Inland Wetlands Commission

MINUTES

Regular Meeting

March 8, 2017

7:00 p.m. Main Level Meeting Room

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

 Mr. Wadelton

MEMBER ABSENT: Mr. Davis

ALTERNATES PRESENT: Mr. Bennett, Mr. Kassis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Ms. Anson, Mr. Fredlund, Mr. Szymanski,

 Mr. Sabin, Mr. Sarjeant

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

MOTION: To add the following subsequent business to

 the Agenda: V. New Applications: B. Angell/47

 West Shore Road/#IW-17-07/Lakeside Terrace, Shed,

 and Landscaping and VI. Other Business: C.

 Mackesy/233 West Shore Road/Request to Revise

 Permit #IW-15-58/Change Grading, and Rain Gardens,

 Remove Existing House and Driveway. By Mr.

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

Consideration of the Minutes

 On page 1, third line under Beck/3 Perkins Road, “and concrete platform” was deleted to read, “…the plan was to reconstruct the boathouse and to replace the platform with a floating dock.”

MOTION: To accept the 2/22/17 Regular Meeting minutes

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

 Papsin and passed 5-0.

Pending Applications

Town of Washington/11 School Street/#IW-17-04/Install Bocce Court

Mr. Fredlund and Ms. Anson, Park and Rec commissioners, were present. Mr. Fredlund reported that since the last meeting he had completed the application form and he noted the court would be installed in a flat area on the west side of the pavilion. When asked when the work would be done, he responded that they would wait for dry weather to begin, probably in April, and that the work would be completed this spring.

MOTION: To approve Application #IW-17-04 submitted by

 the Town of Washington to install a bocce court at

 11 School Street per the plan provided by the Town

 dated 3/8/17; the permit shall be valid for 2 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, passed 5-0.

New Application

Stiles and Angiollo/25 West Shore Road/#IW-17-06/Lake Shore Stepping Stones, Retaining Wall, and Electrical Conduit: Mr. Szymanski, engineer, briefly reviewed the previously approved activities on this site. He presented the plan, “Existing Building Location Map and Proposed Lakefront Work,” by Arthur H. Howland and Assoc., dated 3/2/17. Mr. Szymanski explained a 42 inch tall masonry stone retaining wall was proposed to stabilize the slope between the road and the existing patio. He stressed that the retaining wall would not be at the water’s edge, both the retaining wall and the proposed stone stairs would end at or before the existing concrete abutment, and there would be plantings between the bottom of the wall and the abutment. In response to Mrs. Hill’s 3/7/17 application review, Mr. Szymanski stated he would add a statement that the land use office would be contacted at least 48 hours prior to the commencement of work, that he would be responsible for the maintenance of the erosion control measures, that a planting plan for the stabilization of the disturbed areas, the amount of fill to be deposited, and a cross section of the proposed wall would be submitted for the next meeting, and the limit of disturbance line would be added to the plan. Mr. Papsin asked where materials would be stored. Mr. Szymanski said they would be placed on a tarp in the driveway. Mr. Papsin asked if a trench would be dug for the retaining wall. Mr. Szymanski said, no, but that a trench would be dug for the installation of the electrical conduit. He also noted the proposed work would be completed before the state begins repair work on West Shore Road.

Angell/47 West Shore Road/#IW-17-07/Lake Side Terrace, Shed, Landscaping: Mr. Sabin, landscape architect, represented the applicant. The plan, “Shoreline Terrace and Native Planting Plan,” by Sabin Landscape Architects, dated 3/2/17 was reviewed. Mr. Bedini asked to see plans to remove the terrace. Mr. Sabin responded that the proposal was to leave the terrace in place. Mr. Bedini advised Mr. Sabin that the Commission had ordered the terrace to be removed, had held a show cause hearing, and had upheld the order and therefore the first activity included in the application should be to remove the terrace and restore the shoreline. Mr. Wadelton agreed, stating the terrace was a flagrant violation; a vertical wall built out into the lake that must be removed per the enforcement order. Mr. Sabin said he had not seen the enforcement order and had been hired to come up with a plan to improve the site environmentally. There was a discussion regarding whether the Commission should review the application prior to the removal of the terrace. Mr. Sabin noted that Mr. Angell wants to retain the terrace or some form of a terrace and so suggested the discussion continue so that he would have a better understanding of what the Commission would require. He said he hoped the aims of both the owner and of the Commission could be satisfied without disturbing the shoreline a second time. Mr. LaMuniere explained that the Commission’s original order stands; that the terrace must be removed. Mr. Bedini advised Mr. Sabin that once the shoreline had been restored to its original and natural state, the Commission would consider an application for a terrace somewhere else on the property. He recommended the current application be withdrawn and said there would be no charge when an application was resubmitted. Mr. Sabin agreed to do so.

Other Business

Lake Waramaug Task Force/Request for Further Discussion re: Lake Waramaug Watershed and Water Quality Issues: Mr. McGowan is away and had said he would work on this matter when he returns.

Lake Waramaug Task Force/Application to DEEP for Application of Aquatic Pesticide in Lake Waramaug: It was noted a copy of the revised DEEP application had been received. Mr. Papsin said there were still problems with it and incorrect information on this application. He noted that irrigation had not been checked off even though the Country Club had recently applied to renew its state water diversion permit and that he had questions regarding the copper based chemical that would be used. He also asked about the pH level and how it might affect the fish. Mr. McGowan will be consulted when he returns.

Pending Application

Sarjeant/9 Church Hill Road/#IW-17-05/Install Hot Tub, Fence, Roof over Deck, and Shed: Mr. Sarjeant described the proposed activities and stated there would be hardly any soil disturbance and that any leftover dirt would be removed from the site. He said the shed would be on blocks with no excavation required, and would be 50 feet or more from the brook. Mr. Ajello said care should be taken when digging post holes for the fence along the stream and that disturbed soil should be pounded in and seeded. Mr. Sarjeant considered various locations for the shed. The site plan dated 3/8/17 was reviewed. Mr. Sarjeant decided to keep the shed near the property line and apply to the ZBA for a variance. If denied, he will return to the IWC to propose an alternate location.

MOTION: To approve Application #IW-17-05 submitted by

 Mr. Sarjeant, 9 Church Hill Road, to install a

 fence, a shed, a hot tub, and roof over the

 existing deck per the plan signed by Mr. Sarjeant

 dated 3/8/17; the permit shall be valid for 2 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,

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

Other Business

Mackesy/233 West Shore Road/Request to Revise Permit #IW-15-58/ Change Grading and Rain Gardens and Remove Existing House and Driveway: Mr. Szymanski, engineer, presented the revised plan, “Revised Site Development Plan,” by Arthur H. Howland and Assoc., revised to 3/8/17. He proposed to abandon one of the two point discharges into the lake in the area eroding between the lake house and dock and to reconfigure and add to the rain gardens. He proposed a rain garden along West Shore Road that would increase the previous rain garden area of 2300 sq. ft. to a total of 7870 sq. ft. Mr. LaMuniere pointed out there had also been an erosion problem at the western pipe outlet and asked what would be done to fix that. Mr. Szymanski said a planted bio swale would be installed. He then reviewed the materials to be used to construct the rain gardens and said the gardens would act as shallow infiltration basins so there should be no more direct flow from the property to the lake. He also noted the location of swales and other smaller rain gardens on the property. Mr. LaMuniere asked if these would be sufficient to handle all of the runoff. Mr. Szymanski said they would. Mr. Szymanski discussed the removal of the house and driveway and said once removed, the driveway area would be replanted. Mr. LaMuniere noted currently there is a substantial canopy over this area. Mr. Szymanski provided details about the vegetation that would be planted and said the specifics of the planting plan had been included on the site development plan. He noted the location of a large willow tree that would be taken down. He said for the record that one section of the driveway had been shifted approximately 5 ft. and that the property would be regraded and stabilized and any remaining material trucked off the site. Mr. Papsin asked if there was a long term maintenance plan for the rain gardens. Mr. Szymanski read the 2 year maintenance plan. He noted the area covered by rain gardens would be doubled, dozens of specimen trees would be planted, and hundreds of plantings installed and said the proposed work was a good example of how to have a lawn, but not adversely impact the lake.

MOTION: To revise Permit #IW-15-58 issued to Mackesy, 233

 West Shore Road for changes in grading and rain

gardens and the removal of the existing house and

driveway per the plan on sheet SD.1 by Arthur H.

Howland and Assoc. with revisions dated 3/9/16,

3/7/17, and 3/8/17 and the 3/7/17 letter to Mr.

Bedini from Mr. Szymanski; the permit shall be

valid for 2 years and all other conditions of

approval apply. By Mr. Papsin, seconded by Mr.

Wadelton, and passed 5-0.

Activity Report

 Mr. Ajello reviewed his 3/8/17 report.

Bazos/90 Tinker Hill Road: Mr. Papsin asked what was holding the fieldstone in place. Mr. Ajello the stones fit on top of each other and were “chinked” like a stonewall. Mr. Papsin noted Mr. Sabin was supposed to let the Commission know how the steps would be pinned in the ledge areas. Mr. Ajello circulated a photo of the ongoing work.

Other Business

 Mr. Wadelton briefly reported there were no significant bills in this legislative session that impact inland wetlands and that the DEEP would try to schedule a training session in

Torrington for the NW corner towns. He noted the model regulations had not been revised since August and that the changes that had been previously made had been mainly to the format. It was noted the Commission was still waiting for Atty. Olson’s review of its proposed revisions to the Regulations before proceeding with the revision process.

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

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator