Inland Wetlands Commission

MINUTES Regular Meeting March 28, 2018

7:00 p.m. Main Level Meeting Room

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

ALTERNATE PRESENT: Mr. Kassis

ALTERNATE ABSENT: Mr. Matthews

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. McMahon, Mr. Szymanski, Mr. Perrin, Mr. Talbot, Mrs. Solomon

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

MOTION: To include the following subsequent business not already posted on the Agenda: V. New Application: A. Erben Partners, LLC./169 West Shore Road/Revision of Permit #IW-17-26/Changes to Deck, Walkways, Septic System. By Mr. Papsin, seconded by Mr. LaMuniere, and passed 5-0.

Consideration of the Minutes

MOTION: To accept the 3/14/18 Regular Meeting minutes as written. By Mr. LaMuniere, seconded by Mr. Wadelton, and passed 5-0.

The 3/27/18 Wykeham Rise site inspection minutes were accepted as corrected. It was noted that Mr. LaMuniere had attended the inspection.

MOTION: To accept the 3/27/18 101 Wykeham Road site inspection minutes as amended. By Mr. Papsin, seconded by Mr. LaMuniere, and passed 5-0.

Pending Applications

The Gunnery, Inc./Lake Waramaug/#IW-18-03/Installation of Anchors and Cables for Race Course: This application was not discussed because no new information had been submitted.

101 Wykeham Road, LLC./101 Wykeham Road/#IW-18-04/Inn with Appurtenances: The public hearing will be held on April 3, 2018.

Teicholz/110 Blackville Road/#IW-18-10/Pond Treatment: Mr. McMahon, contractor, explained the chemical treatment was proposed to deal with the aquatic vegetation growing in the pond and said a copy of the DEEP permit application, which included the chemical specifications, had been submitted. He stated the pond is approximately 8 ft. deep, but just 1 ft. deep in the areas most impacted by the vegetation. Mr. Wadelton noted the pond has a direct outlet to Mallory Brook. Mr. Papsin said that information should be included in the DEEP application, and Mr. McMahon agreed to inform the DEEP. Mr. Ajello said the pipe could be sealed to contain the chemicals for the duration of the treatment and also asked why other aquatic weed control measures such as dredging the pond had not been considered. Mr. McMahon stated that dredging is too expensive for most property owners. He added that the proposed treatment would inhibit new growth and stop the plant life cycle that is filling in the pond. The pond would be treated in May and then again one or two more times as needed. He stated that all of the proposed chemicals were approved by both the EPA and the state of CT and noted there are no endangered species in the area and the property is not located in a watershed district. Mr. Papsin asked for a description of how the outlet pipe would be capped prior to the treatment, asked for the half life of the chemicals to be used, and said the Commission wanted to hear back from the DEEP once it learns that the pond outlets into Mallory Brook. Mr. McMahon was asked to provide this information prior to the next meeting on April 11.

Erben Partners,LLC./169 West Shore Road/Revision of Permit #IW-17-26/Change Walkways, Deck, Septic System: Mr. Szymanski, engineer, presented the plan, “Proposed Site Development Plan,” by Arthur H. Howland and Assoc., dated 5/25/17, and revised to 3/27/17. The proposed revisions included modification of the previously approved deck, elimination of a walkway and the extension of another on the east side of the house, the installation of a septic tank and leaching field, and the addition of two retaining walls to facilitate the regrading. He noted the Health Department had already approved the septic plans. Mr. Szymanski questioned whether the Commission could consider the revision of the permit as a new application and he referred to Section 8.1.2. Mr. Wadelton explained that the Commission’s attorney had advised it that a proposed revision to an existing permit should be considered as a new application and, therefore, the Commission must wait 14 days to act on it. Mr. Szymanski questioned whether there was a basis in law for processing the revision of permits in this way. Mr. Wadelton said he would request a legal explanation from Atty. Olson.

Other Business

Town of Washington/Summer Sculpture Walk and Clean Up of 16 Titus Road: Mr. Talbot, president of the Washington Art Assoc., and Mr. Perrin, sculptor, attended the meeting to informally update the Commission on the cleanup of the old Town Garage property and plans for this summer’s sculpture walk. Mr. Talbot stated the sculpture walk was intended to develop pedestrian walkways in Town and to help the community appreciate the beauty of the river. He hoped there would be a collaborative effort between the Town, WAA, WEC, and Steep Rock to clean up this property so that it could be utilized. He presented photos of the property comparing how it looked years ago to today’s conditions and noted his disappointment that after having been cleaned up once before, the Town had again stockpiled piles of material and debris there. Mr. Talbot stated the First Selectman had promised him that the Town would clean up the site by the end of April so that the temporary artwork could be installed beginning in May. Mr. Talbot noted that based on his first meeting with the IWC sculpting the property was not now included in the plans, but asked the commissioners if they would consider allowing slight mounds of material that would be grassed and mowed. Mr. Perrin said these forms would be created with the flow of the river in mind. Mr. Ajello asked if they had consulted the floodway map as it was his understanding there could be no obstruction of flood waters within the floodway. Mr. Talbot said he understood the difference between the floodplain and floodway and pointed out the 100 and 200 ft. setbacks from the river. Mr. Wadelton noted the entire floodplain is a regulated area, adding that while the Commission would like to be supportive, any proposed activity within the regulated area must comply with the Inland Wetlands and Watercourses Regulations. Mr. Talbot asked if an application could be submitted now, before the Town completed the cleanup and Mr. Wadelton said, yes, this could be done. Mr. Papsin and Mr. Bennett advised Mr. Talbot that he must submit a plan for the sculpture assemblies and the series of small mounds that would be installed, as well as for any placement of large stones on the sit. Mr. Talbot noted it would be more efficient to work on the small mounds at the same time as the cleanup and Mr. Wadelton advised him to include that in the application. Mr. Talbot noted he did not represent the Town and he was not responsible for making sure the Town properly cleans up the site. There was a brief discussion regarding soil testing and possible contamination, but Mr. Wadelton stated that was beyond the Commission’s jurisdiction. Mr. Talbot spoke briefly about more permanent plans for the property, which would include plantings at the edge of the river and an interesting parking plan. Mr. Ajello advised him to touch base with the Building Official as the plans progress. Mr. Wadelton again stated the IWC wanted to work with Mr. Talbot, but through the required application process.

Revision of the Regulations: This matter will be taken up again after Mr. Hayden submits a draft for discussion.

Special Meeting: An executive session with the Commission’s attorney was scheduled for 4/3/18 at 6:00 p.m. (Note: This was later cancelled.)

Enforcement

Mr. Ajello reviewed his report dated 3/28/18 and reported on the following properties.

Angell/47 West Shore Road: Mr. Ajello said he had sent an enforcement letter last week to Mr. Angell, which ordered him to remove the unauthorized stone terrace by May 1. He said if this was not accomplished by the deadline, the Commission could turn enforcement over to its attorney and that a fine of #150 per day was possible.

Straw Man, LLC./135 Bee Brook Road: Mr. Ajello noted there was still an unseeded stockpile on site that should be inspected after heavy rainfalls. He recommended a silt fence be installed around the bottom of this stockpile.

101 Wykeham Road, LLC./101 Wykeham Road: Mr. Ajello submitted conditions of approval for this application, which he said had been revised from the original conditions to reflect what is applied for in the current application. Mr. Wadelton stated conditions of approval would be considered if the application was approved and noted the application would not be discussed until the public hearing on April 3.

Mr. Wadelton adjourned the meeting at 8:20 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill Land Use Administrator

By Janet M. Hill, Land Use Administrator