Inland Wetlands Commission

MINUTES

Regular Meeting

March 25, 2015

7:00 p.m. Upper Level Meeting Room

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

 Mr. Papsin, Mr. Wadelton

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Oskandy, Mr. Sabin

Regular Business

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

MOTION: To add the following subsequent business to the

 agenda: Consideration of the Minutes: B. 3/24/15

 Cafaro site inspection and New Applications: A.

 Mackesy/233 West Shore Road/#IW-15-11/Renovate

 Main and Carriage Houses, Relocate Driveway,

 Improve Drainage, Demolish, Rebuild Pool, Install

 Retaining Walls and Stream Overflows, Build Pool

 House, Landscaping, etc. By Mr. Wadelton, seconded

 by Mr. Papsin, and passed 5-0.

Consideration of the Minutes

MOTION: To accept the 3/11/15 Regular Meeting minutes as

 presented. By Mr. LaMuniere, seconded by Mr.

 Papsin, and passed 4-0-1.

 Mr. Davis abstained because he had not attended the

 meeting.

MOTION: To accept the 3/24/15 Cafaro site inspection minutes

 as written. By Mr. Papsin, seconded by Mr.

 LaMuniere, and passed 4-0-1.

 Mr. Davis abstained because he had not attended the

 meeting.

Pending Applications

Hayes/59 South Fenn Hill Road/#IW-15-02/Remove Invasives: It was noted the basic problem with this application had been that a conservation easement/deed restriction had been noted on the original site development plan, but to date no evidence that it had ever been recorded on the Land Records or who the holder of the easement was could be found and therefore there was no written approval per PA 05-124 from the holder of the easement for the proposed work. At the previous meeting the commissioners had directed Mrs. Hill to consult with Atty. Olson. The 3/16/15 email between Mrs. Hill and Atty. Olson was reviewed. Atty. Olson advised that since the IWC does not decide matters of title, the IWC could approve the application, but should note for the record the efforts made to locate the owner of the easement and to verify that there was an easement on record. Mr. Wadelton noted that in addition, the Commission should waive condition #6 in the original permit approval that stated that the provisions for wetlands protection shown on the map are a permanent deed restriction, which is to run in perpetuity with the land.

MOTION: To approve Application #IW-15-02 for Hayes, 59 South

 Fenn Hill Road to remove invasives per the “Proposed Site Development Plan,” by Mr. Neff revised to

 10/5/05 with additional color handwritten revisions, with the understanding there is a deed restriction

 shown on this map, however, we have not been able

 to find any deed restriction filed in the Town

 Clerk’s Office; we reference the discussions held

 at the last two Inland Wetlands Commission meetings;

 we add in consideration of this matter the advice

 of our attorney, Ms. Olson, that since the Commission

 does not decide matters of title and we have not

 been able to verify that there are any legal

 easements of record, we can proceed with action on

 this application; and the Commission waives

 condition #6 of the original permit approval in

 2005; 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

 WEO 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 to any

 wetlands or watercourses.

 By Mr. Wadelton, seconded by Mr. Davis, passed 5-0.

Cafaro/53 River Road/#IW-15-08/Install Pool, Terrace, Spa, Culvert, Steps, Landscaping, etc.: Mr. Sabin, landscape architect, submitted his revised plan, Sheets LA-1 and LA-2, revised to 3/25/15 and his memo to the Commission dated 3/24/15. He pointed out the limit of disturbance line and the boundary of the area to be mowed only once per year. Mr. Sabin suggested that the boundaries of those areas to be mowed not more than once per year should be marked in the field. Mr. LaMuniere pointed out the location of the wet meadow, which had previously been protected in a past enforcement action, and stated both the wetlands and wet meadow areas should continue to be protected. Mr. Sabin recommended a condition of approval that the WEO approve the setting of the boundary markers in the field. Language of the plan regarding the stone lined channel and boulder rip rap was noted.

MOTION: To approve Application #IW-15-08 submitted by Mr.

 Cafaro, 53 River Road, to install a pool, terrace,

 spa, steps, culvert, landscaping, etc. per the

 plan by Mr. Sabin, sheets LA-1 and LA-2, dated

 3/24/15 and revised to 3/25/15 and the 3/24/15 memo

 by Mr. Sabin; 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

 WEO 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. areas marked with mowing limits are to be mowed

 not more than once per year and the WEO is to inspect and approve the staking of the mowing limits;

 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 to any

 wetlands or watercourses.

 By Mr. Papsin, seconded by Mr. Wadelton, passed 5-0.

Lancaster/18 Sabbaday Lane/#IW-15-09/Dredge Ponds: It was noted a previous permit to dredge the ponds had expired. The plan, “Pond Cleanout Plan,” by Mr. Neff, revised to 7/8/11 was reviewed. The proposed activities were the same as had been approved originally, but Mr. Sabin stated a five year permit was now requested so the owners could accomplish the work in phases. Mr. LaMuniere noted the work was proposed during the dry time of year and he reviewed the 3/11/15 minutes, which stated the applicant would decide by the 3/25/15 meeting which method would be used to dredge the ponds. Mr. Sabin said this had not yet been determined. After a brief discussion regarding the various methods, it was noted the plans call for the use of an excavator and so if any other method would be used, the applicant would be required to return to the Commission for reapproval. It was also noted that a condition of approval to state that there would be no changes made to the original plan would not be needed if the 7/8/11 plan was referenced in the approval motion.

MOTION: To approve Application #IW-15-09 submitted by Mr.

 Lancaster and Mr. Fuchs to dredge the ponds at 18

 Sabbaday Lane per the plan prepared by Mr. Neff,

 “Pond Cleanout Plan,” revised to 7/8/11, noting

 the sequence of construction in that plan will be

 used as the sequence of operation for the new

 permit; the permit shall be valid for five 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

 WEO 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. areas marked with mowing limits are to be mowed

 not more than once per year and the WEO is to inspect and approve the staking of the mowing limits;

 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 to any

 wetlands or watercourses.

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

Averill/251 Calhoun Stree/#IW-15-10/Driveway Crossing: It was noted the application was complete. Mr. LaMuniere noted that at the last meeting Mr. Ajello had stated that the installation of a culvert with flared ends would help direct the flow and he asked if that should be a condition of approval. Mr. Ajello did not think that was necessary and said the culvert would be installed to ensure the water would be directed properly.

MOTION: To approve Application #IW-15-10 submitted by Mr.

 and Mrs. Averill for a driveway crossing at 251

 Calhoun Street per the plans, “Proposed Site

 Development Plan,” by Mr. Neff, revised to 2/25/15;

 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

 WEO 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 to any

 wetlands or watercourses.

 By Mr. Papsin, seconded by Mr. LaMuniere, passed 5-0.

New Application

Mackesy/233 West Shore Road/#IW-15-11/Renovate Main and Carriage Houses, Relocate Driveway, Improve Drainage, Demolish and Rebuild Pool, Install Retaining Walls and Stream Overflows, Build Pool House, etc.: Mr. Oskandy, engineer, noted he had received Mrs. Hill’s review for completeness and was aware that a letter of authorization was still needed. The “Proposed Improvement Location Plan (Main House,)” by Arthur H. Howland and Assoc., dated 3/23/15 was reviewed. Mr. Oskandy stated the plan for the site were “aggressive,” but that it worked to keep all proposed activities within areas that had previously been disturbed by construction. He also said the plan incorporated many of the stormwater control measures that the Commission had approved as part of a previous tennis court and landscaping permit. He noted that there are intermittent streams along the entire length of both sides of the property and so the entire site is within the regulated area. Proposed work included the installation of retaining walls and a generator, removal of the existing pool and installation of a new one, construction of a pool house, and relocation of the driveway. He said the work would begin at the back of the property behind the carriage house and progress downhill so that the work areas could be accessed by the heavy equipment. First one of the retaining walls and the generator would be installed. Excavation would be done for the base of the wall and then it would be constructed on grade. Next, the old pool would be removed and the new pool installed. Following that the new pool house and second retaining wall would be built. Then the old pool would be filled in and the driveway relocated to decrease its grade. The location of silt fencing and the limit of disturbance line were noted. Mr. Oskandy offered to add more silt fence if the Commission directed him to do so. Mr. LaMuniere noted the proposed work would be a complex operation within a tight area. Mr. Oskandy said that while no stockpile areas were shown on the plan, most of the excavated material would be used on site. He offered to add stockpiles to the plan. The close proximity of the relocated driveway to the existing septic system was noted. Mr. Oskandy said the owners were aware that septic improvements would be needed if the driveway was relocated as proposed. The work proposed in the streams was detailed. Mr. Oskandy explained that plunge pools would be excavated in the streams so the water would pool and its velocity would decrease. He said typically these pools are lined with stone, but he proposed to plant them. Mr. Ajello asked if the pools would have spillways at the top. Mr. Oskandy said they would overflow when they filled up. Mr. LaMuniere said the water would dig a channel if the bottoms were not armored, and Mr. Ajello agreed. When asked whether silt fence should be installed prior to the work in the streambed, Mr. Oskandy said the work would be done by a small excavator during a relatively low flow period and that installing silt fence here would double the work required. Mr. Papsin asked for a planting plan and plant list for the rain gardens and landscaping. Mr. Oskandy said a landscape architect would be hired to do the landscaping plan for the areas between the pool and the stream, in front of the house, and along the driveway and that he would add a note to the plans regarding maintenance of the rain gardens. Mr. Ajello asked him to consider adding a row of hay bales around the lower rain gardens to filter out sediment before it reaches the lake. Mrs. Hill noted that engineered plans for the retaining walls were referred to on the plans, but had not been submitted. Mr. Oskandy said these walls would be concrete block faced with field stone. The construction sequence notes regarding the removal of debris from the site were noted. It was the consensus that the commissioners were familiar with the property and so a site inspection was not needed.

Activity Report:

The Gunnery, Inc./22 South Street/Soccer Fields: Mr. Ajello said there would be an on site meeting for the contractors to review the construction plans with him and the consultant and noted the installation of the sediment basins would be an important part of the construction sequence.

Reconstruction of Bridge/Rt. 109 and Sabbaday Lane: Mr. Papsin asked if this work would require local IWC approval. Mr. Wadelton responded it would be under the jurisdiction of the state DEEP.

Administrative Business

Revision of the Regulations: Mr. LaMuniere reported that he and Mrs. Hill were working to update the Regulations based on last year’s IWC minutes, information from Ms. Winthur of the DEEP regarding revisions to the CGS, and the 2006 model regulations. Hopefully this will be ready for the commissioners to review at the next meeting.

MOTION: To adjourn the meeting. By Mr. Davis.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator