs. Hill noted the application fee was $100 per proposed lot and asked if the Commission might consider a waiver or decrease in the fee since no regulated activities were proposed. Mr. Ajello stated that could not be done without changing the fee structure at a public meeting. Mrs. Hill noted the $60 state tax was due. The commissioners had no concerns and said they would vote at the next meeting.

Other Business

Goldberg/167 Church Hill Road/Request to Renew Permit #IW-15-16/ Application of Aquatic Pesticide: Mr. Ajello read the 3/9/17 letter from Ms. Kearns, aquatic biologist, which stated there were no proposed changes to the permitted work. It was noted the $25 fee had been paid. It was the consensus that a two year extension was reasonable.

MOTION: To approve the request by Mrs. Goldberg to

 renew Permit #IW-15-16 for the application of

 aquatic pesticide at 167 Church Hill Road; the

 renewal is for two years and any previous

 conditions of approval continue to apply. By

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

Lake Waramaug Task Force/Application to DEEP for Use of Aquatic Pesticide in Lake Waramaug: Mr. McGowan explained the pesticide would be applied to the Sucker Brook delta to get rid of the curly pond weed, which is rapidly spreading along the lakeshore. Mr. Papsin was concerned that the chemical would spread as the water flows into the lake. Mr. McGowan noted this had been taken into account in the DEEP application. He said, too, that the chemical application would be made in a generally low water area when that area is “high and dry.” Mr. Papsin pointed out that the map submitted with the application indicated the application would be made in the middle of the lake. Mr. McGowan showed the delta site on a larger map. In addition to applying the treatment during a time of low water, he stated a drop screen would be placed on either side of the delta paralleling the outflow. He said this would prevent the dilution of the chemical as well as contain it to the treatment area. Mr. Papsin asked about the pH level of the lake. Mr. McGowan said this was already known and had been a factor in determining how much pesticide to apply. Mr. Papsin noted that irrigation had not been marked on the application form, but that the Country Club would be irrigating its greens at the same time the treatment is applied. Mr. McGowan stated the treatment was in granular form and so sinks and resides in the immediate area and the Country Club was far from Sucker Brook. He also noted that the particular chemical was chosen because it has no restrictions on swimming or fishing and a state permit is not even needed to treat drinking water with it. Mr. McGowan briefly described the unsuccessful attempts to keep the weed from spreading by pulling it out by hand, and said it had spread from 6 sites to 104 sites in ten years. He said the results would be monitored and if this “one shot” treatment did not work, the weeds would be pulled out by hand. It was not known whether the DEEP would issue a permit this year due to staff cutbacks. Mr. McGowan asked the Commission to send its comments to the DEEP as soon as possible. Mr. Ajello was asked to send a letter that the IWC had reviewed the application and had found no problems.

Enforcement

Mr. Ajello briefly reviewed his 3/22/17 activity report.

Angell/47 West Shore Road: It was the consensus that Mr. Angell must comply with the enforcement order. Mr. Ajello reported that he had not complied within the ordered time frame and so said it was time to issue a citation. Mr. Davis asked whether fines were automatic or whether the Commission had to instruct the EO to issue them. Mr. Wadelton responded that the EO has the authority to issue fines on his own. He also noted that the violation could be filed on the Land Records. It was the consensus that Mr. Angell should be fined. Mr. LaMuniere noted that the photos of the original shoreline were important documents for this file.

 Mr. Bedini adjourned the meeting at 8:30 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator

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 Janet M. Hill

 Land Use Administrator